



CITY OF DELAND
WORKSHOP OF THE CITY COMMISSION
JANUARY 14, 2026 AT 6:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

AGENDA

CALL TO ORDER

ROLL CALL

NEW BUSINESS

1. Discussion re City Clerk Hiring Process.

CITY COMMISSION

ADJOURNMENT

The DeLand City Commission holds its regular meetings on the first and third Mondays of each month at 7:00 p.m. in the DeLand City Commission Chambers, 120 South Florida Avenue, DeLand. Notice of special meetings, workshops, changes in dates, times or locations are provided by separate Public Notices, which are posted at City Hall and on the City's web site.

The City of DeLand may take action on any matter during this meeting, including items that are not set forth within this agenda.

Public participation is encouraged on any matter on the agenda. If you desire to be recognized by the Mayor, please fill out a Speaker's Card and present it to the City Clerk.

Minutes of the DeLand City Commission meetings are not transcribed verbatim. If any person decides to appeal a decision made by the City Commission with respect to any matter considered at a public meeting or hearing, he/she will need a record of the proceedings including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made by a court reporter, at the person's own expense.

In accordance with the American Disabilities Act, persons needing a special accommodation in order to participate in the proceedings should notify the City Clerk's Office at least 48 hours in advance of the meeting: 626-7132.

Assisted Listening System receivers are available for the hearing impaired, and can be obtained from the City Clerk.

If you wish to obtain information regarding the City Commission's Agenda, please call the City Clerk's Office: 626-7132.

We respectfully request that all pagers and cell phones be turned OFF during City Commission meetings.

Electronic Information! City Commission agendas and short form minutes are now available on the City's web page: www.deland.org.

City Clerk Recruitment Workshop Outline

Position Analysis & Strategic Discussion

Handouts

1. Sections of City Charter referencing the City Clerk-Auditor and Summary of Charter responsibilities
2. FACC City Clerk's Manual Excerpts of Key Responsibilities
3. Current City Clerk's job descriptions, with recommendations for changes to City Clerk job description
4. Certified Municipal Clerk (CMC) / Master Municipal Clerk (MMC) overview
5. Agenda and discussion questions.

Objectives for Today's Workshop

1. Understand the full scope of the City Clerk-Auditor responsibilities
2. Discuss the required and desired qualifications of the position based on the context of the recruitment
3. Define the candidate qualities, abilities, and characteristics The Commission is collectively seeking
4. Discuss on a recruitment strategy

City Clerk-Auditor Position Overview

Charter Requirements

1. Notice the meetings of the City Commission (Sub-Part A, Art IV, Sec 39)
 - a. Certify attendance of City Commissioners, Planning Board Members, and Historic Preservation Board at meetings (Sub-Part A, Art IV, Sec 6) (Ch 33, Art XI, Sec 31-121,123)
2. Record minutes of City Commission meetings (Sub-Part A, Art IV, Sec 20, 39)
3. Custodian of the City Seal (Sub-Part A, Art IV, Sec 39)

4. **Authenticate, attest, and record ordinances, resolutions, plats, zoning maps bonds passed by the City Commission** (Sub-Part A, Art IV, Sec 27, 39) (Sub-Part A, Art XII, Sec 91) (Sub-Part A, Art XIII, Sec 99) (Ch 33, Art II, Sec 33-16)
5. **Counter-sign contracts** (Sub-Part A, Art IV, Sec 39)
6. **Administer oaths of office** (Sub-Part A, Art IV, Sec 39) (Sub-Part A, Art XVIII, Sec 146)
7. **Internal auditing of financial records** (Sub-Part A, Art IV, Sec 39, 40)
8. **Act as the daily representative of the legislative branch of government** (Sub-Part A, Art IV, Sec 39)
9. **Maintain official City public records, to include minutes, ordinances, resolutions, budget, pay plan, bonds, petitions of the public, health safety and sanitation notices and permits, business licenses for public inspection** (Sub-Part A, Art IV, Sec 28) (Sub-Part A, Art VII, Sec 54, 57, 59.1) (Sub-Part A, Art XVII, Sec 145) (Sub-Part A, Art XIII, Sec 99) (Sub-Part A, Art XIV, Sec 119) (Ch 5, Art II, Sec 5.9) (Ch 16, Art I, Sec 16.1) (Ch 16, Art II, Sec 16.13) (Ch 16, Sec 16A-11) (Ch 31, Art IV, Sec 31-38) (Ch 31, Art VI, Sec 31-47, 49, 51, 52, 53)
10. **Ensure proper destruction of public records** (Ch 2, Art I, Sec 2-4.1, 2-4.2)
11. **Serve as the Election Officer to conduct municipal elections, to include qualifying candidates, serve on the canvassing board, and all election duties not performed by the Supervisor of Elections** (Sub-Part A, Art IX, Sec 65, 67, 71, 73)
12. **City Clerk-Auditor shall serve at the pleasure of the City Commission** (Sub-Part A, Art IV, Sec 39)

Florida Association of City Clerks (FACC) Manual

Recommendations on qualifications and duties of City Clerk positions as a general profession. Based on organizational requirements or needs these may vary.

General Duties

1. Offer notary services
2. Issue licenses and permits
3. Furnish information to the public and media
4. Receive and file bonds and insurance related to contracts
5. Direct complaints, correspondence, inquiries to departments
6. Handle personnel records when required
7. Maintain records index system. Oversee records management, retention, and destruction
8. Conduct business with other municipal/county/state/federal agencies as directed
9. Coordinate voter's registration activities
10. Provide notification of expiration dates on various matters to departments
11. Maintain and update municipal code
12. Attest official contracts and documents
13. Serve as parliamentarian

14. Conduct municipal elections
15. Serve as liaison to municipal boards and committees
16. Receive and process lobbyist registrations
17. Oversee staffing for the mayor and members of governing body

Requirements of Work

1. CMC or MMC certification preferred
2. High school diploma preferably supplemented by college-level coursework
3. Attend all regular, special, and executive sessions of the governing body
4. Thorough knowledge of:
 - a. Ordinances, policies, and procedures
 - b. Legal requirements, rules of order, and rules of procedure of municipal council meetings
 - c. Organization, function, and activities of municipal government
 - d. Standard office procedures, practices, and equipment
 - e. State statute requirements regarding document retention and destruction and disclosure of public records
 - f. Election process, procedures, laws, rules, and regulations
 - g. City's charter and code
5. Residency in municipality

City Clerk Job Description Overview

Essential Functions*

1. Publication of Code of Ordinances
2. Notice City Commission Meetings and CRA Meetings
3. Prepare City Commission meeting agenda, create minutes
4. Manage City Clerk's Office functions
5. Counter sign contracts
6. Conduct municipal elections
7. Conduct internal and external audits
8. Custodian of City records

Education and Experience / License

1. Bachelor's Degree in Public Administration or a related field is required
2. Minimum five (5) years municipal experience, two (2) years in a supervisory capacity
3. Certified Municipal Clerk (CMC) designation is required

4. A higher level of experience and education can be substituted for the required experience and education, but not for the CMC licensure*

*Provided job description includes recommendations to change

Certified Municipal Clerk / Master Municipal Clerk Certification

- Certification through International Institute of Municipal Clerks (IIMC)
- Certification based on education and experience in the field of Municipal Clerks

Certified Municipal Clerk (CMC) Certification

CERTIFIED MUNICIPAL CLERK (CMC) DESIGNATION

The Certified Municipal Clerk program can enhance the job performance of the Clerks in small and large municipalities. To earn the CMC designation, a Municipal Clerk must attend extensive education programs, and the CMC designation also requires relevant experience in a municipality. The CMC program prepares the applicants to meet the challenges of the complex role of the Municipal Clerk by providing them with quality education in partnership with institutions of higher learning and state/provincial/national associations. The CMC program has been assisting clerks in excelling since 1970.

Members will earn all points according to the provisions of the IIMC Education Guidelines.

The following are the requirements for obtaining the CMC designation:

1. Be a Full/Additional Full/Retired Member.
2. Be an active member of IIMC for two years.
3. Complete and submit the Enrollment Form to be reviewed as an eligible CMC candidate and the full non-refundable certification fee.
4. Submit the Application for CMC Designation accompanied by supporting documentation for each item listed.
5. The CMC Designation requires sixty (60) education and fifty (50) experience points.

CMC EDUCATION POINT REQUIREMENTS

Sixty (60) Education Points Required (Regions I-IX)

Options for obtaining the sixty (60) Education points required may come from any combination of the following categories:

Option	Eligible Points
1) Completion of an IIMC-approved Institute or Academy program	1 point per 2 educational hours (120 hours = 60 points)
2) A bachelor's degree or higher in Public Administration or a related field*	20 points
3) A bachelor's degree or higher in an unrelated field*	10 points
4) An associate degree	5 points
5) Completion of a State/ National/ Provincial education program approved through the IIMC course review process	1 point per 4 educational hours with a completed learning assessment
6) IIMC Annual Conference**	1 point per 1 educational session with a completed learning assessment
7) IIMC Athenian Leadership Dialogue***	3 points each with completed learning assessment, 18 points maximum
8) IIMC Online programs	1 point per 2 educational hours
9) IIMC Study Abroad Program	Points vary by program

* Copies of official transcripts are required.

**Members may use IIMC Annual Conference educational hours for either education or experience points.

*** Members may apply a maximum of 18 points to the CMC designation.

CMC EXPERIENCE POINT REQUIREMENTS

Fifty (50) Experience Points Required (Regions I-IX)

Options for obtaining the fifty (50) experience points required may come from any combination of the following categories:

Option	Eligible Points
1) Full-time Municipal Clerk* positions qualifying for Full/Additional Full Membership	4 points per year**, maximum 40 points
2) Part-time Municipal Clerk* positions qualifying for Full/Additional Full Membership	2 points per year**, maximum 40 points
3) Other full-time positions in local government before becoming a Municipal Clerk*	2 points per year**, maximum 30 points
4) Administrative positions in federal, state, or provincial government	1 point per year**, maximum 30 points
5) Administrative positions in business***	1 point per year**, maximum 30 points
6) IIMC Annual Conferences****	1 point per 1 educational session with a completed learning assessment
7) Attendance at an IIMC regional meeting, municipal clerks association conference, municipal league conference, or other municipal clerk-related conferences	1 point per 4 verifiable hours***** or 1 day of educational attendance
8) Completion of a State / National / Provincial education program approved through the IIMC Course Review Process	1 point per 4 educational hours with a completed learning assessment
9) Other applicable programs	1 point per 6 educational hours
10) IIMC Study Abroad Program	Points vary by program
11) Applicable business or vocational school programs	1 point per 10 educational hours
12) Applicable college or university courses not applied toward education	1 point per applicable credit unit
13) IIMC, IIMC Foundation, or Municipal Clerks Association Committee service	1 point per year**

*See IIMC Membership Classifications.

**Employment and Committee service may be reviewed in six-month increments and will be re-evaluated with each application submission.

***In the case of applicable self-employment, the applicant must submit a copy of their business license and tax return for each year of employment they seek credit for in addition to a first-hand letter outlining the nature of the business and the duties performed.

****Members may use IIMC Annual Conference educational hours for either education or experience points. *****Verifiable hours are educational hours the hosting organization verifies and reflects in the supporting documentation.

Master Municipal Clerk (MMC) Certification

MASTER MUNICIPAL CLERK (MMC) DESIGNATION

The Master Municipal (MMC) is the second of two professional designations offered by IIMC. To qualify for entrance into the MMC program, an applicant must hold the CMC designation. The MMC program prepares participants to meet the challenges of the complex role of the Municipal Clerk. Through advanced continuing education programs, participants receive further development to perform more complex municipal duties. The certification requirements include an extensive and advanced educational component and a professional contribution component. MMC applicants must demonstrate their active pursuit of educational and professional activities and have remained informed of current socio-political, cultural, and economic issues that affect local governments and municipalities.

The educational requirements for the MMC are more advanced and complex than those of the CMC program. The topics and course descriptions may sound like those of the CMC courses; however, the breadth and depth of the MMC courses are more academically advanced. The IIMC Education Department is always a resource that assists in determining the education level of any course. Members must earn all points according to the provisions outlined in the requirements in this document.

The following are the requirements for obtaining the MMC designation:

1. Hold a CMC designation in good standing.
2. Be a Full/Additional Full/Retired Member
3. Complete the Application for MMC admission to determine MMC eligibility and the non-refundable certification fee.
4. Submit the Application for MMC Designation accompanied by supporting documentation for each item listed.
5. The MMC Designation requires sixty (60) advanced education and forty (40) professional contribution points.
6. IIMC DOES NOT accept any points earned or dated before the CMC designation toward the MMC in progress. For example, no materials dated before March 2008 will count toward the MMC in progress if the applicant obtained their CMC designation in March 2008. A college degree not previously applied is the only exception to this rule.

MMC ADVANCED EDUCATION POINT REQUIREMENTS

Sixty (60) Advanced Education Points Required **(Regions I-IX)**

Options for obtaining the sixty (60) advanced education points required may come from any combination of the following categories:

Option	Eligible Points
1) Completion of an IIMC-approved Academy program	1 point per 2 educational hours (120 hours = 60 points)
2) A bachelor's degree or higher in Public Administration or a related field*	20 points
3) A bachelor's degree or higher in an unrelated field*	10 points
4) An associate degree	5 points
5) Completion of a State / National / Provincial	1 point per 4 educational hours
education program approved through the IIMC Course Review Process	with a completed learning assessment
6) IIMC Annual Conference**	1 point per 2 educational hours
7) Athenian Leadership Society Dialogues***	3 points each with completed learning assessment, 18 points maximum
8) IIMC online education programs	1 point per 2 educational hours
9) IIMC Study Abroad Program	Points vary by program
10) Other applicable programs	1 point per 6 educational hours with a completed learning assessment

* Copies of official transcripts are required.

**Members may use IIMC Annual Conference educational hours for either education or experience points.

*** Members may apply a maximum of 18 points to the MMC designation.

MMC PROFESSIONAL CONTRIBUTION POINT REQUIREMENTS

Forty (40) Professional Contribution Points Required (Regions I-IX)

Options for obtaining the forty (40) professional contribution points required may come from any combination of the following categories:

Option	Eligible Points
1) IIMC Board Member or IIMC Foundation Board of Directors	2 points per year of service
2) Chairperson of IIMC, IIMC Foundation, or Municipal Clerks Association Committee	2 points per year of service
3) An officer or trustee of a municipal clerk association or subdivision	2 points per year of service
4) IIMC Board Member, IIMC foundation, or municipal clerk association committee member	1 point per year of service
5) An officer in a related professional association	1 point per year of service
6) Attendance at an IIMC regional meeting, municipal clerk association conference, municipal league conference, or other municipal clerk-related conferences	1 point per 4 verifiable hours* or 1 day of educational attendance
7) IIMC Annual Conference**	1 point per 1 educational session with a completed learning assessment
8) Instructor, facilitator, or trainer for one of the following organizations: - An IIMC-approved Institute/Academy - A State/Provincial/National Association Education Program	Points per educational hour taught plus prep time***:

Applicable education programs	1 point per 2 hours 1 point per 4 hours 1 point per 6 hours
9) Unique on-the-job performance or achievements outside daily duties that benefit the profession or municipality****	1 point per 8 hours, with a 12-point maximum
10) Personal accomplishments of educational benefit to the profession	1 point per accomplishment
11) Applicable college or university courses not applied toward education *****	1 point per applicable credit unit
12) Other applicable programs	1 point per 6 educational hours

*Verifiable hours are educational hours the hosting organization verifies and reflects in the supporting documentation.

** Members may use IIMC Annual Conference educational hours for either education or experience points.

***In addition to verification of the teaching time provided by the hosting organization, the time spent preparing for the presentation is eligible to be reviewed for credit. A first-hand letter outlining the preparation and the number of hours dedicated to said preparation is required.

****The municipality or organization where the service occurred must verify the unique on-the-job performance.

***** Members must complete courses after obtaining the CMC designation.

Topics and Questions to Think About as the Recruitment Process Begins

The objective is to help the Commission think through complex questions and attempt to reach an informed consensus.

Perspective to consider as we begin discussion.

1. The unique nature of the Clerk-Auditor in the structure of the City of DeLand
 - a. Appointed by and serves at the pleasure of the City Commission
2. The Clerk-Auditor is a highly visible position that represents the City Commission as the daily legislative representative and the City government as whole
 - a. Attend every Commission Meeting
 - b. Oversees every public records request
 - c. Administers every election and election controversy
 - d. Signs every contract and legal document
 - e. Provide access to the City of DeLand government records
3. The retired Clerk has been with the City of DeLand for over 35 years
 - a. Transition of institutional knowledge
 - b. The new clerk must build relationships and learn organizational history
4. The past decade has been a period of great technological evolution
 - a. Digital records, agenda management, virtual meetings, artificial intelligence
5. Public view and expectation of municipal government accountability
 - a. Perception of election integrity and security
 - b. Increases in public records request and complexity

Questions to help understand the expectations for success in the position.

1. What experience, education, and licensure is truly essential and what is preferred?
 - a. Municipal clerk experience specifically, or broader local government experience?
 - i. How much experience is enough for the minimum requirement?
 - b. Would you find an Associates Degree with a high level of experience acceptable?
 - c. Is the lack of a CMC/MMC certification an automatic disqualification to you?
 - i. Consider a candidate with municipal government experience, a juris doctorate degree, but no direct clerk experience
 - ii. Could you allow a candidate to obtain in a reasonable period of time?
 - d. What experience from a financial/auditing perspective is needed? Is it required or preferred?
 - e. What experience from an election administration perspective is needed? Is it required or preferred?
2. What technical skills do you expect the candidate to hold? Essential, preferred, optional, inconsequential
 - a. Technological proficiency: agenda management systems, document imaging, etc
 - b. Financial skills: auditing, budgeting, financial reporting
 - c. Legal/regulatory knowledge: Florida Statutes, Sunshine Laws, ordinance publication, etc
 - d. Election Administration knowledge
3. What soft skills are desired?
 - a. Communication style preferences
 - b. Ability to handle pressure/conflict
 - c. Discretion and confidentiality
 - d. Political neutrality
 - e. Proactive vs reactive approach
 - f. Attention to detail
 - g. Customer service orientation
4. Of the knowledge, skills, and abilities identified in the charter, FACC Manual, and job descriptions what is essential that the candidate must be able to perform independently immediately upon entering the position and where can you accept the time for a candidate to acclimate to the role?
5. Desired qualities and traits would you define a successful Clerk as possessing?

6. Following the exodus of a long tenured employee who has been successful in many areas, where do you hope the next Clerk will continue current practices and where do you see opportunities for new qualities or approaches to benefit the Clerk's Office?
 - a. Technology approach
 - b. Communication style
 - c. Personnel Management and Development
 - d. Approach to customer service
7. What are your expectations for the compensation you will offer to a candidate?
8. How would you succinctly describe your ideal City Clerk in a few words or short phrases?
9. What other related concerns, perspectives, or thoughts do you have to the selection of a City Clerk that you would want me to be aware of?

Sample Recruitment Process - External

1. Advertise the position as executive style recruitment on a local, state, and national level with first date of application review 4 weeks after posting.
 - a. Post with local FACC chapter, on FACC job board, FLC job board, FCCMA job board, IICM job board, Governmentjobs.com, etc
2. Human Resources will screen candidates based on the requirements of the job posting and the insights provided in this workshop. Human Resources will provide a recommended short list of qualified candidates for Commission consideration.
3. City Commission will select candidates interview or direct Human Resources to continue recruitment of candidates and make refinements to the selection criteria.
 - a. If moving forward with interviews select a date for interviews
4. The recommendation for the interview process is as follows.
 - a. Individual interviews of each candidate with each Commissioner
 - i. Closed to the public
 - ii. Each Commission will have an office with staff escorting candidate between Commissioners on a time schedule
 - iii. Human Resources will provide a list of sample interview questions for this stage
 - b. Group Interview of each candidate individually with the full City Commission
 - i. Open to the public
 - ii. Ask candidates to wait in a hospitality room during the other candidate's interviews

- iii. Human Resources will provide a list of sample interview questions for this stage
- b. City Commission will discuss the candidates and make a primary and secondary selection and provide direction to Human Resources on negotiating a contract with the selected candidate.

Sample Recruitment Process - Internal

If the City Commission determines that they would like to interview the current Interim City Clerk-Auditor to see how she might fit their criteria and expectations for permanent City Clerk-Auditor, without interviewing any additional candidates, the following process could be used.

1. Individual interviews of the candidate with each Commissioner
 - a. Closed to the public
 - b. The selected candidate would stay in an office with Commissioners coming in to interview the candidate on a time schedule
 - c. Human Resources will provide a list of sample interview questions for this stage
2. Group Interview of the candidate individually with the full City Commission
 - a. Open to the public
 - b. Human Resources will provide a list of sample interview questions for this stage
3. City Commission will discuss the Interim City Clerk-Auditor and make a decision as to if the Interim City Clerk-Auditor meets the expectation they are looking for in a candidate and whether they should instruct Human Resources to negotiate a contract or open the external recruitment process



City of DeLand

120 South Florida Avenue
DeLand, FL 32720
Phone: (386) 626-7000

CITY CLERK-AUDITOR

Department:	102/City Clerk	Exempt:	Yes
Reports To:	City Commission	Pay Grade/Wage:	Appointed
Position Type:	Full-Time	Hours:	40 hrs/week

Job Summary:

This position provides assistance and support to the City Commission. This position is responsible for collecting and distributing information, establishing, and implementing office procedures, and coordinating the activities of the City Commission. Manages and supervises the activities of the Department of City Clerk as required by local and state law.

Job Description:

DUTIES & RESPONSIBILITIES

- Supervises publication of the City's Code of Ordinances.
- Gives notice of Commission meetings, and coordinates with the City Manager agenda items for the Commission meetings.
- Prepares agenda and packets for Commission meetings, and prepares or supervises the recording, transcription, and distribution of the minutes of the Commission meetings.
- Supervises the preparation and distribution of agenda for Community Redevelopment Agency meetings.
- Authenticate, attest, and record ordinances, resolutions, plats, zoning maps, and bonds passed by the City Commission.
- Manages Clerk's office functions with full knowledge of the municipal laws of the State of Florida.
- Liaison to the State of Florida Bureau of Archives.
- Countersigns all contracts made on behalf of the City.
- Responsible for conducting all municipal elections, both general and special.
- Performs and/or supervises the performance of internal audits and performs occasional external audits of utility taxes and franchise fees.
- ~~Supervises the City-owned telephone system.~~
- Maintains state Contract Files.
- Develops and administers budget for the Clerk's office and the Parking Division.
- Supervises day-to-day operations of the Clerk's office.
- Custodian of City records; ensures the maintenance of accurate and complete records.
- Custodian of the City Seal.

QUALIFICATION REQUIREMENTS

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skills, and /or abilities required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

EDUCATION AND EXPERIENCE REQUIREMENTS

- Bachelor's Degree from an accredited college or university with a major in Public Administration or related field is required.
- A minimum of five (5) years municipal experience with two (2) years experience in a supervisory capacity is required.
- An equivalent combination of education, experience and training which provides the required knowledge, skills and abilities may be considered for minimum requirements and except for licensure/certification requirements.

CITY CLERK 1

LAST UPDATED: ~~July 23, 2020~~ January 2026

LICENSE AND SPECIAL REQUIREMENTS

- Certified Municipal Clerk (CMC) designation is required.
- Possession of a valid Florida driver's license is required.

LANGUAGE SKILLS

- Ability to deal with the general public in a professional, courteous manner.
- Ability to develop and maintain good personal relationship with other employees and the public.
- Ability to clearly and effectively communicate both verbally and in writing.
- Ability to write clear and accurate reports, type and proofread.

OTHER SKILLS AND ABILITIES:

- Thorough knowledge of the organization and functions of the City-municipality's government.
- Thorough knowledge of ordinances, policies, and procedures
- Thorough knowledge of legal requirements, rules of order, and rules of procedure of municipal council meetings
- Thorough knowledge of organization, function, and activities of municipal government
- Thorough knowledge of standard office procedures, practices, and equipment
- Thorough knowledge of state statute requirements regarding document retention and destruction and disclosure of public records
- Thorough knowledge of election process, procedures, laws, rules, and regulations
- Thorough knowledge of the municipality's charter and code
- Good knowledge of State and local statutes pertaining to legislative proceedings.
- Ability to assure the cooperation of others in difficult work situations.
- Excellent oral and written communication skills.

WORK ENVIRONMENT/ADA: While performing the duties of this job, the employee is regularly required to sit for long of periods of time performing repetitive functions. The employee must be able to access file cabinets for filling and retrieve data. The employee must have the ability to sit at a desk and view a screen for extended periods of time.

Lifting:	Lift up to 15 Pounds	Vision:	20/20 or Corrected to 20/100
Environment:	Office/Sedentary Work	Hearing:	Normal Noise Levels for Work Environment

***Class Descriptions are not intended to be restrictive. The use of (or absence of) a particular illustration of duties shall not be held to exclude or limit the authority of a Department Head to assign other duties which are similar and related to work.**

INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS EDUCATION GUIDELINES

Contents

PREAMBLE	1
EDUCATIONAL PHILOSOPHY	1
IIMC MEMBERSHIP CLASSIFICATIONS	2
CERTIFIED MUNICIPAL CLERK (CMC) DESIGNATION REQUIREMENTS	2
MASTER MUNICIPAL CLERK (MMC) DESIGNATION REQUIREMENTS	6
INTERNATIONAL EDUCATION HOURS REQUIREMENT	9
EDUCATION PLUS PROGRAM.....	12
SUPPORTING DOCUMENTATION	13
ATHENIAN LEADERSHIP SOCIETY POLICY	13
EDUCATIONAL PARTNERSHIPS	17
ADDITIONAL INFORMATION APPLICABLE TO ALL EDUCATIONAL PARTNERS	18
THE COURSE REVIEW PROCESS	20
IIMC-APPROVED INSTITUTES	20

PREAMBLE

The International Institute of Municipal Clerks (IIMC) serves the needs of Municipal Clerks, City Secretaries, Treasurers, Recorders, and other allied associations worldwide. IIMC's primary goals are to promote education and training, professional development, certification, public service, mutual assistance and goodwill, and skill development.

EDUCATIONAL PHILOSOPHY

The primary purpose of the International Institute of Municipal Clerks (IIMC) is to provide education and professional development programs and opportunities for its members. IIMC recognizes that education and professional development are essential to every member, and those needs are diverse worldwide. The educational philosophy of "No Clerk Left Behind" remains at the forefront as IIMC offers extensive educational programs and courses through a variety of methods, including universities and institutes, IIMC-approved institutes, state/provincial/national associations, international study, and online classes, publications, networking opportunities, and annual conferences. IIMC values its affiliations with Municipal Clerk associations and sponsoring educational institutions. IIMC provides members with certifications earned through participation in educational programs and involvement in various professional development activities. These certifications include the Certified Municipal Clerk (CMC) designation and the Master Municipal Clerk (MMC) designation. The educational programs and certifications offered through IIMC empower its members to achieve academic and professional success.

IIMC promotes life-long learning, skill development, and public service to foster a spirit of mutual assistance and goodwill among Municipal Clerks around the globe. We continually strive to promote and lead professional and personal development practices to create opportunities for our diverse membership. In partnership with our national and international institutes and our state/local and provincial associations, we support learning opportunities that enrich our members' knowledge, skills, and abilities, thus creating pathways to certification. Certified professionals can continue their development through participation in programs offered at the state/local/provincial, and national levels even after they achieve the desired certification. This commitment to life-long learning enables the members to keep current with evolving practices in the profession and remain effective in their municipalities.

IIMC MEMBERSHIP CLASSIFICATIONS

- Full Member/Additional Full Member - Individuals who serve a legislative government body (LGB) in an administrative capacity with management responsibilities and perform at least [four of the eight core clerk duties](#). These members may earn both IIMC designations.
- Associate member* - Does not qualify for full membership and cannot become a Certified Municipal Clerk or a Master Municipal Clerk. They may, however, attend conferences and courses as they desire.
- Retired Members - These members may earn both IIMC designations.

**If a Full Member, who is fully admitted and engaged in the certification process, finds themselves unable to meet the criteria of a Full Member, they can transfer to Associate Member status. If the newly transitioned Associate Member wishes, they can continue to complete their current certification.*

Membership must be current for IIMC to recognize a Certified Municipal Clerk (CMC) or Master Municipal Clerk (MMC) designation.

CERTIFIED MUNICIPAL CLERK (CMC) DESIGNATION

The Certified Municipal Clerk program can enhance the job performance of the Clerks in small and large municipalities. To earn the CMC designation, a Municipal Clerk must attend extensive education programs, and the CMC designation also requires relevant experience in a municipality. The CMC program prepares the applicants to meet the challenges of the complex role of the Municipal Clerk by providing them with quality education in partnership with institutions of higher learning and state/provincial/national associations. The CMC program has been assisting clerks in excelling since 1970.

Members will earn all points according to the provisions of the IIMC Education Guidelines.

The following are the requirements for obtaining the CMC designation:

1. Be a Full/Additional Full/Retired Member.
2. Be an active member of IIMC for two years.
3. Complete and submit the Enrollment Form to be reviewed as an eligible CMC candidate and the full non-refundable certification fee.
4. Submit the [Application for CMC Designation](#) accompanied by supporting documentation for each item listed.
5. The CMC Designation requires sixty (60) education and fifty (50) experience points.

CMC CERTIFICATION

The Certified Municipal Clerk (CMC) is the first of two professional designations offered by IIMC. The CMC program prepares participants to meet the basic challenges of the complex role of the Municipal Clerk.

PREREQUISITES

The CMC is a prerequisite to the MMC. Points earned before achieving the CMC designation will not apply towards the MMC designation. The only exception to this rule is a college degree not previously applied.

A member may begin accruing MMC-eligible items while their CMC application is pending review. However, if the assessment determines that the member's final CMC application is deficient, the assessor will only review and apply any items accrued in the interim toward the CMC application.

Credit earned while a CMC designee awaits the fulfilment of the two-year IIMC membership requirement for receiving the CMC designation will be eligible to be reviewed for MMC credit.

CMC EDUCATION POINT REQUIREMENTS

Sixty (60) Education Points Required (Regions I-IX)

Options for obtaining the sixty (60) Education points required may come from any combination of the following categories:

Option	Eligible Points
1) Completion of an IIMC-approved Institute or Academy program	1 point per 2 educational hours (120 hours = 60 points)
2) A bachelor's degree or higher in Public Administration or a related field*	20 points
3) A bachelor's degree or higher in an unrelated field*	10 points
4) An associate degree	5 points
5) Completion of a State/ National/ Provincial education program approved through the IIMC course review process	1 point per 4 educational hours with a completed learning assessment
6) IIMC Annual Conference**	1 point per 1 educational session with a completed learning assessment
7) IIMC Athenian Leadership Dialogue***	3 points each with completed learning assessment, 18 points maximum
8) IIMC Online programs	1 point per 2 educational hours
9) IIMC Study Abroad Program	Points vary by program

* Copies of official transcripts are required.

**Members may use IIMC Annual Conference educational hours for either education or experience points.

*** Members may apply a maximum of 18 points to the CMC designation.

Excess education points will be applied to experience by the IIMC Education Department during the designation application review period.

IIMC awards at least 0.5 education points. Members must meet minimum time requirements based on the stated point conversion.

CMC EXPERIENCE POINT REQUIREMENTS

Fifty (50) Experience Points Required (Regions I-IX)

Options for obtaining the fifty (50) experience points required may come from any combination of the following categories:

Option	Eligible Points
1) Full-time Municipal Clerk* positions qualifying for Full/Additional Full Membership	4 points per year**, maximum 40 points
2) Part-time Municipal Clerk* positions qualifying for Full/Additional Full Membership	2 points per year**, maximum 40 points
3) Other full-time positions in local government before becoming a Municipal Clerk*	2 points per year**, maximum 30 points
4) Administrative positions in federal, state, or provincial government	1 point per year**, maximum 30 points
5) Administrative positions in business***	1 point per year**, maximum 30 points
6) IIMC Annual Conferences****	1 point per 1 educational session with a completed learning assessment
7) Attendance at an IIMC regional meeting, municipal clerks association conference, municipal league conference, or other municipal clerk-related conferences	1 point per 4 verifiable hours***** or 1 day of educational attendance
8) Completion of a State / National / Provincial education program approved through the IIMC Course Review Process	1 point per 4 educational hours with a completed learning assessment
9) Other applicable programs	1 point per 6 educational hours
10) IIMC Study Abroad Program	Points vary by program
11) Applicable business or vocational school programs	1 point per 10 educational hours
12) Applicable college or university courses not applied toward education	1 point per applicable credit unit
13) IIMC, IIMC Foundation, or Municipal Clerks Association Committee service	1 point per year**

*See IIMC Membership Classifications.

**Employment and Committee service may be reviewed in six-month increments and will be re-evaluated with each application submission.

***In the case of applicable self-employment, the applicant must submit a copy of their business license and tax return for each year of employment they seek credit for in addition to a first-hand letter outlining the nature of the business and the duties performed.

****Members may use IIMC Annual Conference educational hours for either education or experience points. *****Verifiable hours are educational hours the hosting organization verifies and reflects in the supporting documentation.

Sample Course Subjects for the Certified Municipal Clerk (CMC) Program

The following is an example of course subjects for the education component of the CMC designation. It indicates the subject matters within the context of IIMC core educational requirements for the CMC designation. The courses must fulfill the requirements of the IIMC Education Guidelines.

IIMC emphasizes that, at a minimum, all courses shall be related to the job of the participating clerk and shall include a presentation by an educator with appropriate credentials or by an expert in the field. From time to time, the Education Department may update, revise, and change courses as needed.

A. Public Administration and Organization

- Introduction to Public Administration
- Public Management
- Social and Political Systems
- Local Government
- Public Organizations
- Introduction to Fiscal Management
- Accounting for Municipalities
- Budgeting for Municipalities
- Financial Management
- Introduction to Law
- Introduction to Information Technology
- Records Management I
- Records Management II
- The Planning Process
- The Municipal Clerk Profession
- Introduction to Project Management
- Meeting Administration
- Agendas and Minutes
- Administrative Law
- Environmental Policy and Management
- Public Sector Economics
- Knowledge Management
- Organizational Management
- The American Municipality

B. Social and Interpersonal Issues

- Personal and Group Behavior
- Introduction to Communication
- Written Communication I
- Written Communication II
- Presentation Skills
- Community Development
- Teambuilding and Group Dynamics
- Principles of Ethics
- Comparative Clerkship
- Leadership
- Media Relations Project Management
- Project Risk Management
- Research Skills
- Public Organizations
- Public Personnel Management
- Strategic Planning for Not-for-Profit and Government Entities
- Sustainable Economic and Community Development
- Technical Writing
- Technology in the Clerk's Office/Information management Technology

C. Electives

- Election Administration
- Emergency Management
- Employment Law/HR Management
- State Mandated Education

IIMC will also accept state—or provincial-specific education and training related to the clerk's job as an elective. In addition, IIMC will take other courses relevant to the Municipal Clerk profession and in compliance.

MASTER MUNICIPAL CLERK (MMC) DESIGNATION

The Master Municipal (MMC) is the second of two professional designations offered by IIMC. To qualify for entrance into the MMC program, an applicant must hold the CMC designation. The MMC program prepares participants to meet the challenges of the complex role of the Municipal Clerk. Through advanced continuing education programs, participants receive further development to perform more complex municipal duties. The certification requirements include an extensive and advanced educational component and a professional contribution component. MMC applicants must demonstrate their active pursuit of educational and professional activities and have remained informed of current socio-political, cultural, and economic issues that affect local governments and municipalities.

The educational requirements for the MMC are more advanced and complex than those of the CMC program. The topics and course descriptions may sound like those of the CMC courses; however, the breadth and depth of the MMC courses are more academically advanced. The IIMC Education Department is always a resource that assists in determining the education level of any course. Members must earn all points according to the provisions outlined in the requirements in this document.

The following are the requirements for obtaining the MMC designation:

1. Hold a CMC designation in good standing.
2. Be a Full/Additional Full/Retired Member
3. Complete the Application for MMC admission to determine MMC eligibility and the non-refundable certification fee.
4. Submit the Application for MMC Designation accompanied by supporting documentation for each item listed.
5. The MMC Designation requires sixty (60) advanced education and forty (40) professional contribution points.
6. IIMC DOES NOT accept any points earned or dated before the CMC designation toward the MMC in progress. For example, no materials dated before March 2008 will count toward the MMC in progress if the applicant obtained their CMC designation in March 2008. A college degree not previously applied is the only exception to this rule.

MMC ADVANCED EDUCATION POINT REQUIREMENTS

Sixty (60) Advanced Education Points Required **(Regions I-IX)**

Options for obtaining the sixty (60) advanced education points required may come from any combination of the following categories:

Option	Eligible Points
1) Completion of an IIMC-approved Academy program	1 point per 2 educational hours (120 hours = 60 points)
2) A bachelor's degree or higher in Public Administration or a related field*	20 points
3) A bachelor's degree or higher in an unrelated field*	10 points
4) An associate degree	5 points
5) Completion of a State / National / Provincial	1 point per 4 educational hours

education program approved through the IIMC Course Review Process	with a completed learning assessment
6) IIMC Annual Conference**	1 point per 2 educational hours
7) Athenian Leadership Society Dialogues***	3 points each with completed learning assessment, 18 points maximum
8) IIMC online education programs	1 point per 2 educational hours
9) IIMC Study Abroad Program	Points vary by program
10) Other applicable programs	1 point per 6 educational hours with a completed learning assessment

* Copies of official transcripts are required.

**Members may use IIMC Annual Conference educational hours for either education or experience points.

*** Members may apply a maximum of 18 points to the MMC designation.

The IIMC Education Department will apply excess advanced education points to professional contributions, as referenced in #5 of the MMC requirements noted above.

A member may begin accruing MMC-eligible items while their final CMC application is pending review. However, if the assessment determines that the member's CMC application is deficient, the assessor will only review and apply any items accrued in the interim toward the CMC application.

MMC PROFESSIONAL CONTRIBUTION POINT REQUIREMENTS

Forty (40) Professional Contribution Points Required (Regions I-IX)

Options for obtaining the forty (40) professional contribution points required may come from any combination of the following categories:

Option	Eligible Points
1) IIMC Board Member or IIMC Foundation Board of Directors	2 points per year of service
2) Chairperson of IIMC, IIMC Foundation, or Municipal Clerks Association Committee	2 points per year of service
3) An officer or trustee of a municipal clerk association or subdivision	2 points per year of service
4) IIMC Board Member, IIMC foundation, or municipal clerk association committee member	1 point per year of service
5) An officer in a related professional association	1 point per year of service
6) Attendance at an IIMC regional meeting, municipal clerk association conference, municipal league conference, or other municipal clerk-related conferences	1 point per 4 verifiable hours* or 1 day of educational attendance
7) IIMC Annual Conference**	1 point per 1 educational session with a completed learning assessment
8) Instructor, facilitator, or trainer for one of the following organizations: - An IIMC-approved Institute/Academy - A State/Provincial/National Association Education Program	Points per educational hour taught plus prep time***:

• Applicable education programs	1 point per 2 hours 1 point per 4 hours 1 point per 6 hours
9) Unique on-the-job performance or achievements outside daily duties that benefit the profession or municipality****	1 point per 8 hours, with a 12-point maximum
10) Personal accomplishments of educational benefit to the profession	1 point per accomplishment
11) Applicable college or university courses not applied toward education *****	1 point per applicable credit unit
12) Other applicable programs	1 point per 6 educational hours

*Verifiable hours are educational hours the hosting organization verifies and reflects in the supporting documentation.

** Members may use IIMC Annual Conference educational hours for either education or experience points.

***In addition to verification of the teaching time provided by the hosting organization, the time spent preparing for the presentation is eligible to be reviewed for credit. A first-hand letter outlining the preparation and the number of hours dedicated to said preparation is required.

****The municipality or organization where the service occurred must verify the unique on-the-job performance.

***** Members must complete courses after obtaining the CMC designation.

SAMPLE COURSE SUBJECTS FOR THE MUNICIPAL CLERK ACADEMY (MMC) PROGRAM

The following is an example of course subjects for the education component of the MMC designation. It indicates the subject matter required (Public Administration and elective courses) for the MMC designation. The courses must fulfill the requirements of the IIMC Education Guidelines. The educational requirements for MMC are more rigorous and much higher than those for the CMC program. The subject matters may be similar to those of the CMC courses; however, the breadth and depth of the MMC courses shall be more academically advanced.

IIMC emphasizes that, at a minimum, all courses shall be related to the job of the participating clerk and shall include a presentation by an educator with appropriate credentials or by an expert in the field. A brief bio will suffice as evidence of the appropriateness of the credentials or expertise. From time to time, the Education Department may update, revise, and change courses as needed.

A. Public Administration

- Public Administration and Society
- Environmental Policy and Management
- Local Government Administration
- Comparative Administrative Systems
- Administrative Law
- Budgeting/Accounting for Municipalities
- Public Sector Economics
- Public Financial Management I
- Public Financial Management II
- Sustainable Economic and Community Development
- The American Municipality
- Project Management I
- Project Management II
- Project Risk Management
- Technology in the Clerk's Office/Information Technology Management

- Knowledge Management
- Strategic Planning for Not-for-profit and Governmental entities
- Public Personnel Management
- Advanced Records Management
- Community Power, Leadership, and Administration
- Organizational Change in Public Service
- Technical Writing and Communication in Public Service I
- Technical Writing and Communication in Public Service II
- Ethics as Core Strategy for Social Responsibility/Values
- Advanced Agendas and Minutes
- Communication
- Community, Power, and Leadership
- Leadership, Organization, and Management
- Media Relations
- Meeting Administration
- Personal and Group Behavior
- Public Organizations
- Research Skills
- Revenue and Fiscal Management
- Strategic Planning for Not-for-Profit and Governmental Entities
- Election Administration
- Emergency Management
- Employment Law/HR Management

B. Electives

- IIMC accepts state/provincial/national specific education and training directly related to the clerk's job as electives.

CMC INTERNATIONAL EDUCATION HOUR REQUIREMENTS

One Hundred and Twenty (120) Education Hours Required (Regions X-XI)

The one hundred and twenty (120) Education hours required may come from a combination of any of the following categories:

Option	Eligible Hours
1) A bachelor's degree or higher in Public Administration or a related field*	60 hours
2) A bachelor's degree or higher in an unrelated field*	10 hours
3) An associate degree	15 hours
4) Completion of an International education program approved through the IIMC course review process	10 hours
5) Attendance at an Annual Conference, IIMC regional meeting, municipal clerks' association conference, municipal league conference, or other municipal clerk-related conferences	10 hours per conference
6) IIMC Approved Online programs	5 hours (20 hours max)
7) Applicable college or university course	5 hours (20 hours max)

credits not applied toward a degree	
8) Applicable business or vocational school programs	5 hours (max)

* Official transcripts are required.

Excess education points will be applied to experience by the IIMC Education Department during the designation application review period.

CMC INTERNATIONAL EXPERIENCE HOUR REQUIREMENTS

One Hundred (100) Experience Hours Required (Regions X-XI)

The one hundred (100) experience hours required may come from any combination of the following categories:

Option	Eligible Points
1) Full-time Municipal Clerk* positions qualifying for Full/Additional Full Membership	10 hours per year (40hrs. maximum)
2) Part-time Municipal Clerk* positions qualifying for Full/Additional Full Membership	2 hours per year (30 hrs. maximum)
3) Other full-time positions in local government before becoming a Municipal Clerk*	2 hours per year (30 hrs. maximum)
4) Administrative positions in federal, state, or provincial government	2 hours per year (30 hrs. maximum)
5) Administrative positions in business	2 hours (30 hrs. maximum)
6) IIMC Annual Conferences	20 hours per year
7) Completion of an International education program approved through the IIMC Course Review Process	40 hours per year
8) IIMC committee member, IIMC Foundation, or Municipal Clerks Association Committee service	6 hours per year (12 hrs. maximum)
9) IIMC Athenian Leadership Dialogue	36 hours per year

MMC INTERNATIONAL EDUCATION HOUR REQUIREMENTS

One Hundred and Twenty (120) Education Hours Required (Regions X-XI)

The one hundred and twenty (120) Education hours required may come from a combination of any of the following categories:

Option	Eligible Hours
11) A bachelor's degree or higher in Public Administration or a related field*	60 hours
12) A bachelor's degree or higher in an unrelated field*	10 hours
13) An associate degree	15 hours
14) Completion of an International education program approved through the IIMC course review process	10 hours

15) Attendance at an Annual Conference, IIMC regional meeting, municipal clerks' association conference, municipal league conference, or other municipal clerk-related conferences	10 hours
16) IIMC Approved Online programs	5 hours
17) Applicable college or university course credits not applied toward a degree	5 hours
18) Applicable business or vocational school programs	5 hours

* Official transcripts are required.

Excess education points will be applied to experience by the IIMC Education Department during the designation application review period.

MMC INTERNATIONAL PROFESSIONAL CONTRIBUTION HOUR REQUIREMENTS

Eighty (80) Professional Contribution Hours Required (Regions X-XI)

Obtaining the eighty (80) professional contribution hours required may come from a combination of any of the following categories:

Option	Eligible Points
1) Member of the IIMC Board or IIMC Foundation Board of Directors	2 hours per year (6 hrs. maximum)
2) Chairperson of IIMC, IIMC Foundation, or Municipal Clerks Association Committee	2 hours per year of service
3) An officer or trustee of a municipal clerk association or subdivision	2 hours per year of service
4) IIMC committee member, IIMC foundation, or municipal clerk association committee member	1 hour per year of service
5) An officer in a related professional association	1 hour per year of service
6) IIMC Annual Conference***	20 hours per year
7) Instructor, facilitator, or trainer for one of the following organizations: - An IIMC-approved Institute/Academy - An International Association Education Program - Applicable education programs*	20 hours per year
8) Unique on-the-job performance or achievements outside daily duties that benefit the profession or municipality**	20 hours per year
9) Personal accomplishments of educational benefit to the profession	8 hours per accomplishment

*Verifiable hours are educational hours the hosting organization verifies and reflects in the supporting documentation.

**In addition to verification of the teaching time provided by the hosting organization, the time spent preparing for the presentation is eligible to be reviewed for credit. A first-hand letter outlining the preparation and the number of hours dedicated to said preparation is required. The municipality or organization where the service occurred must verify the unique on-the-job performance.

***With appropriate certificates of completion **except "attendance only"** certificates.

EDUCATION PLUS PROGRAM (EPP)

The Education PLUS Program is designed as an **ADDITION** to the current education programs (CMC and MMC) and is **NOT** a designation. Members **MUST** possess an MMC in good standing to apply. The EPP program requires members to commit to lifelong education. The certification requirements include an extensive and advanced educational component and a professional contribution component. EPP applicants must demonstrate their active pursuit of educational and professional activities and remain informed of current socio-political, cultural, and economic issues that affect local governments and municipalities.

The educational requirements for the EPP are advanced and complex, like those of the MMC program. The breadth and depth of the EPP courses are academically advanced. The IIMC Education Department is always a resource that assists in determining the education level of any course. Members must earn all points according to the provisions outlined in the requirements in this document.

Educational Hours Tracking System

The Education Plus Program (EPP) will use an "hour" basis tracking system rather than a "point" basis in contrast to the CMC and MMC designations. The EPP Program consists of a **two-year** scheduled enrollment cycle with 15 hours to be completed each year. The scheduled enrollment cycles begin on the first of the month and stop at the end of the scheduled month. Each cycle should contain the following:

- 4 hours – **Mandatory** ethics training - **first cycle only**
- 4 hours – **Mandatory** diversity, equity, and inclusivity training (e.g., ADA, veterans (VA), seniors, multi-generational, etc.) OR technological training – **first cycle only**
- hours of advanced education may be any combination of the below categories. The following is an example of course subjects for the education component of the EPP Program. All courses must fulfill the requirements of the IIMC Education Guidelines.

1) IIMC Approved Academy Program
2) Applicable College/University-Based Courses
3) State/National/Provincial Association Programs approved with Course Review
4) IIMCEducation (Annual Conference, Athenian Dialogues, Webinars, Online Learning, IIMC Symposium)
5) Other Applicable Advanced Training Programs - Municipal Leadership Programs, University-based certificate programs and courses, Certified Public Manager Programs, etc.
6) Elective - "community engagement" options may include writing an article for IIMC News Digest, facilitating an education session for IIMC's annual conference, Institutes, and Academies, or online professional development component *

***Subject to approval before participation.**

The following are the requirements for enrolling in the EPP Program:

- 1) Hold an MMC designation in good standing.
- 2) Be an active Full, Additional Full, or Retired Member of IIMC.
- 3) Commit to completing 30 hours per two-year cycle (NO "saving" hours for future cycles or allocating hours before enrollment into the program).
- 4) Submit the EPP application with all supporting documents **after** completing the first 2-year cycle. Members must submit **all required documentation on the scheduled completion date**. No incremental submissions will be accepted.

CMC, MMC, AND EPP SUPPORTING DOCUMENTATION

Members must include supporting documentation with each application for each designation and the Education PLUS Program.

Supporting documentation contains:

- The name of the applicant
- The date of the work
- The title/description/or nature of the work
- The date, location, and hours of attendance
- Any other pertinent information

Examples of Acceptable Materials:

- A certificate of completion, transcript, or letter of verification from the hosting organization
- A letter of reference from the Human Resources Department verifying the duration, scope, and nature of employment/unique service.
- A certificate of attendance from a State/Provincial/National Association, complete with hours of attendance.
- A copy of official college transcripts

Note: If you need clarification on what kind of supporting documentation is acceptable, please contact the IIMC Education Department.

IIMC cannot accept the following:

- A first-person letter, except in the case outlined in these guidelines.
- A document from a relative or spouse of the applicant
- Incomplete documentation
- PowerPoint presentations, pamphlets, or workbooks

Once received, IIMC cannot send, mail, copy, or otherwise disseminate applications or supporting documentation. Members are required to keep the originals for their records and send IIMC copies.

ATHENIAN LEADERSHIP SOCIETY POLICY

Dialogues are conversations that go beyond the usual knowledge recall and application process familiar to municipal clerks in training seminars. They are unique because they explore leadership principles and practice, drawing on the insights from a book all participants have read.

Dialogues are conversations in which clerks share their experience and understanding of the author's ideas and their relevance to their public leadership role.

The premise of the Athenian Dialogue Society is that clerks are leaders in profound yet subtle ways. Leadership here differs from the transactional vending machine citizens seem to believe about public management. The participants' interest and involvement, as well as the author's specific focus and emphasis, require that the facilitator moves with purpose using the language of meaning, feeling, and power. Participants devote a full day (6 hours) to a Dialogue and experience intellectual enrichment.

Clerk leadership is more transformational. Clerks' contribution to municipal leadership changes colleagues' and citizens' perceptions of the government's role and purpose.

Athenian dialogues are IIMC programs that IIMC-approved institutes may offer state/national/provincial clerk associations. To be recognized by IIMC, all dialogues must undergo a pre-approval process with the education department.

IIMC-approved institutes and state/provincial/national associations are responsible for procuring an Athenian Dialogue. This responsibility includes hiring a facilitator and negotiating the contract, setting fees to cover costs, and marketing the dialogue. Institute directors who are approved Athenian Dialogue facilitators may contract to conduct dialogues, and participants must purchase their books. In this format, Athenian Dialogues remain an IIMC program; however, all logistics of the dialogue are the responsibility of the hosting organization.

ATHENIAN FACILITATOR FORMAT AND GUIDELINES FOR ATHENIAN DIALOGUES

Facilitators must conduct all 6-hour Athenian Dialogues live to ensure that the book's content and meaning and its key points are thoroughly dissected and discussed. All Dialogues must be pre-approved by the Education Department.

The ideal Dialogue Facilitator should comprehend and dissect the essential leadership knowledge contained in and dispersed throughout an approved book. This knowledge must then be conveyed primarily through discussion, as opposed to lecture alone, eliciting input from each participant on the relevance and applicability of the principles and skills gleaned. The facilitator must build a "bridge" between the ideas in the selected book and the leadership concepts and principles relevant to the role of a Municipal Clerk.

A Facilitator must be an excellent communicator. They should be able to listen and ask pertinent, thoughtful questions actively. They must be skilled at keeping the conversation going, able to summarize participants' unique contributions, and able to go beyond the pages of a single book to shed new light on the insights contained therein. They should be aware that some dialogues will require additional research.

Requirements for IIMC Members

- Must hold an MMC Designation in good standing
- Must be an IIMC member for at least five years
- Must complete the 6-hour mentoring program
- Must be inducted into the Athenian Leadership Society as a Fellow
- Instead of the Fellow requirement, an IIMC member who has attended a minimum of 3 Dialogues AND also meets one of the following criteria:
 - The facilitator applicant has served as an adjunct instructor, lecturer, or similar position at a college, university, or other institutions of higher learning. Such a position must be verified in writing by the college or university and submitted to IIMC during the application process.
 - The facilitator applicant has presented programs at Institutes or Academies, State/National/Provincial Association level education programs, or IIMC Annual Conferences. Such experience must be verified in writing by the Institute Director or State Association Board of Directors and submitted to IIMC during the application process.
- Must have experience facilitating or teaching adult education programs.
- Must submit the Athenian Facilitator Application form, a bio that supports the requirements, any supporting documentation showing facilitation experience, and the "Mentor-Mentee Agreement."
- Must Participate in IIMC-approved and required Athenian Facilitator Training before hosting their first dialogue.

Athenian Leadership Society Paul Craig Fellow requirements

If you are interested in becoming an Athenian Leadership Society Paul Craig Fellow, you must:

- Be an IIMC member in good standing
- Submit the Athenian Leadership Society Membership Application and the required \$15 enrollment fee to IIMC
- Complete 10 Dialogues (**participants are responsible for maintaining their attendance records**)
- Submit the Athenian Leadership Society Fellow Application and include 10 Dialogue Certificates/Transcripts
- IIMC verifies attendance and notifies applicants when inducted as a Fellow
- New Athenian Paul Craig Fellow Inductees receive recognition at the IIMC Annual Conference

Requirements for Professionals and Academics

- Working knowledge of the municipal clerk profession.
- Must understand the Athenian Dialogue program and its requirements.
- Must complete the 6-hour mentoring program.
- Must submit the Athenian Facilitator Application form, a bio that supports the requirements, any supporting documentation showing facilitation experience, and the "Mentor-Mentee Agreement."
- Must Participate in IIMC-approved and required Athenian Facilitator Training before their first dialogue.

INSTITUTE AND STATE/PROVINCIAL/NATIONAL ASSOCIATION DIALOGUES

If an Institute or Association is interested in creating a Dialogue, they must:

- Procure their facilitator at a cost negotiated between the facilitator and the hosting organization. The cost to participate can be determined by the hosting organization depending on the facilitator and room rental, keeping costs at a minimum and eliminating the 10 participants minimum required by IIMC.
- Participants must purchase their book and **read** it before attending the dialogue.
- Dialogues must be 6.0 educational hours in length.
- Seek pre-approval from IIMC for the facilitator and book if this is a new Dialogue or a new Facilitator.
 - For a new book, send the book title and author name to the Education Department for review with a brief paragraph describing how the leadership lessons within the book are related to the duties of a municipal clerk. New facilitators must go through the Facilitator application process outlined in this policy.
 - Suppose the facilitator and book are not new to the program. In that case, the hosting organization must inform IIMC of the dialogue's logistics by submitting a copy of the Dialogue registration form/flyer/brochure, the facilitator's proposed agenda, and a copy of the learning assessment tool.
- Each participant seeking IIMC education points must complete and submit an assessment. The hosting organization/facilitator will then review and distribute a certificate of completion stating the book title, date, location, and the number of points signed by either the hosting organization or facilitator. Should an attendee already hold the MMC designation or opt not to complete the assessment, a certificate of completion will still be issued as above with the statement "Attendance Only – No Learning Assessment" to replace the number of points listed. **IIMC is not responsible**

for keeping track of Dialogue attendance.

- A list of approved books is available on the IIMC website, www.iimc.com.
- Athenian Leadership Dialogues earn 3 points each with a completed assessment.

IIMC ANNUAL CONFERENCE DIALOGUES

- IIMC will procure its facilitator at a cost negotiated between the parties. Depending on the facilitator and room rental, IIMC can determine the cost of participation, which will assist in minimizing dialogue costs.
- IIMC will also select and assign books to facilitators contracted to perform the Dialogues.
- Participants must purchase their books and **read the entire book** before attending the dialogue.
- Dialogues must be 6.0 educational hours in length.
- Facilitators will rotate, with no facilitator presenting for successive years.
- IIMC members taking a Dialogue at the Annual Conference must complete an assessment to earn IIMC education points. Should an attendee already hold the MMC designation or opt not to complete the assessment, IIMC will issue proof of completion for attendance credit.
- The facilitator will review all assessments and provide IIMC with a list of attendees who satisfactorily completed them. IIMC will issue proof of attendance and points earned on the Annual Conference transcripts.
- Facilitators must send copies of their Dialogue agenda and assessment to IIMC before the Dialogue date for its permanent files and review.

VIRTUAL ATHENIAN DIALOGUES

As of May 8, 2021, the IIMC Board of Directors approved Athenian Leadership Society Dialogues conducted online indefinitely when hosted by an IIMC-approved Institute, State/Provincial/National Association, or IIMC itself. The following guidelines are for all Dialogues completed virtually:

- All Dialogues must be 6.0 educational hours; however, Virtual Dialogues may be split into alternate formats, such as two 3-hour or three 2-hour time blocks. They may also be separated over multiple days if desired.
- As with in-person dialogues, Virtual Dialogues must also be pre-approved by IIMC and follow the pre-approval process outlined above. Hosting organizations must also follow the guidelines for selecting an approved Facilitator and book.
- Hosting organizations must require a camera and microphone when utilizing an online meeting platform (such as Zoom, Go-To-Meeting, WebEx, etc.). The facilitator and participant must have a stable camera and audio connection for the entire session duration, and participants without an audio or camera connection are removable from the session.
- IIMC recommends that hosting organizations recruit a technology volunteer to handle all technical issues and work one-on-one with the participants so the facilitator may be left to focus on facilitating.
- The hosting organization determines the cost of participating in a virtual dialogue based on the Facilitator and technology expenses incurred.
- IIMC recommends limiting Virtual Dialogue attendance to 24 attendees for maximum engagement.
- Participants must purchase and read their book before attending the virtual dialogue.
- Attendee participation and engagement are required. Facilitators may utilize polling features,

breakout rooms, chat boxes, hand raising, and any other features the selected technology platform offers. Attendees must limit outside distractions to allow for an effective learning environment and be fully present during the session. IIMC recommends an executed agreement between the attendee and hosting organization/facilitator outlining expectations for the program. Failure to meet reasonable expectations will result in zero credit, and the facilitator can give credit at their discretion.

- Assessment and certificate requirements remain the same for virtual dialogues as they are for in-person dialogues. Hosting organizations and facilitators are responsible for assessment review and certificate distribution.

EDUCATIONAL PARTNERSHIPS

To achieve its educational goals, the International Institute of Municipal Clerks (IIMC) partners with over 40 universities and colleges and selects affiliates in cooperation with State/Provincial/National Associations and IIMC staff. This triangular partnership has contributed to the success and longevity of the quality of education delivered to IIMC members for many decades. IIMC combines its resources with the resources of its two partners at the local and institutional levels to achieve greater efficiency, effectiveness, and relevance for its members.

IIMC also partners with various education providers to supplement the work done by our institute and Association partners.

Each educational provider has a set of guidelines they follow when planning educational programs.

State/National/Provincial Associations

State/National/Provincial Associations can offer education programs independently from an IIMC Approved Institute. These included single-day education events and multiple-day educational conferences. Associations may also serve as the hosting organization for an IIMC Regional meeting. Association-level programming must go through the Course Review Process to be assessed for certification credit and are eligible for 1 CMC education or 1 MMC advanced education point per 4 educational hours offered.

[List of State/National/Provincial Associations](#)

IIMC Approved Institutes

An Institute is a university-based program that has undergone a rigorous pre-approval process with IIMC staff, the Education & Professional Development Committee, and the IIMC Board of Directors. These entities offer a clerk-specific curriculum and partner with the local Clerks association to offer educational opportunities relevant to CMC and MMC Designations. The CMC Institute and MMC Academy programs are eligible for 1 CMC education or 1 MMC advanced education point per 2 educational hours offered.

[List of approved Institutes](#)

Additional Educational Providers

IIMC partners with numerous organizations that offer educational opportunities relevant to the Municipal Clerk profession. The courses/programs these organizations provide, including a learning assessment, can be reviewed for 1 CMC experience or 1 MMC advanced education point per 6 educational hours. Courses/programs that do not include a learning assessment will earn 1 CMC experience or 1 MMC professional contribution point.

ADDITIONAL INFORMATION APPLICABLE TO ALL EDUCATIONAL PARTNERS

ACCEPTABLE COURSES WITH EMBEDDED TECHNOLOGY

Coursework should always be connected to the profession to support the achievement of a municipal clerk credential. Courses providing instruction on specific functions of the Municipal Clerk utilizing software as a *supplemental* tool are permitted and encouraged.

Such courses include but are not limited to:

- Budgeting, data analysis, or record-keeping with Excel as a tool to assist in creation and maintenance.
- Presentation skills utilizing PowerPoint (or similar visual presentation programs).
- Social media, using Facebook, Instagram, and LinkedIn as marketing tools.

When not incorporated into the study of its application to municipal clerk duties and responsibilities, courses focusing on a particular software or app are not permitted, nor will they count in point calculation.

Examples of unacceptable courses are but are not limited to:

- How to use Outlook, Excel, Word, vendor products, and data analytic apps
- How to send emails
- How to create spreadsheets
- Basic word processing applications
- Vendor product usage
- Creating a database

WELLNESS COURSES

Wellness content is relevant to the municipal clerk profession and a good topic for CMC and MMC credit when it relates to or enhances the profession. With a renewed focus on mindfulness, life balance, and stress reduction in the workplace, courses that assist clerks in achieving these goals are acceptable. Some courses include meditation, mindset, and creating life balance. Exercise classes, physical self-defense, martial arts, and cooking or nutrition are prohibited.

CONTACT HOUR DEFINITION

IIMC reviews clerk-related programs for credit based on in-class contact hours. In alignment with standard higher education academic policy, IIMC defines a "contact hour" as 50 minutes of instruction for every hour of the class or workshop.

The following is the board-approved scale in both the review of certification applications, IIMC-approved Institute programs, state/national/provincial educational programs, and other applicable programs:

- *1 contact hour* = 60 total minutes, which is 50 minutes of instruction, with up to 10 minutes of break time*
- *2 contact hours* = 120 total minutes, which is equal to 100 minutes of education, with up to 20 minutes of break time*
- *3 contact hours* = 180 total minutes, which is equivalent to 150 minutes of instruction, with up to 30 minutes of break time*

*NOTE: Breaks can occur in one instance, as one break, or divided into two or more intervals, depending on total contact time.

LEARNING ASSESSMENTS

IIMC requires learning assessments to accompany any program eligible for CMC education or MMC advanced education credit, including programs offered by IIMC-approved institutes and academies, state/national/provincial association programs, IIMC annual conference programs, IIMC-approved Athenian Leadership Dialogues, IIMC-approved online education programs, and other relevant education programs.

Assessments may be incorporated into the learning session or completed after the education program at the discretion of the hosting organization. The assessment tool, measuring the participants' knowledge/skills/experience, will be selected and designed by the instructors in conjunction with the hosting organization. The assessment tool may include but is not limited to a test or quiz, essay, practicum, Knowledge Transfer Action Plan, Capstone Project, or similar mechanisms.

The instructors or hosting organization will review the assessment results before a certificate of completion or supporting documentation may be awarded.

Note: Learning Assessments are not session/program evaluations.

CERTIFICATES OF COMPLETION/PROOF OF ATTENDANCE

IIMC Educational Partners are required to provide attendees with supporting documentation verifying attendance, such as a certificate of completion, transcript, verification letters, etc., after the conclusion of each program. This documentation is given only to those who have verified attendance for all sessions and completed the mandatory learning assessment.

The certificate of completion must include the following:

- Participants name
- Program/Event title
- Date of completion
- Number of hours attended
- Signature or contact information of the host representing the organization (Institute Director, Education Chair, Program Coordinator, etc.)

ONLINE LEARNING

Two distinct online learning types exist. They are online-designed courses and web-based seminars (webinars).

Online-designed Courses: A course is online when the method of instruction is delivered 100% via the Web, allowing students to interact frequently with fellow students, instructor(s), and content. These courses include an in-depth exploration of the topic and a reasonable amount of outside work. Online courses must also include a learning assessment approved by the institute director or sponsoring organization to be eligible for CMC education or MMC advanced education points. Online courses that *do not* contain a learning assessment will *only* be eligible for CMC experience or MMC professional contribution points.

Webinars: A webinar may be a workshop or class whose host facilitates the course in real time or records it for viewing later.

There are ***two*** types of online/webinar facilitation and delivery methods:

- 1) **Interactive (synchronous)** – These are real-time online courses/webinars in which participants interact with a facilitator, other participants, and content. Participants may ask questions and

participate in discussions. To be given credit by IIMC, these webinars must include a learning assessment approved by the Institute Director, Director of Professional Development, or sponsoring organization.

- 2) Non-Interactive (asynchronous) - These are recorded online courses/webinars in which participants view content at their own pace without real-time interaction with an instructor or participants. To receive credit from IIMC, these online courses/webinars must include a learning assessment approved by the Institute Director, Director of Professional Development, or sponsoring organization.

Members may earn all 60 CMC education points required for CMC certification through online learning (including offerings by institutes, academies, pre-approved state, provincial, or national association programs, and IIMC programs).

Members may earn all 60 advanced education points required for MMC certification through online learning (including offerings by institutes, academies, pre-approved state, provincial, or national association programs, IIMC programs, and programs from other outside entities, i.e., Fred Pryor Seminars, Career Track, National Seminar Training, Ed2Go, and FEMA).

THE COURSE REVIEW PROCESS

State/provincial/national associations and IIMC regions providing education programs or hosting an IIMC region meeting and wishing to receive education points must go through the course review process. Pre-approved courses earn 1 CMC education or 1 MMC advanced education point per 4 educational hours with a completed assessment. IIMC does not offer blanket approvals to any association or region. Each education event must be pre-approved.

IIMC does not award less than 0.5 CMC or MMC points. To meet this requirement, associations must offer a minimum of a combined 2 hours of educational content. This content can be a standalone 2-hour session or a combination of individual sessions that total 2+ hours.

MMC credit requires educational content to be at an intermediate or advanced level. The content's rigor, not the topic or title, determines the CMC and MMC coursework.

Institute programs do not require course review, and institute directors cannot “sign off” on State/Provincial/National Association programs or Region Meetings.

IIMC's website provides additional information on the course review submission process [here](#).

IIMC-APPROVED INSTITUTES

THE GUIDELINES FOR CREATING A NEW INSTITUTE

The Institute Director provides an institute program encompassing CMC and MMC programs. Creating an IIMC-approved Institute starts with the state/provincial/national association. To establish an IIMC-approved institute, each state/provincial/national association should form an education committee consisting of the following:

- At least five (5) clerks, one of whom will be the state/provincial/national education chair.
- All members of the Education Committee must be active or retired participating members of both IIMC and their State/Provincial/National Association.

- The Education Committee should have at least two (2) members who are actively pursuing their CMC designation and who will attend the institute.
- At least two (2) members pursuing their MMC designation must attend the institute.
- Institutes may recruit members from the state/provincial/national association's at-large membership who are interested in education programs.

The Education Committee seeks and obtains the sponsorship of an accredited university or an accredited four-year college, enter into an agreement in which the university or college shall sponsor and host the institute, and finally, the Dean, Associate Dean, or higher sign the agreement with the university or college and follow the Education Guidelines of IIMC in establishing and managing the institute. The signing and execution of the contract are a part of the prerequisites for IIMC approval of the institute and its programs. Part of the agreement includes selecting an institute director.

According to the university sponsorship agreement, the Institute Director shall be the university's representative in executing that agreement and shall serve as the institute's educational and administrative leader. University sponsorship is of paramount importance to the partnership. Only accredited universities and four-year colleges sponsor, administer, and conduct certification for IIMC-approved institutes.

Higher learning institutions' full faith and reputation must support the profession's credentials. Universities and colleges provide independent environments that ensure program quality and stability, research capabilities, and the educational resources and support needed to deliver a first-rate education.

The State/Provincial/National Education Committee and the Institute Director shall jointly write a comprehensive proposal based on the requirements of the IIMC Education Guidelines. The proposal will encompass the institute's structure, mission, goals and objectives, and educational programs. The Institute Director shall serve as the point person in writing the proposal for creating an Institute as stipulated by the IIMC Education Guidelines.

Proposal Requirements

The state/provincial/national education committee and the Institute Director who wishes to form a new institute shall write a proposal, which shall include the following:

1. Executive Summary
2. Introduction and Mission
3. Institute Purpose and Goals
4. Include a copy of an agreement of sponsorship with an accredited university or an accredited four-year college in which the university or college agrees to design, deliver, and manage all aspects of the institute and its programs according to the IIMC Education Guidelines. A university official at the level of Dean or higher shall sign this agreement.
5. Include a brief bio of the institute director
6. Include a list of instructors and their areas of expertise
7. List the Institute's Programs
8. Program Description
9. Program Objectives
10. Program Outcomes
11. A copy of the Program Assessment Method. IIMC requires assessments for all institute and academy programs. Assessments include essays, quizzes, short-answer questions, KTAP, etc.
12. Teaching and Learning Methods
13. A Copy of the Teaching and Course Evaluation Forms
14. Program Schedule and Arrangements
15. Proposed Curricula for the Institute Programs
16. Curriculum Schedule Year-by-Year for Each Program
17. List of host organizations

18. Include a copy of the proposed CMC institute and MMC academy certificates (must include the number of institute/academy hours.
19. Include a copy of the institute budget report or a statement of the financial health of the institute (a letter from the institute director/state education chair attesting to the economic well-being of the institute will suffice)
20. Include supplementary materials, program descriptions, and other supporting documentation the association or institution believes will strengthen the application and enhance the program's quality and value to Municipal Clerks. IIMC may request a sample proposal

The Institute Director must submit the proposal, a filing fee of \$300, and a cover letter to the Director of Professional Development for review and approval. The Director of Professional Development will notify the State/Provincial/National Education Committee Chair, the Education and Professional Development Committee, and the Regional Director (s) of the results. If deficiencies or more information are needed, the Director of Professional Development will address them with the state/provincial/national institute director.

UNSPONSORED INSTITUTES/COMMUNITY COLLEGES

Only accredited colleges or universities sponsor all institutes as of January 1, 2004, with limited exceptions.

An accredited community college may only be approached as a potential partner if the state/provincial/national association has exhausted all options to partner with an accredited 4-year college, university, or other approved IIMC Institute. To be considered a joint institute, it must be IIMC-approved, be reasonably close, and offer convenient travel options to clerks in the state without an institute.

State/Provincial/National Associations will be required to provide IIMC's Director of Professional Development with the following information for review and consideration:

- A document that chronologically details the steps taken to partner with other approved IIMC state institutes and justification as to why this is not a viable option.
- A letter stating the details of the journey to obtain sponsorship and justification for partnering with a community college.
- Documentation of unsuccessful partnership attempts with multiple 4-year colleges or universities within their state or province if more than one 4-year college or university exists. Examples of this documentation may include but are not limited to the dissolution of existing sponsorship agreements or letters or emails of denial and rejected RFPs.
- A letter from the potential sponsoring community college detailing the terms of sponsorship might include financial and administrative support as well as possible revenue expectations.

Once approved, a review of the Community Colleges partnership must occur after three but at most five years. The review must include attempts to re-engage with an accredited 4-year college or university or with other approved IIMC Institutes. The state/provincial/national association must submit all documentation detailing the course of action to IIMC's Director of Professional Development.

IIMC decides on sponsorship and presents the decision to the Board of Directors after reviewing all materials.

CHANGE OF UNIVERSITY SPONSORSHIP

IIMC requires a new program proposal when a college/university sponsorship or affiliation change occurs, and there is a filing fee for this.

INSTITUTE DIRECTOR

An Institute program is a program that the institute director solely provides, and it encompasses both the CMC and MMC programs. Once the Institute Director has collaborated with the State/Provincial/National Education Committee regarding possible topics and speakers, they are responsible for all aspects of the Institute program (selection of topics and speakers, contracts, fees, etc.).

If replacing the institute director, the state/provincial/national association education chair shall send IIMC the bio and contact information of their replacement no later than two months from the appointment date.

INSTITUTE ANNUAL REPORT REQUIREMENTS

Each year, institutes are required to submit the following information in the form of an Annual Report to the IIMC Director of Professional Development. The Annual Report assists IIMC's Education Department in maintaining a record of education courses and future education on the horizon. It provides quality assurance and enables IIMC to identify changes, if any. The annual report helps ensure members receive the best in education.

The annual report is due to the director of professional development via email by December 31 each year. Please visit <https://www.iimc.com/146/IIMC-Approved-Institutes> to learn more about this process. IIMC also recommends the Institute Director send a copy of this report to the State/Provincial/National Education Chair and their Regional Director (s) for their review.

The report should include the following:

1. A brief cover letter explaining an evaluation of the programs, areas needing improvement, and future educational offerings.
2. Titles, descriptions, and schedules of CMC and MMC courses offered (an institute brochure providing this same information is sufficient).
3. Institute and Academy level courses should be distinguished and identified.

The Institute Director will forward the Annual Report to the Education Department for review and comments. IIMC will review it to confirm compliance with the IIMC Education Guidelines and the requirements regarding the level and rigor of courses (CMC versus MMC).

NONCOMPLIANCE

The Director of Professional Development may determine that an Institute's course offerings for CMC designation or MMC designation are not in compliance with the provisions of the IIMC Education Guidelines. The following steps will take place:

1. The Director of Professional Development will bring the noncompliance issue to the attention of the Institute Director and collaboratively work toward a solution.
2. The Director of Professional Development will resolve the issue of noncompliance regarding the institute director within 30 days by contacting the executive director, state/provincial/national education chair, and regional directors.
3. A teleconference occurs with the Director of Professional Development, Executive Director, Institute Director(s), State/Provincial/National President and Education Chair(s), Institute Director Liaisons, and Board Liaisons of the Education and Professional Development Committee for noncompliance. If still unresolved, The Director of Professional Development will conduct a second teleconference with the same parties, and the Director of Professional Development shall schedule such teleconferences.

If unresolved within thirty days of the second teleconference, the Director of Professional Development will make a judgment regarding the extent of noncompliance and the appropriate course of action and inform the Institute Director and the State/Provincial/National_Education Chair. The written communication from the Director of Professional Development shall specify the nature of noncompliance with the Education Guidelines and offer recommendations to bring the institute into compliance.

The Institute Director, in collaboration with the State/Provincial/National Education Chair(s) and Regional Director(s), may respond to the decision by contacting the Director of Professional Development in writing. Continued noncompliance may result in revoking the institute's approval by the Director of Professional Development.



Florida Association of City Clerks (FACC)

Municipal Clerks Manual and Resource Guide

DISCLAIMER

The FACC Municipal Clerks Manual is designed to serve as a reference tool and is revised, as necessary, by the FACC By- Laws/Manual Revisions Committee. This manual does not constitute legal advice and should not be taken as such. Users are encouraged to seek legal advice from municipal attorneys or other legal counsel for any legal questions. While FACC takes the utmost pride in maintaining the Clerks Manual, we cannot guarantee the accuracy of this information. FACC is not responsible for any actions or decisions made based on information contained in this manual.

(This manual was last updated April 25, 2025)

Table of Contents

Chapter I: Introduction.....	2-3
Code of Ethics	2
Professional Development and Advancement	2-3
Professional Organizations	3
Chapter II: The Office of the Municipal Clerk.....	3-6
Appointment	3-4
Qualifications	4
Requirements of Work	4
Duties	4-5
General Duties.....	4-5
Statutory Duties	5
Secretary to the Council.....	5
Secretary of the Municipal Corporation	5
Election Official	5-6
Chapter III: Public Relations and Communications	6-10
Citizen Information Office.....	7
General Attitudes	7
Providing Information – Avoiding Errors.....	7
Proclamations.....	8
Resolution of Appreciation, Commendation, and Expression of Sympathy.....	8-10
Chapter IV: Council Meeting – General Procedure.....	10-13
Purpose of an Assistant	10
Four Classes of Meetings.....	10
Meeting Notice	11
Preparation of Council Room.....	11
Clerk’s Duties at Meetings	11-12
Rules of Order	12
Adoption of Ordinances and Resolutions.....	12
Recess.....	12
Public Participation and News Media.....	13
Motions.....	13

After a Meeting.....	13
Meeting Calendar and/or Bulletin Board	13
Community Calendar	13
Chapter V: Council Agenda	14-16
Preparation of an Agenda	14
Tracking and Follow-up System.....	14-15
Agenda Exhibits.....	15
Posting Agendas.....	15
Agenda Format.....	15-16
Regular Council Meeting.....	15
Special Council Meeting	16
Workshop Meeting Agenda	16
Consent Agenda	16
Chapter VI: Council Minutes	16-20
Purpose of Council Minutes.....	16
Form and Content of Council Meeting Minutes	17
Record of Action Taken	17
Approval of Minutes.....	17-18
Consent Agenda Items	18
Ordinances and Resolutions.....	18
Compliance.....	18-19
Findings of Council.....	19
Public Requests.....	19
Board Minutes and Reports.....	19
Written Reports	19
Oral Reports.....	19
Petitions and Communications	19
Debates and Discussions	19
Arguments and Debates at Hearings	20
Hearings.....	20
Adjournments	20
Preparation of the Minutes	20
Summary of Minutes	20

Indexing.....	20
Workshop Minutes.....	20
Chapter VII: Office Management.....	21-25
Paperwork Management.....	21-22
Indexing, Filing and Managing Records	22-24
Office Reproduction Techniques.....	24
Written Communications and Inquiries.....	24-25
Petitions.....	24
Departmental and Municipal Matters.....	24-25
Conclusion	25
Chapter VIII: Processing Ordinances, Resolutions, and Providing for Publication and Codification	25-31
Ordinances and Resolutions.....	25
Procedures for Adoption.....	25-26
Ordinances.....	26
Sample Procedure for Regular Ordinances	26
Legal and Official Advertisements	26
Sample Procedure for Special Ordinances.....	26-27
Abandonment Ordinances.....	26-27
Rezoning Ordinances	27
Notice of Zoning (Permitted Use) Change	27-28
Resolutions.....	28
Municipal Improvement Project	28
Election Resolution	27
Publications	28
Recording Publications.....	28
Codification.....	29
Examples of Notices	29-30
Chapter IX: Public Records Management.....	30-33
Records Management Liaison Officers (RMLO)	30
Training.....	31
General Records Schedules	31-32
Disposal of Public Records	32
Disaster Recovery	32
State Records Center	33

Statutory Authority	33
Noncompliance	33
Additional Education	33
Chapter X: Miscellaneous – Boards, Committees, Employee Organizations, Auctions, Oaths	34-36
Boards and Committees	34
Certification.....	34
Employee Elections and Referendums	35
Oaths	35
Auctions – Abandoned, Surplus, Unclaimed Property	35-36
Chapter XI: Elections	36-41
Qualifying/Filing Officer	37
Election Procedures.....	37
Election Dates and Qualifying Period.....	37
Candidate Packet	37-38
Campaign Finance Requirements and Reporting	38-39
Voting Precincts	39
Voting Machines and Systems	39
Voter Registration.....	39
Canvassing Board	40
Election Calendar	40-41
Council/Commission Orientation	41
Chapter XII: Technology	41-42
Basic Elements.....	42
Acquisition.....	42
System Applications.....	42
Implementing New Technology	42
Chapter XIII: Notary Public Services	43-45
Marriage Ceremonies	45
Chapter XIV: Guide to the Sunshine Law and Code of Ethics for Public Officers and Employees ..	45-47
History of Florida’s Ethics Laws.....	45
Role of the Commission on Ethics	46
The Ethics Laws.....	46-47
Disclosures.....	47
Chapter XV: Municipal Budgets.....	47-49

Chapter XVI: Municipal Annexation	49-54
Annexation Procedures	50
Prerequisites to Annexation.....	51
Character of the Area To Be Annexed	51
Voluntary Annexation.....	51-52
Annexation of Enclaves.....	52
Annexation Limited to a Single County.....	52
Contraction Procedures.....	52-53
Criteria for Contraction of Municipal Boundaries.....	53
Effects of Annexations or Contractions.....	53
Effect in Miami-Dade County.....	53
Appeal on Annexation or Contraction.....	53
Recording.....	54
Chapter XVII: Requirements of Florida’s Local Government Comprehensive Planning Act	54-56
Background.....	54
Local Government Comprehensive Plans.....	55
Comprehensive Plan Review Process.....	55-56
Glossary:	57-63



Florida Association of City Clerks

Founded October 26, 1972

www.floridaclerks.org

FACC Members:

The Board of Directors of the Florida Association of City Clerks (FACC) is pleased to provide this manual that outlines the municipal clerk's duties and responsibilities. It is a compilation of various duties along with "how to" descriptions for accomplishing these duties. The handbook is intended as a guide, not a legal reference document.

This manual and resource guide provides invaluable information for today's municipal clerk, and we strive to keep it as up to date as possible. Therefore, FACC's policies provide for a yearly review and a comprehensive review every five years. It is important that state codes must be referenced, along with the manual's use, to ensure that procedures are applied according to the most recent law. In many instances, the municipal attorney is relied upon for advice and consultation.

We also encourage you to connect with other FACC members to share ideas and resources and ask questions. Networking at FACC events is a great way to build relationships, but we also offer a mentor program and a Discussion Forum that facilitates connection as well. Explore the FACC website at www.floridaclerks.org to learn more about these programs.

The handbook is made available through the continued efforts of the members of the FACC. We hope this manual and guide is a great resource to you in your career in the municipal clerks' office. If the Board of Directors or staff of FACC can be of assistance, please reach out. We look forward to hearing from you.

Sincerely,

Members, Board of Directors
Florida Association of City Clerks

Chapter I: Introduction

This manual provides an approach to the manifold functions of the municipal clerk in Florida. This material primarily addresses general topics relevant to all municipalities. Procedures, duties, responsibilities, and actions will vary among municipalities, depending on size, municipal charters, and established policies.

A municipal clerk must keep abreast of changes in legislation and office technology. New statutes on public ethics, financial disclosure, and election laws must be closely monitored and observed. It is also important to be aware of changing trends and public opinion.

The municipal clerk often serves as the public information officer for the municipal government.

Municipalities are products of the state legislature. The municipal clerk must be familiar with the services of the Secretary of State and Attorney General in Tallahassee, and the principal county offices, particularly the county supervisor of elections. Sources for assistance and information include the Florida Association of City Clerks, the Florida League of Cities, the branches of the state university system and, of course, other municipal clerks.

The Florida Statutes prescribe the basic functions and duties of municipal clerks in general law municipalities. Many Florida municipalities have charters by special law or by "Home Rule" adoption, wherein the clerks in these municipalities customarily have the same duties. However, individual charter provisions regarding clerks may differ widely among municipal clerks also perform such additional duties prescribed by ordinance, or by direction of the municipality's legislative body or manager.

The International Institute of Municipal Clerks adopted a code of ethics for municipal clerks as follows:

Code of Ethics

1. To uphold constitutional government and the laws of the community;
2. To so conduct their public and private life as to be an example to their fellow citizens;
3. To impart to their profession those standards of quality and integrity that the conduct of the affairs of their office shall be above reproach and merit public confidence in their community;
4. To be ever mindful of their neutrality and impartiality, rendering service to all and to extend the same treatment you wish to receive yourself;
5. To record that which is true and preserve that which is entrusted to me as if it were my own; and
6. To strive constantly to improve the administration of the affairs of my office consistent with applicable laws and through sound management practices to produce continued progress and so fulfill my responsibilities to my community and others.

Professional Development and Advancement

To be most effective and assure that proper laws and procedures are followed, the municipal clerk must keep abreast of new information and developments. This involves reading books and periodicals, consulting with colleagues, experts and professionals, and taking advantage of the opportunities for outside study through seminars, conferences, and college course work.

Professional Organizations

Communication, discussion, comprehension and the exchange of views on mutual problems often lead to a broader knowledge of all municipal ordinances and aid the municipal elected officials and manager in conducting municipal business, while precluding improper actions.

The advantages of consulting with or belonging to an appropriate association or organization are many and varied. Great benefits are derived from direct contact with public and professional people persons in the organizations concerned with municipal affairs. Some of the organizations which provide and data to the municipal clerk are listed on FACC website at <http://www.floridaclerks.org/> under the “Resources” tab.

Chapter II: The Office of the Municipal Clerk

The term “clerk” is an ancient and honorable one. It comes from the early Middle Ages when churches regulated many local government matters and only clergymen were educated and could write. Therefore, the idea of a clerk as a writer, keeper of records and local official comes from this history. The first settlers in America soon created the office of parish or town clerk, and the post continues today as an essential position in municipal government. Every municipality in the nation, regardless of size or form of government, usually has a clerk or equivalent position.

In Florida, the municipal clerk is an important and exacting position in municipal government. The clerk is expected to know virtually everything about the operation of the municipality and how to accomplish all that needs to be done. Even when the clerk is not an expert, the clerk’s office must know where to refer a question or problem for proper action or answer. The role of the municipal clerk has been well described by the International Institute of Municipal Clerks:

“The clerk’s office can be truly called the hub of local government. It is the clerk who is the contact between the citizens and the government. It is he/she to whom most complaints are brought. The clerk gives advice on many subjects, not necessarily relating to the government, but by his/her contact with the public, they for a great part place confidence in him/her as the one who can answer most any question. The clerk can, if he/she so desires, wield a great measure of influence in his/her community.”

Appointment

Whether the position of municipal clerk is appointed or elected depends on the local regulation usually found in the municipal charter or special law.

In mayor-council municipalities, the municipal clerk is often appointed by the council. In council-manager municipalities, the practice varies with some municipal managers appointing the municipal clerk. No comprehensive statement for Florida is possible because of the differences, but it may be noted that capable municipal clerks often serve for long periods of time throughout changes in local administration. The practice of electing Florida municipal clerks is declining as professional demands grow.

Many municipal clerks enjoy appointment and tenure in accord with the civil service or merit system regulations of their municipalities. Thus, they have recognition that the job requires proper qualifications and protection against arbitrary dismissal for frivolous or partisan reasons.

Qualifications

Patrick Healy, former Executive Director of the National League of Cities in an article, "The Professional Qualities of the Municipal Clerk," asserted that the desirable background training listed for a municipal clerk ranges from a high school education to study in specialized areas, or a college degree. The specialized areas of suggested study include principles of bookkeeping, clerical training, business education, utility training, office management, use of business machines, personnel and financial administration, law, and psychology. To this there might be added a basic understanding of modern public administration, public relations and computer science. Many clerks are now expected to be proficient in the use of technology. In a typical municipality in Florida, the job description for the municipal clerk might read, in part, as follows:

Requirements of Work

- CMC or MMC Certification preferred.
- High school diploma, preferably supplemented by college-level coursework in business, records management, or public administration and extensive experience in government.
- Thorough knowledge of the ordinances, policies, and procedures of the municipal.
- Thorough knowledge of legal requirements, rules of order, and rules of procedure of municipal council meetings.
- Thorough knowledge of organization, function, and activities of municipal government.
- Thorough knowledge of standard office procedures, practices, and equipment.
- Attends all regular, special, and executive sessions of the governing body to take minutes and records official actions.
- Thorough knowledge of state statute requirements regarding document retention and destruction and disclosure of public records.
- Ability to plan and supervise the work of subordinates.
- Thorough knowledge of the election process, procedures, laws, rules, and regulations.
- Ability to establish and maintain effective working relationships with municipal officials, employees and the public.
- Thorough knowledge of the municipality's charter and code.
- Residency in the municipality.

Duties

General Duties:

Under both state law and local ordinances, the municipal clerk is entrusted with numerous and diverse duties. In addition to the required duties performed, the clerk has many other responsibilities resulting from long-practiced local rules and customs. Some of the municipal clerk's administrative duties are as follows:

- 1) Offer notary services.
- 2) Issue licenses and permits.
- 3) Furnish information to the public and the media.
- 4) Receive and file bonds and insurance policies relating to municipally issued contracts.
- 5) Direct complaints, correspondence and inquiries for action to various municipal departments.
- 6) Handle personnel records when required.
- 7) Prepare and maintain the records index system, oversee records management, retention, and destruction in accordance with state regulations.
- 8) Conduct business with other municipal, county, state and federal agencies as directed by the governing body.

- 9) Coordinate voter's registration activities with county and state election officials.
- 10) Provide notification of expiration dates on various matters to municipal departments.
- 11) Maintain and update the municipal code.
- 12) Attest to official contracts and documents.
- 13) Serve as a parliamentarian.
- 14) Conduct municipal elections.
- 15) Serve as a liaison to municipal boards and committees.
- 16) Receive and process lobbyist registrations.
- 17) Oversee staffing for the mayor and members of the governing body.

Statutory Duties:

The clerk's statutory duties are relatively fixed. The municipal clerk, regardless of the form of government, is charged with the following statutory duties: secretary to the governing body; secretary to the municipal corporation, election official with ministerial authority, and administrative official on the municipal level.

The following is a list of many of the functions that may be performed under these major headings:

Secretary to the Council:

- 1) Record official minutes of the council.
- 2) Handle municipal correspondence, both incoming and outgoing, as directed or as requested by the council or the manager.
- 3) Prepare meeting agendas.
- 4) Process, record, file, and advertise ordinances, resolutions, and notices.
- 5) Process, record, file, and advertise bids for municipal goods and services.
- 6) Advertise, record, and file the municipal budget.
- 7) Perform liaison work between the public and the council as may be directed.
- 8) Administer and record oaths of office.
- 9) Prepare and maintain custody of all official municipal records and files.

Secretary of the Municipal Corporation:

- 1) Maintain custody of the municipal seal.
- 2) Sign official documents.
- 3) Maintain receipt of service and legal documents.
- 4) Maintain the municipal code.

Election Official:

(Note: In some counties of Florida, the Supervisor of Elections holds all municipal elections and the municipal clerk has few election duties. In some counties interlocal agreements are created to define election responsibilities)

- 1) Certify vacancies existing on the local level.
- 2) Maintain receipt of any and all petitions, initiative or otherwise.
- 3) Exercise quasi-judicial authority in determining the validity of petitions according to municipal code or state statutes.
- 4) Approve ballots for all municipal elections.
- 5) Furnish materials for local elections.
- 6) Assist in the selection of polling places.
- 7) Maintain receipt of election results.
- 8) Issue payments for polling places and poll workers.

It is difficult, if not impossible, to outline all the duties and responsibilities imposed upon municipal clerks by governing bodies of individual municipalities. (These duties are generally outlined as specific ordinances or municipal codes.) In addition to the duties imposed by state statute and local ordinances, there are those established by custom. While they are not regarded as legally imposed responsibilities, many are highly important to the successful administration of municipal affairs.

A key duty traditionally expected of the municipal clerk, as the clerk of the governing body, is to supply the governing body with information and background materials on issues of importance. This is a responsibility that is often shared with the municipal manager's office. Whether the municipal clerk holds an independently appointed position or works under the direct supervision of a municipal manager, it must be emphasized that the clerk has an obligation to faithfully serve the administrative authority of the municipality as well as its governing body.

Many federal and state programs are available to aid municipalities in providing or supplementing the delivery of municipal services. Analysis of these programs, often with other municipal departments, is necessary to ascertain what obligations are being imposed upon the municipality. To obtain funding for these programs, the governing body must take many formal actions such as applications for grants, acceptance of grants, and execution of contracts and distribution of funds according to plans and budgets. This often places an additional burden upon the municipal clerk to stay informed about the availability of programs and requisite procedures.

In view of the above, it is essential that the clerk is familiar with all the requirements of this office, statutory and otherwise.

Chapter III: Public Relations and Communications

The fundamental connections between municipal government and the constituents it serves are rooted in public relations and adept communication. The most important links between municipal government and the public which it serves are public relations and effective communication.

Whether telephone, correspondence, email, social media, or face-to-face at the municipal offices, communication must be accurate, prompt, and courteous.

The office of the municipal clerk is often the principal source for information sought by the public, and it must possess the proper resources to do the job effectively. A properly trained staff and equipment in good working order are necessities.

The concept of the "public" has evolved beyond just the individual on the other end of the line, now encompassing multiple distinct "publics." Among them, each unique and possessing its own distinct personality, special requests and requirements, are all the people of the community: the residents, electors, poll workers, taxpayers, businessmen, bankers, merchants, school teachers, PTA groups, students, vendors, bidders, salespeople, retirees, tourists, professional groups, clubs, local organizations, churches, schools, regulatory agencies, labor groups, political groups, associations, homeowner's groups, institutions, candidates, and the media, to name a few. There is also the internal public: the mayor, municipal council or commission, municipal manager, municipal attorney, department heads, and staff. The "public" has expanded and requires increased quality public relations.

Most people are friendly and courteous when requesting the information they need. Often, members of the public do not understand complex municipal matters. Some require special care and handling,

but all members of the public, both external and internal, are entitled to courteous, helpful service.

Therefore, for a municipal clerk, good public relations are essential. Whatever a municipality does affects someone or a group. The municipal clerk must respond impartially and courteously to actions that are in the public interest. Branding is a component of public relations. A person's brand is the image an individual builds for themselves throughout their life. It consists of reputation, personality, appearance, intelligence, knowledge, ability, pride, and self-confidence. It is based on relations and attitudes toward others and is founded on good manners and taste. The friendly greeting, the pleasant interaction, and the cordial departure are the warm, human by-products of good public relations.

Courtesies and assistance extended to the public greatly build confidence in government as an efficient, responsible civic entity. Good "government" public relations help offset the normal public resistance to such necessary restrictions, such as traffic regulations, zoning rules, licensing laws, and taxes.

Citizen Information Office

The municipal clerk's office is a service department and is the oldest municipal government office. It is essentially the department where the mayor, council, manager and all departments of the government, as well as the public, look for information regarding the municipality's operations. Frequently, it is the clearinghouse for obtaining data about municipal government. Since constant reference must be made to the records in the custody of the municipal clerk, an efficient office is essential.

General Attitudes

Due to the close working relationships with a variety of individuals, the office of the municipal clerk is continuously under scrutiny. Staff in the office promote the highest quality of public relations yet protect the municipality's interests and rights. Courteous and expeditious treatment in handling in-person, telephone, and written inquiries from the public can contribute significantly to the reaction the average citizen has to municipal government. Employees should be alert, prompt, courteous, neat, clean, and appropriately dressed. Their office area, desks, and equipment should be neat and orderly.

Providing Information – Avoiding Errors

- a. Verbal Requests – If a person verbally requests a response in writing, it is a good policy to suggest the request in writing. This practice eliminates misunderstandings and provides what is asked for. However, state law forbids mandating requests to be in written form. Both the requester and municipal clerk staff will be more efficiently and effectively served.
- b. Surveys – The office of the municipal clerk receives numerous requests for information in the form of surveys. These should be responded to promptly and accurately. Verify responses with other departments, if applicable, before returning the completed survey to the requester.
- c. Check and Recheck – No information should be given out unless the municipal clerk is sure of the facts and has ensured that statutorily exempt information is redacted.
- d. Special Policies – Some municipalities have established a policy of not reading information over the phone, or not providing specific, technical information or interpretations over the phone, including to the media.

Encourage the public to come in and read the documents or obtain copies. These simple precautions can save time, avoid misunderstandings, and go a long way toward keeping good public relations. A location should be provided within the clerk's office for the public to view records while in the office.

Proclamations

It is often the municipal clerk's responsibility to propose proclamations recognizing noteworthy events and activities. Below is an example:

Municipal Clerks' Week
____ through ____ , ____
(Month) (Day) (Month) (Day) (Year)

Whereas: the office of the municipal clerk, a time-honored and vital part of local government, exists throughout the world; and

Whereas: the office of municipal clerk is the oldest among public servants; and

Whereas: the office of the municipal clerk provides the professional link between the citizens, the local governing body, and agencies of government at other levels; and

Whereas: municipal clerk serves as the information center on functions of local government and community; and

Whereas: municipal clerks continually strive to improve the administration of the affairs of the office of the municipal clerk through participation in education programs, seminars, workshops, and the annual meetings of their state, province, county, and international professional organizations; and

Whereas: it is most appropriate that we recognize the accomplishments of the office of the municipal clerk.

Now, Therefore, I, _____, Mayor of _____, do recognize the week of _____ through _____, _____, as Municipal Clerks' Week, and further extend appreciation to our municipal clerk, _____, and to all municipal clerks for the vital services they perform and their exemplary dedication to the communities they represent.

SIGNED AND PROCLAIMED this ____ day of _____, _____.

CITY OF _____, FLORIDA

Mayor

ATTEST:

City Clerk

Resolution of Appreciation, Commendation, and Expression of Sympathy

Nothing is more appreciated by a citizen and their family than recognition for their contribution. A framed "Certificate of Appreciation," or a "Commendation," signed, gold sealed, and ribboned and either presented at a public meeting or delivered with a letter from the municipal clerk, is a suggested

form of recognition. A sample is below. Also provided is a sample of a resolution of condolence in the form of an expression of sympathy on the death of a respected citizen.

Commendation:

(Certificate of Appreciation)

Whereas _____ has submitted his resignation as a member of the Engineering Contractors' Examining Board; and

Whereas _____ served on the Engineering Contractor's Examining Board for 16 years; and

Whereas _____ was one of the earliest registered professional engineers and land surveyors in the state of Florida to establish a company to do work in this area; and

Whereas _____ has taken time from his duties as a successful businessman and executive of a company which he or she established, to serve graciously and willingly on the Engineering Contractor's Examining Board; and

Whereas _____ has shown unselfish dedication in the performance of his or her duties as a member of the Engineering Contractor's Examining Board,

Now, Therefore, we the municipal council of the City of _____, Florida, do hereby commend _____ for his or her excellent record of service on the Engineering Contractor's Examining Board and extend the thanks of the citizens of the City of _____ for a job well done.

DATED this ____ day of _____, _____.

Mayor

Commissioner

Commissioner

Commissioner

Commissioner

An Expression of Sympathy:

(Resolution)

Whereas _____ was a graduate of Mountain State Teachers College; and

Whereas _____ was a member of the Daughters of the American Revolution and vice president of the Evening Garden Club; and

Whereas _____ was a member of the Flower Society, the Jacaranda Garden Club, the South Florida Doll Club, the Boat Club, and the Yacht Club; and

Whereas _____ was a highly respected citizen and will be greatly missed in the community; and

Whereas the members of the Municipal Commission of the City of _____, Florida,
do express their sympathy in the passing of _____.

DATED this _____ day of _____, _____.

Mayor

Commissioner

Commissioner

Commissioner

Commissioner

Chapter IV: Council Meeting – General Procedure

The municipal clerk is the municipality's recording officer and official custodian of the municipal records. The clerk attends all municipal council meetings and keeps the official minutes of the governing body.

Purpose of an Assistant

Although the municipal clerk is often considered the "clerk of the council" and is thereby expected to attend all municipal council meetings, in many municipalities, the deputy clerk may accompany the clerk to all meetings to take minutes. At the discretion of the municipal clerk, the deputy clerk may attend meetings in lieu of the municipal clerk.

Four Classes of Meetings

There are four general classes of meetings concerning the municipal clerk: regular, special, emergency, and workshop. While the municipal clerk is primarily concerned with the activities of the municipal council, in some municipalities, the clerk may be required to provide services to various boards and commissions that also hold meetings and do not have secretaries or clerks.

Regular meetings are usually provided for in the municipal charter or local ordinance. They are held at stated intervals throughout the year and can be planned for in advance. The bulk of the municipal council business is conducted at regular meetings, and records need to be accurate and complete. A portion of a regular meeting may be dedicated to public hearing items such as second readings of ordinances, zoning changes, etc.

Special meetings are called according to charter provisions and local rules as deemed necessary by the council.

Emergency meetings are a form of special meeting and often come on short notice.

Workshops are meetings of the whole or part of a municipal council or municipal board, where extended discussion, debate, and inquiry may take place, but no vote or official action is taken. They

often concern matters such as the budget, new construction projects, or proposed planning matters. Although the procedures of these meetings may be less formal than regular council meetings, the clerk must arrange meeting materials and be prepared to have notes taken and generally serve the needs of the council or board members in compliance with the attorney general's opinion (AGO 74-62).

Meeting Notice

Where councils and boards have regularly established meeting times, routine notice must be given to the members and the public. For special meetings, workshops, and hearings, the municipal clerk typically bears additional responsibilities to ensure that the right individuals are notified, notices are displayed in the municipal hall, and other suitable locations, and are also posted on the municipality's official website. The municipal clerk must ensure compliance with any requirements for newspaper advertisements. All notices of meetings and hearings must advise that a record is required to appeal (Florida Statutes 286.0105).

It is good practice for the clerk to include notice to local newspapers, television and radio news editors for all special meetings, additional workshops, and hearings. If the municipality has a local cable company that serves as the municipal hall news channel, the municipal clerk should also place meeting notices on the cable channel. This service will help to disseminate information and encourage citizen interest and participation in municipal government.

Some charters specify the minimum number of hours necessary for calling a special meeting and require that it be called by two council members or by the mayor. Other charters may set a 24-hour notice time but allow for emergencies. In all cases, the meeting notice must clearly state the purpose or purposes of the meeting.

Meeting notices, agendas, and minutes on the municipality's official web page should be updated regularly.

Preparation of Council Room

Preparation of the municipal council meeting room should be a regularly scheduled procedure, with sufficient time allowed to ensure that all requirements are met before the commencement of the meeting. A suggested checklist would be as follows:

- 1) Be sure the room is clean and set up for the meeting.
- 2) Be sure nameplates are in the proper order.
- 3) Set out pads, pens, and sharpened pencils at each council member's place.
- 4) Check the sound system and microphones.
- 5) Set up the audio and video recording systems.
- 6) Distribute any last-minute material, not available when the agenda was distributed.
- 7) Set up visual aids, if needed.
- 8) Assemble municipal clerk's materials.
- 9) Ensure state statutes and code of ordinances are available for reference.
- 10) Ensure the speaker's podium is in place.
- 11) Place supply of agendas for public use in a convenient location.
- 12) Place supply of public participation forms for public use in a convenient location.

Clerk's Duties at Meetings

At all meetings, the clerk may be expected to:

- 1) Call the roll for the attendance record.
- 2) Keep the minutes of the meeting.
- 3) Read minutes when called upon to do so.
- 4) Read the titles of ordinances and resolutions, or read them in their entirety.
- 5) Read municipal council correspondence.
- 6) Repeat motions upon request.
- 7) Record the vote for ordinances, resolutions, and other motions as directed.
- 8) Record names of citizens speaking at meetings.
- 9) Accept documents to be presented at the meeting.
- 10) Perform other duties as assigned by council and/or the municipal manager.

A record of scheduled events for future council meetings and a calendar should be maintained and be available at council meetings for convenience in setting additional hearings or other presentations.

Rules of Order

The importance of orderly meetings with proper records cannot be overemphasized. The powers of a municipal council are prescribed in general by state law and the municipal charter. Municipalities are encouraged to adopt rules of order that provide basic procedures and regulate meetings. It does not matter whether certain items are considered early or late in a meeting, as long as the rules are practical, they will act for the convenience of the council and the citizens. The customary proprieties and legalities should be observed.

Rules of order need not be long. At a minimum, they should 1) provide for regular and special meetings, 2) include a time and place, 3) include a definition of what makes a quorum, and 4) outline other basics for conducting a formal meeting. Most councils adopt a standard rule book for determining parliamentary questions not specifically covered in the ordinary rules, such as *Robert's Rules of Order*, *Cushing's Manual*, or *A Standard Code of Parliamentary Procedure* (Sturgis).

Adoption of Ordinances and Resolutions

An affirmative vote of a majority of a quorum present is necessary to enact any ordinance or adopt any resolution, except that two-thirds of the membership of the board is required to enact an emergency ordinance. An ordinance is passed on first reading, unless it is an emergency ordinance, and adopted following the second reading. A resolution is adopted on the first time of consideration by the council unless it fails adoption. On final passage, the vote of each member of the governing body voting shall be entered on the official record of the meeting. Every ordinance or resolution shall, upon its final passage, be recorded in a book kept for that purpose and shall be signed by the presiding officer and the clerk of the governing body [Florida Statutes 166.041(5)].

There are various ways to record the vote, including roll call in alphabetical order by members voting "aye" or "nay;" by position, often on a rotating basis, or electronically, which is read aloud by the municipal clerk. There are optional methods according to local rules of order. A system that allows different members of the council to cast the first vote may be preferable so that the same member is not required to vote first at every meeting.

Recess

A recess, for a specified period of time, is generally called by the presiding officer with the concurrence of the rest of the council members. Recesses are not a device the municipal council may employ to

avoid the Florida “Sunshine Law,” and a municipal council should meticulously refrain from having a quorum session in another location or giving any appearance of having conducted public business during a recess.

Public Participation and News Media

In our democratic society, the public has a “right to know and participate.” In most communities, citizens desire to participate in meetings. The municipal clerk should strive to make citizen participation as convenient as possible in both seating and speaking arrangements.

It is important to provide adequate facilities to the news media. The municipal clerk should make a conscious effort to develop and maintain good relations with the news media.

Motions

A motion is made to bring an item before the council for its consideration. *Robert’s Rules of Order* addresses how motions are to be carried out.

After a Meeting

In addition to preparing and distributing the minutes in accordance with the laws or policies established in the municipality, the municipal clerk usually has the responsibility of preparing the outgoing communications as a result of the council meetings.

When processing council minutes, be sure to place all hold-over items on the agenda for a future meeting.

Meeting Calendar and/or Bulletin Board

As a public service, the municipal clerk’s office may maintain a “meeting calendar” which covers scheduled meetings and events, including council meetings, board and commission meetings, bid openings, and meetings of other governmental bodies.

Dissemination of such a calendar is by a prominent display. Bulletin boards are often located in the municipal hall lobby and used to announce meetings publicly. All meeting dates are called into the clerk’s office for clearance and then placed in the date book maintained for this purpose and placed on the bulletin board.

Community Calendar

In certain municipalities, the municipal clerk manages a “community calendar” as a public service. This calendar typically includes events such as council, board, and commission meetings, educational meetings, cultural events of municipal-wide interest (especially those sponsored by the municipality or a public agency), and meetings of other governmental bodies.

Dissemination of this calendar can be by press release to the media, by mailing or emailing to a list of interested citizens, by including the calendar in other municipal mailings, by posting the calendar in prominent public locations, and/or by placing the calendar on the local government access cable television channel and/or website or social media.

Chapter V: Council Agenda

An agenda is an outline or list of subjects to be considered at a meeting. A well-structured agenda may shorten council meetings, avoid confusion, and promote orderly procedures. Many municipalities have adopted “an order of business” and/or procedural rules that include the order in which items will appear on the agenda.

The agenda for a council meeting should follow a format decided upon by the municipality. There are many variations. The agenda format suggested in this chapter includes the items likely to come before a municipal council, and the order of placement is at the discretion of the council.

Florida Statutes 286.0105 – Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission or agency of this state or any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The requirements of this section do not apply to the notice provided in Section 200.065(3), Florida Statutes.

Preparation of an Agenda

Many municipal clerks prepare council meeting agendas; however, in municipalities with a municipal manager or administrator, the municipal clerk may work with this individual to confer about or develop agendas. In council-manager municipalities, it is customary for all agenda items to come through the municipal manager’s office. In non-manager municipalities, the municipal clerk is usually responsible for agendas and often works with the mayor to develop the agenda. Department heads are frequently consulted during this process.

Tracking and Follow-Up System

A critical role of the municipal clerk’s office is to maintain thorough records to ensure that individuals are notified, and issues are timely scheduled on the agenda before deadlines. expiration dates so that items do not become past due. All matters that are continued or have a renewal date must be handled efficiently to avoid missing deadlines. The municipal council agenda pending file, where all new correspondence, continued matters, and items needing renewal are placed. Also, when processing council minutes, be sure to place all hold-over items on the agenda for a future meeting.

Deadlines are set by each municipality for receiving new items to be placed on the agenda. Some municipal clerks show a draft of the agenda, along with attachments such as appropriate correspondence or other exhibit material, to the mayor, municipal manager, and/or municipal attorney before finalizing.

In some municipalities, the municipal manager or department director submits an “agenda memo” that contains detailed information on each agenda item and “recommended action” or “suggested action” for the council’s guidance. This is not intended as a means of controlling the actions of the council but of keeping them informed and expediting the meeting.

Copies of all correspondence relating to agenda items should be duplicated and attached to agendas,

as appropriate, to be distributed to the mayor, municipal council members, municipal manager, municipal attorney, municipal clerk, department heads, press, public reading file, and others according to the policies and procedures established in the municipality. However, many municipalities have moved towards electronic agenda packets as a means of improving efficiency and cost savings.

Agenda Exhibits

The municipal clerk should exercise judgment in the distribution of supplemental agenda material and let the citizens know that all supplemental information is available in the municipal clerk's office. If requested, provide copies of the materials to citizens and news media at copying costs. Remember, all information is public.

The agenda should be provided to the council in advance of the council meeting, in accordance with policies established in the municipality, to allow them to consider significant matters before a meeting, to be apprised of staff's proposed recommendations, and to review various supplemental materials, or "exhibits," that may include copies of local laws, statutes, ordinances, maps, drawings, legal descriptions of property, municipal board recommendations, and background information.

Once the agenda is distributed, revisions should take place at the meeting.

Posting Agendas

Agendas should be posted in a convenient location, i.e., municipal hall lobby, libraries, post office, municipal clerk's office, and any location where citizens congregate or visit. If the municipality has a local cable news channel, the municipal clerk may wish to broadcast the agenda items. The agenda may also be placed on the municipality's official website and social media.

Agenda Format

The following agendas are composites of the standard usage in various municipalities.

Regular Council Meeting:

- a. Call to order
- b. Pledge of allegiance
- c. Invocation
- d. Roll call
- e. Consent Agenda
- f. Proclamations and presentations
- g. Approval of minutes of previous meeting(s)
- h. Open discussion (any topic citizens)
- i. Discussion of agenda items
- j. Public hearings
- k. Municipal Manager's report
- l. Reports from committees or departments
- m. Petitions and communications
- n. Old/Unfinished business
- o. New business
- p. Adjournment

Special Council Meeting:

The format for a special meeting agenda may be somewhat different. Since special meeting agendas should not be amended, the agenda should indicate such. The following is a suggested format for a special meeting agenda (on letterhead stationery):

In accordance with the provisions of (insert municipality's code of ordinances chapter/section or other controlling authority) the City of _____, Florida, hereby call a special meeting of the City Council to be held in the Council Chambers on (day), (date), at (time), to act on the following agenda:

(Insert items here)

No other business may be discussed or acted upon at this meeting.

Workshop Meeting Agenda:

Workshop agendas are substantially the same as a regular meeting agenda. Some municipalities conduct workshop sessions to discuss details of proposed agenda items before a regular meeting. A workshop meeting may be scheduled at the direction of the mayor, municipal council, municipal manager, or other charter officer.

The Sunshine Law applies to all functions of the municipal council, whether formal or informal, that relate to the affairs and duties of the council.

Consent Agenda:

The following are examples of consent agenda items:

- a. Approval of minutes
- b. Approval of first reading of ordinances (some municipalities do not discuss on first reading)
- c. Approval of payment of contract, maps, reports, bids, and agreements

The council has the prerogative to remove an item from the consent agenda for discussion or to take the issue. To maintain good public relations and citizens' confidence, it is wise to strongly protect the right to discuss any item.

Chapter VI: Council Minutes

Municipal clerks in general law municipalities and those governed by charters are specifically required to record minutes of the council meetings [Florida Statutes 286.011(2)].

Minutes of meetings are important documents for recording consensus and decision-making and for tracking the evolution of issues and the history of an organization. "Mina's Guide to Minute Taking," available through IIMC (https://www.iimc.com/DocumentCenter/View/586/Minute_Taking-Order-Form?bidId) offers principles, standards, and practical tools to help reduce anxiety about minute taking and establish clarity on what to record.

Purpose of Council Minutes

An important principle of corporation law, applicable to both private, public, and municipal corporations, is that such organizations can only act through their officers and employees. These corporations are governed by fixed rules found in the fundamental law of the organization. In the case of Florida municipal corporations, these rules are found in the municipal charter and the Florida Statutes.

An accurate, sufficiently clear record of all proceedings must be kept demonstrating that the municipal council has complied with the law or rules by which it is governed.

Form and Content of Council Meeting Minutes

Use of a standardized format is recommended to develop uniformity of minutes and to save time in composing the record. Agenda items should be identified in the minutes and follow the order of the agenda (see Chapter V), summarize the discussion on items, and note the action taken.

Although there is no legal necessity to do so, it is appropriate to mention at the beginning of the minutes that the meeting was convened and held as noticed. To establish proof that jurisdictional requirements for holding a meeting have been complied with, it is important that minutes contain the date, hour, place and type of meeting, and names of council members present and absent, in addition staff members and/or representatives of the media present may be added. Late arrivals and early departures should be included, by name, at the time they arrived or departed in the minutes.

The body of minutes should contain a separate paragraph for each agenda item and should reflect:

1. All main motions or motions to bring a main question before council.
2. The maker and seconder of the motions.
3. All points of order or appeals, together with the reasons given by the chair for ruling.
4. The disposition of the motion.

If the council recesses during the meeting, the time of recess and the time of reconvening should be noted and recorded in the minutes.

Record of Action Taken

According to *Roberts Rules of Order* (RRO), the minutes are a record of what was done at the meeting, not what was said by the members. The motion has no legal significance until it is either approved or denied by the council. The minutes need not reflect the comments made by council members unless expressly requested. Many municipal clerks, however, will find that the municipal council, by precedent or by direction, has stipulated the keeping of detailed minutes to clarify or justify their actions. Whether this is done by stenographic transcript or by some form of recording is a decision for each council.

If a recording device is used, it may be helpful to note on the working copy of the minutes the tape and index number at the close of the subject. This expedites finding the specific item if a verbatim excerpt is needed.

Approval of Minutes

Although there is no legal requirement that the council approve minutes, this traditional procedure is advisable as it lends further weight to the accuracy and completeness of the record. When approved

as published, or as amended by the council, the minutes are considered to be official.

Corrections to the minutes may be written as follows: Page 5, Item 11, Mayor Smith requested the motion he revised to include, “based on the request not being in harmony with the Downtown Redevelopment effect, as well as overcrowding of the parcel.”

In addition, a note should be added in the top margin of the current meeting’s minutes as follows:

Contains amendment(s) to the
meeting minutes of _____ (date
of meeting minutes being amended)

Add to the top margin of the meeting minutes amended, the following:

“Minutes of the _____ (date of
meeting when amendments were
made) meeting contain
amendments to these minutes.

Consent Agenda Items

In reporting action taken on consent agenda Items, the following format is suggested:

- Insert the motion approving the specific items and the voting results.
- Before or following the motion/vote, list the agenda items in chronological order.
- This process is a space saver and provides concise minutes.

Ordinances and Resolutions

Actions taken on ordinances and resolutions are recorded in council minutes. Florida Statutes 166.041(4) states that on final passage, the vote of each member of the governing body voting shall be entered on the official record of the meeting. Generally speaking, minutes should record the following data concerning the introduction of an ordinance or resolution:

1. The number, title or subject matter.
2. The names of the council members introducing and seconding.
3. The vote results: spell out the “aye” or “nay” vote of each council member, and whether the motion passed.

All council members present must vote unless there is a conflict of interest as outlined in Florida Statutes 112.3143(3) (a).

Compliance

Whenever the basic law or rules of a municipality require that a certain procedure be followed prior to any action being taken on enacting an ordinance or resolution, the minutes should show such compliance. This would include a statement referring to the previous introduction of the ordinance and would include, for example, a reference to an emergency ordinance. Example: Ordinance No. 99-90,

adopted in accordance with the Code of Ordinances, Section 2-34(2).

Findings of Council

The findings determined by the council, with respect to the matters for which hearings are held, are carefully incorporated in the ordinance or resolution adopted. As such, the minutes need not record findings but should merely refer to the adoption or rejection of the ordinance or resolution.

Public Requests

The minutes should reflect only the name of the person making the request, a summary of the subject matter, and the action taken by the council.

When citizens speak at public hearings, note their name and whether they are for or against an item. If their comments are significant to the subject and council action, describe them briefly.

Board Minutes and Reports

The minutes should reflect the name of the board submitting the minutes/report and date, the recommendation of the board, and the disposition made by the council.

Written Reports

A written report presented at a council meeting need only be mentioned in the minutes by reference unless the council requests that it be summarized. The minutes should reflect the name or title of the officer, the date of the report, the subject or title of the report, and its disposition.

Oral Reports

When an oral report is made at a council meeting, unless the subject matter warrants additional information, the minutes should only set forth the name or title of the reporter, the subject of the report, and the disposition of the report.

Petitions and Communications

Petitions and communications should be recorded to reflect the subject, author, and date of the document; the number of signatures on the petition; and the action taken by the council.

Debates and Discussions

A council member has every right to express reasons for approving or objecting to any matter appearing before the council. As a general rule, no reference to council members' remarks are made in the minutes except where a council member specifically requests the remarks be included in the minutes or when a precedent established in the municipality routinely includes such details.

There is a school of thought that debates, arguments and discussion of council members should be omitted from the minutes of council proceedings, based upon the concept that these entities should only record the "actions" taken by the council, and they were not meant to include the "reasons" for taking such action. Others take a contrary view and support the keeping of a complete stenographic or taped account of all meetings. Each municipality must choose for itself.

Arguments and Debates at Hearings

Arguments and debates conducted for or against propositions submitted to a municipal council merely contain the reasoning employed by the advocate, based upon the evidence produced; it serves little purpose to include them in the minutes of the proceedings unless the council so directs.

Hearings

The same procedures as above may be followed when recording actions of the council relating to public hearings. The clerk should have available, if called for, proof that the proper notifications and publications regarding a particular public hearing were complied with as required by state statute or charter requirements.

Adjournments

In recording adjournment, the minutes should show whether the adjournment was sine die (without specifying a day for a further meeting), or to another specific time prior to the next regularly scheduled meeting. The time of adjournment should also be recorded.

Preparation of the Minutes

Minutes of each council meeting should be prepared as soon as possible to be available for approval by the council at its next regularly scheduled meeting. It is advisable to check the minutes against the agenda to ensure that no item is overlooked.

When processing council minutes, be sure to place all hold-over items immediately on the agenda for a future meeting.

Summary of Minutes

A summary of council actions, created and distributed immediately following a meeting, include the agenda item and action only. This expedites information to department heads, citizens and the press.

Indexing

It is recommended that the municipal clerk maintain a comprehensive general index of the proceedings of the municipal council meetings. The clerk may maintain a card file on each action of the council, showing the date, agenda item, and the specific action taken. There are various computer programs available for this purpose.

The minutes themselves, after having been signed by the municipal clerk or mayor, are then kept chronologically in books bearing appropriate titles and devoted exclusively to such purposes. There are various ways to keep minutes, whether chronologically in bound books, loose-leaf binders, or kept in binders for a certain period for easy reference, and then scanned/microfilmed and/or bound.

Workshop Minutes

Workshop minutes may be prepared in whatever form is desired. They are usually a condensed summary of the discussions in such form as the clerk and the council deem appropriate.

Chapter VII: Office Management

As the head of the municipality's "front office" and keeper of the municipality's records, the municipal clerk must constantly be alert for ways to expedite the way business is conducted and information is created, stored, distributed and retrieved, particularly in accordance with Florida Statutes, Chapter 119, Public Records, which directs that all state, county and municipal records shall at most times be open for a personal inspection by any person.

The clerk must steadily review methods with a vision, eliminate, combine and simplify steps. For such a review to be effective, the clerk must know general office management techniques and be aware of the latest developments in office technology. With the expansion of government at all levels, it is most important that office procedures utilize an accepted format that all employees can follow.

The purpose of this chapter is to describe to a limited extent some of the methods for improving the management of the clerk's office. Attention is directed to general file management, office reproduction techniques, and methods for improving the handling of mail, and written communications and inquiries. Records management and microfilming are covered in Chapter IX, Public Records Management.

Paperwork Management

To perform duties effectively, the clerk must create only essential paperwork as economically as possible and must efficiently manage paperwork from the moment of creation until final disposition. A sound paperwork management program will result in reduced handling, faster action, reduced costs, and better service to the taxpayers.

Municipal clerks should periodically review forms, reports, documents, and correspondence for duplication, distribution, and usage. Extra copies, including desk copies and information-only copies, should be kept to a minimum. Distribution should be restricted to those individuals who have an actual need for the information. Periodic evaluation should be conducted to determine if copies of reports and records are being used and are still required.

The use of scanners and digital document imaging systems has become a popular means of making forms, reports, documents, and correspondence more readily accessible to the public. Utilization of a digital document imaging system greatly reduces the number of extra copies made and allows the public, as well as other departments from the organization, to conduct research and duplicate what is necessary.

Many municipalities have moved to paperless agenda packets by using laptop computers or iPads. For those municipalities that have transitioned to paperless methods, the municipal clerks should work closely with their information technology departments in the maintenance of electronic records. For those municipalities that have not moved to paperless, the following information should be taken into consideration.

Rather than distributing numerous individual information letters, memos, or reports, consider circulating one copy which is read, initialed, and returned to the sender, or passed on to the next reader. This results in only one copy, which has been initialed by several persons, being retained for the record. Of course, some documents cannot be handled in this manner due to the time involved.

The internal distribution of memorandums and reports can be simplified using routing slips on which

names are preprinted, along with brief statements of action to be taken, such as “read and return,” “information and file,” or “see me.”

There are many techniques for reducing the accumulation of paper. Consider using the “short note reply,” which involves writing answers to the written queries on the bottom of incoming documents, then making copies to be sent out, and filing the originals. The use of backs of letters for copies saves time and file space. Telephone and routing slips reduce the creation of routine instructional memorandums.

Restricting memorandums to one subject, keeping them short, and using well-designed forms can simplify file management. An efficient form design can significantly reduce the need to recopy information after it is recorded. The clerk should become familiar with standard stock forms available for government operations and should enlist the assistance of form manufacturers in designing the right form for a particular job. The International Institute of Municipal Clerks has a manual available containing numerous sample forms assembled from municipalities throughout the country.

The increased use of personal computers in government has introduced the use of electronic mail, which allows individuals to send messages, data, or entire files to anyone else who is anywhere on the communication network. In many instances, this eliminates the use of paper. It is important to remember that emails have a retention based upon their contents.

Indexing, Filing, and Managing Records

One aspect of managing paperwork is the installation of a filing system that facilitates the accurate finding of information in a minimum amount of time. There are various records management handbooks if the clerk has questions as to proper file maintenance. Permanent public records should be kept in fireproof cabinets, but available for both internal use and that mandated under Florida Statutes, Chapter 119.

Clerks should develop a filing system that best meets their individual needs. Strict adherence to model systems does not always provide the flexibility that is required. How files are sorted, file folders labeled and check-out systems maintained are all determined by past practice and personal preference. If a paperless system has been implemented, the same considerations can be utilized when filing electronically.

The design of a particular municipal indexing and filing system might be the joint effort of qualified staff members and representatives from firms offering filing supplies/equipment. It is common practice for more than one filing system to be utilized within the municipal clerk’s office, depending on the types of files being organized.

Sophisticated filing systems that are automated/computerized are continually being developed and should be reviewed periodically by the municipal clerk for possible application to enhance information retrieval.

Whenever possible, files should be centralized to avoid duplication of filed materials. The joint use of files between departmental operations can reduce the total space, equipment, and secretarial staff necessary to produce and maintain duplicate records and, most importantly, correlate the information. Example: Maintaining one master inspection file for building, housing, fire, health, plumbing, and electric will result in all inspectors having access to the complete status report on any one property.

A subject filing arrangement is recommended for most municipal operations because it keeps related

records together, thereby providing complete information on a particular subject. It provides a practical method of arranging a large number and variety of records because it can easily be expanded or modified to incorporate alphabetical, numerical, date, and color arrangements. This system also allows older, less active portions of files to be moved to archival/inactive storage.

A disadvantage of a subject filing arrangement is that it is difficult to establish and maintain because no two individuals will always think alike in terms of the same subject title. To function properly, a subject filing system should include a sample subject outline, which must be kept current. Examples of subject filing system categories are contractual services, development agreements, engineering, franchise agreements, legal documents, loans, municipalities, State of Florida, etc.

If an alphabetic system is adopted, it should be remembered that the letters B, C, G, H, M, S and W will make up 53 percent of the files. Manuals explaining the proper way to index are available from manufacturers of filing supplies.

Records may also be filed numerically. Municipal clerks often use this system in filing ordinances and resolutions. A numerical arrangement provides for fact-finding but must be accompanied by an alphabetic index that relates a name or subject to a particular number. A more sophisticated form of numerical filing is terminal digit filing, which is designed to spread large volumes of records evenly throughout a filing system.

Color is used in all types of filing arrangements to simplify the finding of information. Different colors are used to segregate sections of the system.

The Florida municipal clerk is required by the Administrative Procedure Act (Florida Statutes 120.53) to maintain a comprehensive general index, identifying for the public, any rule or order issued or adopted; an indexing/filing system should be developed for council minutes, because they are useless unless the municipal clerk and staff members can quickly refer to them.

The transfer of inactive records to storage saves official space and reduces overhead. To keep costs to a minimum, the records should be stored in transfer files. Permanent records should be stored in a dry and secure area, and provisions should be made to protect them against fire. All transfer files should be appropriately indexed and dated. Color coding can aid in identifying records to be destroyed in a particular year. (See Chapter IX, Public Records Management).

As a general rule, original documents should never leave the municipal clerk's custody; the only exception would be when they are subpoenaed as evidence in court cases. Unless the original document is ordered for cause, any certified copy of the original usually is admissible in court.

A file consisting of month and day guides is an excellent method to schedule all follow-up items. This may take the form of a 3" x 5" card file or may be a 30-day suspense file where the original document, file, or reminder sheet is placed. Another idea is to utilize the calendar or task function of an email system, if available, to schedule reminders for follow-up items.

Some municipalities find that as much as two or three months' advance notice should be given when dealing with contracts, agreements, lease expirations, and insurance policies for arrangements to be made for renewals. This follow-up procedure may be utilized for any future reminders, which might include:

- 1) Commission and board term expirations
- 2) Insurance and bond expirations

- 3) Special permit, contract, and agreement expirations
- 4) Meetings, bid opening dates, and council calendared items
- 5) Reports and records of documents sent to the recorder
- 6) Municipal council chamber reservations
- 7) Reservations for informational tours of municipal facilities

This system, or any system, should be kept simple and workable. Its success rests upon entering the date action must be taken on the item, and careful, routine checking of this file. The municipal clerk, in maintaining a workable system, is relied upon by the municipal council, municipal manager, municipal attorney, and other departments within the municipality for accurate and prompt notifications.

Office Reproduction Techniques

Before selecting a copy machine, the municipal clerk should determine the type and size of documents to be copied, the volume of copy work, the quality of copy desired, the ability to make color copies, the cost per copy, and what operating and maintenance problems will be encountered. If books or periodicals are to be copied, a book copier or a copier that can accommodate rigid materials will be required. The convenience of collating, two-sided copying, automatic feed, and size reduction and enlargement should also be taken into consideration. Many of today's copiers are digital and can be utilized as part of a computer network as a printer and scanner.

Prior to purchasing, the clerk should test different machines using his/her material for originals, thereby checking the machine's performance, versatility, special handling of paper, scanning quality, cost of accessories and supplies, and any special electrical requirements. The availability of prompt maintenance service is another important factor. Copying cost is affected by waste and overproduction, so control over the use of the copier in office management should also be considered.

Written Communications and Inquiries

Petitions

The municipal clerk will often receive petitions, either of a legal nature or as a letter of protest or approval to some item being presented to the council, showing mass signatures thereon. These should be referred immediately to the municipal manager or mayor for possible placement on the agenda in the case of a non-legal petition. The Florida State Legislature has passed legislation regarding recall provisions, making it mandatory that all municipalities follow these regulations.

Departmental and Municipal Matters

The municipal clerk's office routinely handles many communications that are inquiries of a general nature about the municipality, its government, procedures, and past actions of the municipal council. Where feasible, copies of the municipalities' ordinances, resolutions, and other requested documents are sent on a courtesy basis, particularly when sending items to another municipality or governmental agency; however, where a charge for copies is made, it should comply with Florida Statutes 119.07(1) (a).

If the municipal clerk's office is unable to supply information of a technical nature, an inquiry should be routed for answering to the department involved. Information should never be given out unless the municipal clerk is sure of the facts, particularly if the municipal clerk's department is not involved. If the inquiry is routine, the municipal clerk may wish to write the sender a letter informing the party that the

letter has been given to a special department for a direct answer and then follow up to ensure the particular department gets the inquiry and a copy of the letter is sent to the inquirer on time.

Conclusion

The techniques discussed above by no means cover the entire area of office management systems and procedures. Every municipal clerk should consider subscribing to periodicals that will supplement areas of interest, such as records management, notary functions, and parliamentary procedures. Various publications on agenda preparation, drafting of ordinances and resolutions, etc., are available from the International Institute for Municipal Clerks.

Attendance at office supply and equipment conventions, International City/County Managers Association (ICMA) annual conferences, Florida Association of City Clerks (FACC) conferences and academies, and university short courses offer other means for the municipal clerk to improve operations and to keep current with new developments. New techniques are being developed every day, and the municipal clerk needs to keep abreast of new systems and administrative techniques.

Chapter VIII: Processing Ordinances, Resolutions, and Providing for Publication and Codification

All matters scheduled to come before a municipal council, including ordinances and resolutions, should be reviewed and processed by the municipal clerk's office to ensure compliance with the Municipal Charter and Florida State Statutes, unless legal review service is otherwise provided by the municipal attorney. Always consult the municipal charter and code of ordinances to ensure conformity with local regulations.

Ordinances and Resolutions

Ordinances and resolutions are defined by Section 166.041(1), Florida Statutes:

- a. "Ordinance" means an official, legislative action of a governing body, which action is a regulation of a general and permanent nature and enforceable as a local law.
- b. "Resolution" means an expression of a governing body concerning matters of administration, expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the governing body.

Procedures for Adoption

Florida Statutes Section 166.041 sets forth a uniform procedure for the adoption and enactment of municipal ordinances and resolutions. While a municipality cannot reduce requirements as specified under this section, it may impose more stringent requirements by ordinance or charter amendment.

- 1) Each ordinance or resolution shall be introduced in writing, shall embrace but one subject, and that subject shall be clearly stated in the title.
- 2) The majority of the members of the governing body shall constitute a quorum. An affirmative vote of a majority of a quorum present is necessary to enact any ordinance or adopt any resolution, except that two-thirds vote of the governing body is required to enact an emergency ordinance.
- 3) On final passage, the vote of each member of the governing body voting shall be entered on the official record of the meeting. All ordinances or resolutions passed by the governing body shall become effective 10 days after passage or as otherwise provided by statute.

- 4) Every ordinance or resolution shall, upon its final passage, be recorded in a book kept for that purpose and shall be signed by the presiding officer and the clerk of the governing body.

Ordinances

- 1) No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act or section or subsection, or paragraph of a section or subsection.
- 2) A proposed ordinance may be read by title, or in full, on at least 2 separate days and shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the municipality. 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. (Note: the governing body of a municipality may, by a two-thirds vote, enact an emergency ordinance without complying with this requirement.)
- 3) The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.
- 4) Ordinances that change the actual list of permitted, conditional, or prohibited uses within a zoning category, or ordinances initiated by the municipality that change the actual zoning map designation of a parcel or parcels of land shall be enacted pursuant to the procedure outlined in Section 166.041(3)(c).
- 5) Florida Statutes Section 166.041(4) requires the municipality prepare a “business impact estimate” before the enactment of a proposed ordinance. A “business impact estimate” is a written document that contains specific information relevant to the local business community, such as:
 - A summary of the proposed ordinance;
 - An estimate of the direct economic impact of the proposed new municipal ordinance on private, for-profit, businesses;
 - An estimate of direct compliance costs that businesses may incur if the proposed new municipal ordinance is adopted;
 - Identification of new charges and fees imposed on businesses subject to the proposed new municipal ordinance;
 - An estimate of expected regulatory costs and revenues; and
 - A good faith estimate of the number of businesses impacted by the proposed new municipal ordinance.

The business impact estimate must be posted on the municipality's website no later than the date the notice of proposed enactment is published.

The new business impact estimate statute does not apply to several categories of municipal ordinances such as: (a) ordinances required for compliance with state or federal law; (b) ordinances relating to debt; (c) ordinances relating to the adoption of budgets and revenue sources; (d) ordinances required to implement a contract or agreement; (e) emergency ordinances; (f) procurement ordinances; and (g) ordinances that implement growth policy, planning and land development regulation. The new statute also does not apply to ordinances that implement the Florida Building Code or the Florida Fire Prevention Code.

After 5 years, substantial compliance with the provisions contained in F.S. 166.041, it shall be a defense to an action to invalidate an ordinance or resolution for failure to comply with the outlined provisions within this section.

Sample Procedure for Regular Ordinances

1. An ordinance may be initiated by any member of the municipal council. It may be drafted and placed on the council agenda for introduction, or published first and then placed on the agenda for council action.
2. A standard form may be used to publish ordinances for public hearings. In most cases, it is sufficient to publish by title only. However, a few words of explanation may be incorporated.
3. Upon conclusion of the initial public hearing and upon the enactment of an ordinance, some charters require that it be published again, indicating the enactment date, with the title or short explanation.
4. In the case of an emergency ordinance, because it is enacted at the same time it is introduced, advertising is not required. Many charters provide a limit beyond which the emergency ordinance is no longer in effect, and a new or “ratifying” ordinance to continue it is treated as a regular ordinance.
5. Following the enactment of the ordinance, it is signed by the presiding officer, attested by the municipal clerk, sealed, and ready for retention according to the provisions of Florida Statutes and the procedures adopted in the municipality. A common practice is to keep the original documents in a fireproof filing cabinet and maintain two index files, one by subject and one by number, on which the adoption date and vote are logged. The current trend is to utilize digital document imaging to maintain the record copy and/or index files.

Legal and Official Advertisements

Under Florida Statute 50.0211 a governmental agency may opt for internet-only for the vast majority of notices of certain conditions are met.

Sample Procedure for Special Ordinances

Abandonment Ordinances

The principal types of abandonments are the abandonment of easements, rights of way, streets, and alleys. Ordinances pertaining to these abandonment matters must be published in all respects, as noted above in the section pertaining to standard ordinances. In addition, abandonment ordinances require notices to be sent to all property owners immediately adjacent to the site referenced in the ordinance, the property owner of the site referenced in the ordinance, and the franchised utility companies operating within the municipality.

Notices shall be mailed no less than 10 days preceding the public hearing date. A standard form may be used, and a small map may also be attached to better identify the area to be abandoned.

Rezoning Ordinances

Procedures for the adoption of rezoning ordinances are referenced in Florida Statutes, Chapter 166.

Notice of Zoning (Permitted Use) Change

The (name of local government) proposes to rezone (change the permitted use of) the land within the area shown on the map in this advertisement.

A public hearing on the rezoning will be held (date and time) at (meeting place).

The advertisement shall also contain a geographic location map that clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the area.

In lieu of publishing this advertisement, the municipality may mail a notice to each property owner in the area covered by the ordinance. The notice must clearly explain the proposed ordinance as set out, the date, time, and place of both public hearings (see Florida Statutes 166.041 and Florida Statutes 50).

Resolutions

Most resolutions do not need to be published. The law dealing with municipal improvements (Florida Statutes 170) does require that the initiating resolution for any given project requiring a special assessment be published in full. The municipal clerk should consult that chapter as needed. The initial resolution would serve to declare the intention to impose the special assessment.

Municipal Improvement Project

Upon publication of the initial resolution, the municipality would develop the second resolution regarding a municipal improvement project, which, in effect, would set the date for a public hearing on the proposed project. The second resolution, itself, is not published, but instead, a notice of the proposed public hearing must be advertised. It is not necessary to publish the entire assessment roll.

When an assessment project is initiated, it is a good idea to establish a file for that project to house all pertinent resolutions, ordinances, notices to the public, owners' lists, etc. Records of proceedings may be maintained on a tally sheet, which is always kept in the office of the municipal clerk for easy access until the project is complete. Upon completion, the entire file may be transferred to storage for safekeeping. Notices sent to property owners regarding their assessments should indicate the front foot charge, the unit charge, where applicable, and other pertinent data.

Election Resolution

Under this heading, the municipal clerk should review the municipal charter and ordinances and consult the current Florida Election Code as published by the Elections Division of the Secretary of State's Office in Tallahassee.

Publications

From time to time, other municipal departments may submit items for publication to the clerk, such as notice of bids and public hearings. These items are typically published twice, although there is no set procedure. For bid items, the publication dates should be coordinated with the date specified for receiving the bids in order to give the bidders as much time as possible to obtain, complete, and submit the forms within the deadline. It is a good idea to schedule at least one week between publications, although this is not mandatory. Additionally, a good advertising guideline for construction projects can be found in Florida Statutes 255.0525(2).

Recording Publications

Publications should be recorded in the same manner as ordinances and resolutions. It is recommended that municipal clerks maintain the publication log, "record of notices for publication," in a file for quick reference. The log should contain such information as the date sent to the newspaper, the publication date(s), affidavit of publication, and cost.

Codification

As a rule, resolutions are not codified. However, they may be codified if a municipality so desires, depending on the subject matter. All ordinances requiring codification for incorporation into the code of ordinances should be noted therein. If questions arise as to whether a particular ordinance is to be codified, staff should consult with the municipal attorney. In some municipalities, it is standard practice to certify all ordinances submitted for codification.

Ordinances most generally not codified are:

- Abandonments
- Bond validation
- Changes to personnel rules and regulations
- Confirmation and approval of assessment rolls
- Emergency ordinances
- Interdepartmental transfer of funds
- Future Land Use and Rezoning Amendments
- Budgets

If the municipality has a regular method of coding ordinances, at the end of every quarter, copies of all ordinances to be codified should be forwarded to the appropriate agency or company that has the contract to maintain the municipality's code. Always ensure that the entire ordinance is sent. It will take about six weeks to receive the completed supplements.

Examples of Notices

A standard ordinance publication form may be substantially as follows:

PUBLIC HEARING NOTICE CITY OF _____

Per Florida Statutes 166.041(3)a notice is hereby given that the City (insert City) City Commission will consider the following Ordinance(s) on the second and final reading and hold a public hearing on Monday, January, 8 2024, at 7:00 p.m., or soon thereafter, in the City Commission Chambers at (insert address).

ORDINANCE NO. 1518-24

AN ORDINANCE OF THE CITY OF (insert name), FLORIDA AMENDING APPENDIX A, GENERAL EMPLOYEES' RETIREMENT SYSTEM OF THE CODE OF ORDINANCES OF THE CITY OF LAKE ALFRED; AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 7, PRE- RETIREMENT DEATH; AMENDING SECTION 15, DISTRIBUTION OF BENEFITS; AMENDING SECTION 25, MILITARY SERVICE PRIOR TO EMPLOYMENT; AMENDING SECTION 26, DEFERRED RETIREMENT OPTION PLAN; AMENDING SECTION 27, PRIOR GOVERNMENT SERVICE; AMENDING SECTION 29, PURCHASE OF NON-QUALIFIED SERVICE CREDIT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

Documents pertaining to the above-referenced items may be reviewed at the City Clerk's office, Monday-Friday 8:00 a.m. to 4:30 p.m. on weekdays. All persons having an interest in the above-described hearing are invited to be present at this meeting. If a person decides to appeal any decision made by the board, agency, or commission concerning any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is

to be based (s. 286.0105, F.S.)

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English may be Limited English Proficient and may be eligible to receive language assistance for the service, benefit, or encounter.

Persons with disabilities needing special accommodation to participate should contact the City Clerk no later than five (5) days before the proceedings (863) 291-5270. Vision or hearing impaired, please call Florida Relay Service at 711.

City of _____
(Name), (Credentials)
(Title)

Conclusion

While every municipality is different and unique in its own way, each clerk must know their City's Charter, the Code of Ordinances, and the Land Development Codes. Within those documents, there may be additional requirements that have to be followed and are specific to the City. Consult the municipality's City Attorney with any questions.

Chapter IX: Public Records Management

Records management is making sure information is available when and where it is needed. It controls and manages the flow of information and provides for retention, storage, and disposal of records. Some of the benefits are saving space, reducing expenses, retrieving information more efficiently, complying with legal records retention requirements, controlling the creation of new records, and identifying historical records.

The Florida Department of State, Division of Library and Information Services (Division) website, <https://dos.myflorida.com/library-archives/records-management/>, is an essential resource for a successful records management program. Additionally, a records management program is a municipal-wide endeavor and requires full cooperation from all staff members.

On the Division's website are several elements that provide detailed guidance, being: General Records Schedules; Records Management Liaison Officers; Forms and Publications; Records Management Training; Disposing of Public Records; State Records Center; About Records Management; Florida Statutes and Rules; Disaster Recovery; and Records Management FAQ. These resources will aid in an effective records management program.

Records Management Liaison Officers (RMLO)

Every agency is required by law to appoint an RMLO to serve as a point of contact between the agency and the Division of Library and Information Services' records management program. Typical duties might include:

- Reports agency's compliance statement annually to the Division.
- Helps ensure proper disposition of eligible records.
- Trains and advises agency staff in records management practices.
- Responds to questions from the public regarding agency records.

- Works with the Division to establish retention schedules.
- Inventories agency records.
- Participates in agency decisions regarding microfilming, imaging, storage, and disposal.

Training

The Division's website includes training webinars that provide the municipality with an efficient and economical alternative to on-site training. These webinars are available upon request and can be tailored to the municipality's specific needs. It also includes an overview of Florida's Public Records Law, methods of records inventory, and how to determine retention and disposition requirements. To schedule a webinar, contact rmtraining@dos.myflorida.com. Topics covered are:

- Benefits of records management.
- Legal mandates.
- Identifying public records.
- Records retention.
- Records storage.
- Records disposition.
- Public records access.

General Records Schedules

The general records schedules established by the Department of State are intended for use by state, county, municipality, and special district public records custodians. If the municipal clerk is unsure of the municipality's status as a "public agency," consult legal counsel and/or the Florida Attorney General's Office for a legal opinion. The Department of State publishes the following general records schedules:

GS1-SL State and Local Government Agencies
 GS2 Law Enforcement, Correctional Facilities, and District Medical Examiners
 GS3 Election Records
 GS4 Public Hospitals, Health Care Facilities, and Medical Providers
 GS5 Public Universities and Colleges
 GS7 Public Schools Pre-K-12 and Adult and Career Education
 GS8 Fire Departments
 GS9 State Attorneys
 GS11 Clerks of Court
 GS12 Property Appraisers
 GS13 Tax Collectors
 GS14 Public Utilities
 GS15 Public Libraries

All Florida public agencies are eligible to use the GS1-SL, which provides retention periods for the most common administrative records, such as routine correspondence and personnel, payroll, financial, and legal records. General records schedules GS2 through GS15 apply to program records of specific functional areas, such as elections administration, tax collecting, or law enforcement, each of which has unique program responsibilities and thus unique records retention requirements. The GS2 through GS15 should be used in conjunction with the GS1-SL to cover as many administrative and program records as possible.

The retention periods set forth in the general records schedules are based on federal and state laws and regulations, general administrative practices, and fiscal management principles. Please note that these

are minimum retention periods; public agencies may retain their records longer at their discretion. Certain accreditation committees may have standards that require longer retention periods. Contact the accrediting organization for more information on their requirements. In addition, federal, state, or local laws and regulations regarding recordkeeping and records retention for specific agencies or specific types of records might require a longer retention than indicated in this general schedule. Agencies should be aware of all laws and regulations relating to their records and recordkeeping requirements. However, remember that a public agency is not permitted to reduce the retention periods stated in a general records schedule.

For additional information on records retention and disposition, please refer to The Basics of Records Management Handbook, which is available on the Department's website at:

<https://dos.myflorida.com/library-archives/records-management/records-management-liaison-officers/>.

Disposal of Public Records

The proper disposal of records is vital to a successful records management program. Below are a few tips:

- 1) Make sure the retention requirements have been met. Please consider:
 - Retention schedules
 - Audits
 - Litigation
 - Public records requests
- 2) Document disposal on a disposition form. A model form (PDF) is available on the Division's website, but any form may be used that includes the following information:
 - Retention schedule number
 - Item number
 - Record series title
 - Inclusive dates
 - Volume (It is not necessary to indicate the volume when disposing of electronic records)
 - Disposition action and date
- 3) Ensure proper destruction of physical records.
 - Confidential or exempt information must be destroyed in a way that ensures there is no unauthorized access.
 - This information must not be able to be read or recovered after disposal.
 - Approved methods of destruction are available on the Division's website.

Disaster Recovery

On the Division's website is a section that addresses disaster recovery. This section should be reviewed prior to a disaster. This section also covers disaster recovery vendors, how to dispose of unrecoverable public records, mold and mildew, and vendors who specialize in mold remediation.

State Records Center

The State Records Center offers state and local government agencies low-cost storage, reference service, disposal of inactive paper records, and security microfilm and electronic media storage. The Center's primary function is to serve agency needs for inactive records maintenance and security, acting as an extension of an agency's record-keeping system. As needed, the custodial agency may retrieve or permanently withdraw records stored at the Center. The Bureau of Archives and Records Management, within the Florida Department of State, Division of Library and Information Services, operates the State Records Center.

Statutory Authority

Chapter 119.011, Florida Statutes, commonly known as the public records law, defines "public records" as "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." It also defines "agency," providing an inclusive listing of state, local and special government officials and organizational elements subject to laws and regulations pertaining to public records. In addition, the chapter establishes the legal basis for the custody and disposal of public records and for public access to these records.

Chapter 257, Florida Statutes, Florida Archives and History Act, establishes the state's records management and archives program under the Division of Library and Information Services of the Department of State (Division) and specifically provides a system for the scheduling and disposal of public records. The act also authorizes the Division to establish and coordinate standards, procedures, and techniques for efficient and economical record making and keeping.

Noncompliance

Failure to comply with the Public Records Laws results in a violation of Section 119.10(1) of the *Florida Statutes* and is a noncriminal infraction punishable by a fine not to exceed \$500.00.

In addition, Section 119.10(2), *F.S.*, states that "[a]ny person who willfully and knowingly violates: (a) Any of the provisions of this chapter commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.(b) Section 119.105 commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084." Third degree felonies are punishable by a fine of up to \$5,000.00 and/or up to 5 years in prison (for habitual felony offenders, up to 10 years in prison).

Additional Education

The following organizations offer education/certification in records management:

Florida Records Management Association, https://frma.org/FCRM_Certification; and

University of Central Florida's Division of Continuing Education,
<https://careertraining.ed2go.com/ucf/training-programs/records-management>.

Periodically, IIMC and FACC also offer online or in-class courses.

Chapter X: Miscellaneous – Boards, Committees, Employee Organizations, Auctions, Oaths

The municipal clerk's office generally performs a number of miscellaneous duties such as processing applications, preparing agenda memos for appointments by the municipal commission, certifications, administration of oaths, auctions, employee elections, and providing board and committee support. Some of these tasks must be conducted in accordance with state statutes, while others may be carried out following policies established within the municipality.

Boards and Committees

Every municipal commission has a number of boards and committees tasked with various aspects of civic affairs. Some may be organized for a temporary purpose, while others are permanent and function with the municipal government on a regular basis. Most permanent boards and committees require the services of personnel from municipal departments and may require administrative support services from the Office of the Municipal Clerk. Duties associated with such work might be:

- 1) Attending meetings
- 2) Taking minutes and keeping records
- 3) Preparing agendas and distributing minutes
- 4) Filing and preserving material
- 5) Preparing correspondence and notices
- 6) Performing other work as directed by the board or committee chairperson.
- 7) Providing for Sunshine Law training

The municipal clerk should be aware that board and committee support may require an irregular work schedule involving evening meetings. Whether the municipal clerk attends such meetings or directs a staff member to attend, issues such as “flex” scheduling, overtime pay, or compensatory time must be considered.

The municipal clerk may find it helpful to keep a list of all appointed or elected boards, to include dates of appointment and expiration of terms. In this way, the municipal clerk can assist in maintaining board membership by renewal of terms or application of prospective new members to avoid board vacancies.

In many municipalities, the municipal clerk will provide board members with a packet of informational material that contains an explanation of appointment procedures, oath of office, expiration dates, meeting schedules, financial disclosure regulations, and other pertinent material. Some municipalities also send members a “Certificate of Appointment.”

It is customary for the municipal clerk to issue a “Certificate of Appreciation” with an appropriate cover letter for board and commission members who have completed their terms of office or have reached certain landmark dates, such as five or 10 years of service. (See exhibit following Chapter III.)

Certification

The municipal clerk is often required to certify municipal documents. The use of a simple form is most efficient for this purpose. A short form certification statement stamped directly on a document, dated, signed, and sealed, may be used rather than typing individual certification forms, see sample below. Some municipalities charge a fee for this service.

SAMPLE FORM FOR CERTIFICATION:

State of Florida
County of _____

I, the undersigned, duly appointed City Clerk of the (insert name of municipality), Florida, hereby certify that the attached is a true and correct copy of (insert name of document), as shown in the records of the city on file in the office of the Municipal Clerk.

Witness, my hand and the corporate seal of the City of _____,
Florida, this _____ day of _____, _____.

(Corporate Seal)

Name
City Clerk
City of
Florida

Employee Elections and Referendums

In accordance with the municipal charter, ordinances, resolutions, and various work contracts, the municipal clerk may be called upon to conduct elections, ranging from placement of an employee to a board to a referendum among employees pertaining to a labor union contract.

In these cases, the municipal clerk should become familiar with the details of the municipal charter, ordinances, resolutions, and any applicable regulations of the state Public Employees Relations Commission (PERC) in Tallahassee, which governs labor relations and public service unions. The assistance of the municipal attorney may become necessary in this process.

While these elections must be conducted in accordance with the laws and policies established in the municipality, certain elements should be addressed in the process: development of an accurate list of all eligible voters (employees), proper notice requirements, preparation of ballots, scheduling of election periods, assuring secrecy and security of the ballot and count, tallying of the ballots, notification of successful candidates and publication of the results.

Oaths

Upon assumption of office in most municipalities, council and board members are typically sworn into office by the municipal clerk. In some cases, the mayor may conduct the investiture, but it is the Municipal Clerk who prepares and maintains the records.

A file of all oaths taken by incumbent officials must be maintained, in addition to the oaths taken by qualifying candidates for the municipal council, which are given at the time of filing for candidacy.

Every person employed by a municipality must take a loyalty oath prior to the approval of payment of salary, expenses, etc. The oath shall be in the following form:

I, _____, a citizen of the State of Florida and of the United States of America, and being employed by or an officer of the Municipality of, and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and the State of Florida.

Allowing a person to work on behalf of the municipality who has not taken the oath is a second-degree misdemeanor. Therefore, it is advisable for the Municipal Clerk to ensure the oath has been taken by all persons working under his/her jurisdiction. (See Florida Statutes 876.05 through 876.10.)

Auctions – Abandoned, Surplus, Unclaimed Property

The municipal charter and/or various ordinances typically cover the disposition of obsolete, unclaimed, and abandoned property. Florida Statutes 705.103 outlines the procedure for the disposition of property that must be followed by any law enforcement agency prior to the auction of lost and abandoned property.

The items to be auctioned are usually acquired by the police department, the public works department, and the parks and recreation departments in the course of their normal operations, although smaller amounts may come from other departments. The municipal clerk may coordinate matters with all municipal departments and supervise the disposition by auction of such property.

Auctions should be held at regular and well-publicized intervals. Sometimes, there will be an annual auction with special auction sales as necessary. Many online auctioneers will run an online auction for the municipality. The municipality's code of ordinances should define the procedures for such auctions.

Some of the steps involved in an auction are:

- 1) Prepare a list of properties from the municipal departments well in advance of the auction.
- 2) Publish auction notices and lists.
- 3) Arrange for municipal employees to assist.
- 4) Arrange for the property to be exhibited and displayed prior to sale.
- 5) Arrange for assistance and procedures in making change, clearing checks, and collecting money.
- 6) Designate a trained auctioneer, the municipal clerk, or another municipal employee to conduct the sale.
- 7) Make a full report following the auction, with an accounting of all funds, to the municipal manager or council.

Chapter XI: Elections

This chapter is designed to provide, general guidance to the municipal clerk for supervising and conducting municipal elections. Much of the material is broad in nature because procedures vary among municipalities in accordance with charter requirements, special acts, and relations between the municipal clerk and the county supervisor of elections.

Municipal elections in Florida are held to nominate and elect mayors, council or commission members, and, in a few cases, other municipal officials. Municipal elections are also held to submit to the electorate referendum measures, including charter amendments, bond issues, annexation of territory, recall of elected officials, citizen referenda, and initiatives.

The Florida Department of State, Division of Elections, publishes the most recent issue of the Florida Election Code on its website. The Election Code consists of Chapters 97 through 106, Florida Statutes. The Division of Elections also supplies all manuals and forms needed to administer an election. This includes the most current accounting procedures for candidates and candidate qualifying forms. These forms can be downloaded from the Division of Election's web site.

The Florida Election Code may be amended annually by the legislature, and the municipal clerk should become familiar with all legislation governing elections. Additionally, the Division of Elections periodically issues advisory opinions, directives, and rules related to provisions of the Election Code. Their website has a searchable database that can assist in locating needed information, such as forms, campaign finance information, and advisory opinions.

The municipal clerk must work closely with their municipal attorney in navigating questions that may arise during the election process.

Qualifying/Filing Officer

The municipal clerk traditionally serves as the qualifying/filing officer for municipal elections, even when municipal elections are conducted under the direction of the county supervisor of elections. The qualifying officer administers the candidate oath, accepts the qualifying fee (if applicable) and the state election assessment fee, and receives required documents during the qualifying process as well as campaign treasurer's reports through the election cycle.

Election Procedures

Election procedures for standalone municipal elections vary from the election procedures for followed when elections are held in conjunction with county, state, and national elections under the direction of the county supervisor of elections. Speak with the county supervisor of elections office to determine which aspects of the elections process they will manage.

For instance, some will publish all required legal notices while others may provide draft language for the municipal clerk to publish. Confirm the division of duties in advance so that you can account for the time and budget needed to conduct each election.

Election Dates and Qualifying Period

Dates for the primary (if required), general, and special elections, as well as the qualifying period, are established by municipal charter or code. If no such provision exists, the qualifying period is established in accordance with Florida Statutes, Chapter 99.

Candidate Packet

In order to promote candidates' trust in the municipal clerk's office and elections process, meet statutory requirements, and facilitate a smooth election process, it is recommended a candidate packet including required forms and helpful information be made available to interested parties. Items recommended for inclusion are:

- Seats up for election
- Description of responsibilities of elected officials in the municipality
- Qualifying Period
- Voter Registration book closing date(s)
- Election Date(s)
- Qualifying filing forms (verify you have the most up-to-date versions each year)
 - Form DS-DE 9 – Appointment of Campaign Treasurer and Designation of Campaign Depository
 - Form DS-DE 84 – Statement of Candidate (must file within 10 days of submittal of Form DS-DE 9)
 - Form DS-DE 302NP – Oath of Candidate – Nonpartisan Office

- Form 6 – Full and Public Disclosure of Financial Interests from the Florida Commission on Ethics (candidate completes online and then files printed copy with the qualifying officer)
- Filing/State Assessment Fees OR Form DS-DE 19A – Affidavit of Undue Burden (applies only in the petition process; waives fees for signature verification)
- Other items that may be required by the municipal Code of Ordinances
- Current edition of the Florida Election Code from the Florida Division of Elections
- Current edition of the “Candidate and Campaign Treasurer Handbook” from the Florida Division of Elections
- “Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees” from the Florida Commission on Ethics
- Any municipal election and ethics laws
- Florida and municipal laws regulating campaign signs
- Schedule for campaign treasurer’s reporting filings, contribution deadline(s), and reporting forms
- List of precincts and polling locations
- Poll Watcher Information/Deadline(s) and Form DS-DE 125 – Designation of Poll Watchers
- Procedure to obtain registered voter information
- Instructions for requesting a vote-by-mail ballot
- Florida Elections Commission complaint process and contact information
- Contact information for the Florida Commission on Ethics and the county supervisor of elections office

Campaign Finance Requirements and Reporting

The table below summarizes major campaign finance reporting requirements as established in Florida Statutes Chapter 106.

Florida Statute 106.07(1) Quarterly Reports	Regular reports shall be filed of all contributions received and expenditures made on the 10th day following the end of each calendar quarter from the time the campaign treasurer is appointed, except for the third calendar quarter immediately preceding a general election. If the 10th day following the end of a calendar quarter occurs on a Saturday, Sunday, or legal holiday, the report must be filed on the next following day that is not a Saturday, Sunday, or legal holiday.
Florida Statute 106.07(1)(b) Primary Election and General Election Reports	Reports filed on the 60th day immediately preceding the primary election, and biweekly on each Friday thereafter through and including the 4th day immediately preceding the general election. Additional reports are due on the 25th and 11th days before the primary election and general election.
Florida Statute 106.07(2)(a)1. Deadline for Reports	Reports shall be filed not later than 5 p.m. of the day designated; however, any report postmarked the United States Postal Service no later than midnight of the day designated is deemed to have been filed in a timely manner.
Florida Statute 106.07(8) Notice of and Fine for Late Filings	Any candidate failing to file a report on the designated due date is subject to a fine, as

	described in the statute, for each day late and must be paid from the candidate's personal funds. The fine shall be deposited in the general revenue fund of the municipality. This section also includes provisions regarding the required notice of a late filing and the associated fine.
Florida Statute 106.08(3) Deadline for Contributions	(4) Any contribution received by a state or county executive committee or affiliated party committee less than 5 days before an election shall not be used or expended in behalf of any candidate, issue, affiliated party committee, or political party participating in such election.
Florida Statute 106.141(1) Disposition of surplus funds by candidates.	Each candidate who withdraws, becomes unopposed, or is eliminated as a candidate or elected to office shall, within 90 days, dispose of the funds on deposit in their campaign account and file a report reflecting the disposition of all remaining funds.
Florida Statute 106.141(8)(b) Termination Report Notice	The filing officer shall notify each candidate at least 14 days before the date the termination report is due.

Voting Precincts

The county supervisor of elections establishes election precincts and designates their numbers, boundaries, and locations. While the municipality may, particularly for a "special" election, establish its own precincts, the common practice is to use the precincts established by the county supervisor of elections.

Voting Machines and Systems

Chapter 101 of the Florida Statutes authorizes the use of standard voting machines, voting machine equipment, and electronic and electromechanical voting systems in which votes may be counted by data processing machines. Only voting equipment approved by the Florida Division of Elections may be used. Experimental use of voting equipment is also authorized by state law.

The county supervisor of elections is responsible for the voting machines/systems and for conducting the logic and accuracy test of the automatic tabulating equipment. Florida Statute 101.5612 details the requirements for testing the equipment, including public notice of the testing and written notice to candidates, either at the time of qualifying or at least 30 days before early voting.

Voter Registration

Municipalities are not responsible for voter registration. The Florida Division of Elections, Bureau of Voter Registration Services, coordinates and maintains the official statewide voter registration system, including assisting supervisors of elections with the voter registration and voter removal processes. Per Florida Statute 97.055, persons must be registered to vote 29 days prior to an election to be eligible to vote in the election.

Canvassing Board

In years where municipal races are held in conjunction with county, state, and national elections, the county's canvassing board will perform the duties required in Florida Statute 102.141. For elections which are not held in conjunction with county, state, or national elections, refer to your municipal charter for information on the composition of the canvassing board for such elections. Canvassing board meetings require notice, details of which can also be found in Florida Statute 102.141.

Election Calendar

Advanced planning is essential for conducting a smooth election. Whether the municipal clerk is responsible for all or part of an election, an "election" calendar is highly recommended and its preparation should take place 6 to 8 months in advance of an election. Online date calculators can be used to calculate dates described in the statutes.

The election calendar should at a minimum include the following, unless the municipal charter/code dictates otherwise:

- 1) The dates for all elections (primary, run-off, general) in the election cycle. These dates will be governed by the municipal charter or code, or the Florida Statutes.
- 2) The qualifying period.
- 3) Reminder to send the list of qualified candidates and designated seats to the county supervisor of elections and notice on the municipal website/social media as desired.
 - a. Special note: should a municipal election be scheduled close to a Presidential Preference Primary (PPP) election, the county supervisor of elections will request the election be held in conjunction with the PPP. This provides cost savings to the municipality, as the county supervisor of elections will absorb most of the costs, as well as securing precincts and poll workers.
- 4) Deadline to publish candidate packets and the campaign finance reporting schedule.*
- 5) Due dates for campaign treasurer reports to include report type and period covered.
- 6) Deadline to provide notice of special election or referendum per Florida Statute 100.342 is 30 days prior to the election, publish notice in the 5th and 3rd weeks prior to the election.*
- 7) Voter registration books closing date (29th day before each election) per Florida Statute 97.055.
- 8) Resign to run deadline (10 days prior to the first day of qualifying for the office sought) per Florida Statute 99.012(3)(c).
- 9) Deadline to send the state assessment fee(s) to the Florida Elections Commission.
- 10) Deadlines to mail notice of primary and general elections to uniformed and overseas electors per Florida Statute 100.025.
- 11) First and last day to mail domestic vote-by-mail ballots per Florida Statute 101.62.
- 12) Deadline to request domestic vote-by-mail ballots per Florida Statute 101.62.
- 13) Early voting deadlines, if applicable.
- 14) Deadlines to approve Poll Workers, conduct training, et cetera. These may be in the municipal charter or code; otherwise, contact the county supervisor of elections for assistance.
- 15) Deadline for candidates to designate poll watchers (noon of the second Tuesday preceding election) per Florida Statute 101.131(2)
- 16) The Supervisor of Elections shall approve the poll watchers on or before the Tuesday preceding the election.
- 17) Deadline to publish the sample ballot (before the day of election) per Florida Statute 101.20.*

NOTE: The municipality may also be required to publish the notice in Spanish, depending upon

the county's Spanish-speaking population. Please consult with the county supervisor of elections regarding same.

18) Deadline to publish canvassing board membership and meeting dates per Florida Statute 102.141.*

19) Dates for canvassing board meetings, including:

- a. Logic and accuracy testing
- b. Canvassing of returns
- c. Certification of results
- d. Post-election audits

20) Dates for transportation of election equipment, if applicable.

21) Deadline to order plaque for outgoing elected officials, if applicable.

22) Reminder to purchase nameplates, name badges, business cards, et cetera for newly appointed elected officials.

* Check with your local newspaper regarding their deadlines for submission of ads and approval of proofs, particularly if they fall near a holiday.

Depending upon the municipality's code of ordinances and the county supervisor of elections, the municipal clerk may have additional dates to include in the election calendar. Just remember, the more detailed the election calendar, the less chance of error.

Council/Commission Orientation

Once a candidate is elected to office, a tour of municipal/town/village hall should be set, along with several briefing sessions with key municipal staff members (municipal clerk, municipal manager, municipal attorney, finance director, etc.). Municipal clerks should create a handbook for the newly elected official that includes the municipal charter, an organizational chart of the municipality, and other pertinent information that would be beneficial to a municipal elected official.

Chapter XII: Technology

Computers are necessary tools for performing the municipal clerk's daily functions, from using standard programs such as a word processor to create template documents to highly specialized software used for meeting management. The ultimate goal of applying technology is to provide better service to co-workers and citizens, and to allow the public to help themselves, thereby increasing staff productivity and customer satisfaction.

Prior to implementing technology, the goal to be achieved must be clearly identified, and the potential benefits and costs should be analyzed. Considerations include:

- Long and short-term financial impacts
- Required material and labor resources
- Initial and ongoing training needs
- Impact on records management, such as ability to retrieve and dispose of records
- Internal and external security of the product/service
- Auditing capabilities
- Ability to transition to/from the product/service

- Compatibility with other hardware/software/services
- Availability of technical support
- Ability to scale with growth of municipal staff and residents
- Life expectancy of the product/service
- Warranty coverage

When considering a software program, reach out to fellow municipal clerks for input and examine product/service reviews online. A visit to municipalities that have implemented the proposed technology will help determine if it is suitable and if there are additional factors to take into account. Scheduling in-person or remote product demonstrations or reviewing demonstration videos online should be part of the information gathering process. Only implement what makes sense to the municipality and consult with IT staff members for their guidance and input on maintenance and training considerations.

Acquisition

The municipality's procurement process must be followed. If a bid package is required, reach out to other municipal clerks through the discussion group to see if anyone has already drafted a similar document. Determine what will be included in the request for proposal or qualifications, considering such needs as maintenance, technical support, training, deadlines, and ongoing budgetary requirements.

Examples of Applications

In addition to standard office programs, many specialized software programs are available to support the duties of municipalities. Below is a listing of software that may benefit municipal clerk offices:

- 1) Records management system
- 2) Agenda management system
- 3) Board management system
- 4) Meeting video management system
- 5) Minutes software
- 6) Public record request management system
- 7) Business tax receipts application and tracking system
- 8) Accounting software
- 9) Payment processing system
- 10) Database software
- 11) Reporting and analytics software
- 12) Time tracking system
- 13) Form building software
- 14) Business process management system
- 15) Cemetery management system
- 16) Procurement management platform

Implementing New Technology

The municipal clerk should be aware of technology efforts undertaken by the municipality and give input on the implementation of systems to ensure that the systems implemented will enable the municipality to meet records retention requirements and provide convenient access to records for public records request responses. If an electronic recordkeeping system is to be implemented, replaced, or upgraded, work with IT staff to ensure that the proposed system meets all requirements of the Florida State Statutes and Florida Administrative Code Chapter 1B-26.003 on electronic recordkeeping.

Chapter XIII: Notary Public Services

An approved notary education class is required in Florida for all new notaries commissioned on or after July 1, 2000. This education is crucial and provides the protection needed from liability resulting from an improper notary act.

The governor may appoint as many notaries public as deemed necessary, each of whom shall be at least 18 years of age and a legal resident of the state. The residence required for appointment must be maintained throughout the term of appointment. Notaries public shall be appointed for four years and shall use and exercise the office of notary public within the boundaries of the state. An applicant must be able to read, write, and understand the English language.

A notary public shall notify, in writing, the Department of State of any change in his or her business address, home telephone number, business telephone number, home address, or criminal record within 60 days after such change.

A notary public who wishes to resign his or her commission, or a notary public who does not maintain legal residence in this state during the entire term of appointment, or a notary public whose resignation is required by the governor shall send a signed letter of resignation to the governor and shall return his or her certificate of notary public commission. The resigning notary public shall destroy his or her official notary public seal of office unless the governor requests its return.

No person may be automatically reappointed as a notary public. The application process must be completed regardless of whether an applicant is requesting his or her first notary commission, a renewal of a commission, or any subsequent commission.

A notary public is authorized to solemnize the rites of matrimony. For solemnizing the rites of matrimony, the fee of a notary public may not exceed those provided by law to the clerks of the circuit court for like services.

No person shall obtain or use a notary public commission in other than his or her legal name, and it is unlawful for a notary public to notarize his or her own signature. The fee of a notary public may not exceed \$10 for any one notarial act, except as provided in Florida Statutes Section 117.045. A notary public may not charge a fee for witnessing an absentee ballot in an election and must witness such a ballot upon the request of an elector.

The notary public official seal and the certificate of notary public commission are the exclusive property of the notary public and must be kept under the direct and exclusive control of the notary public. A notary public whose official seal is lost, stolen, or believed to be in the possession of another person shall immediately notify the Department of State or the governor in writing.

A notary public may not notarize a signature on a document unless he or she personally knows, or has evidence, that the person whose signature is to be notarized is the individual who is described in and who is executing the instrument. A notary public shall certify in the certificate of acknowledgment or jurat the type of identification, either based on personal knowledge or other form of identification upon which the notary public is relying. "Personally knows" means having an acquaintance derived from association with the individual, which establishes the individual's identity with at least a reasonable certainty. The employer of a notary public shall be liable to the persons involved for all damages caused by the notary's misconduct if the notary public was acting within the scope of his or her employment at the time the notary engaged in the official misconduct.

Any notary public who changes his or her name shall, within 60 days after such change, request an amended commission from the secretary of state and shall send the appropriate fee, his or her current commission, and a notice of change form, obtained from the secretary of state. The secretary of state shall issue an amended commission to the notary public in the new name. A notary public may supervise the making of a photocopy of an original document and attest to the trueness of the copy, provided the document is neither a vital record in this state, another state, nor a public record, if a copy can be made by the custodian of the public record. A notary public must make reasonable accommodations to provide notarial services to persons with disabilities. A notary public may notarize the signature of a person who is blind after the notary public has read the entire instrument to that person.

A notary public may not use a name or initial in signing certificates other than that by which the notary public is commissioned. A notary public may not sign notarial certificates using a facsimile signature stamp unless the notary public has a physical disability that limits or prohibits his or her ability to make a written signature and unless the notary public has first submitted written notice to the Department of State.

A notary public may not affix his or her signature to a blank form of affidavit or certificate of acknowledgment and deliver that form to another person with the intent that it be used as an affidavit or acknowledgment. A notary public may not notarize a signature on a document if it appears that the person is mentally incapable of understanding the nature and effect of the document at the time of notarization. A notary public may not take the acknowledgment of a person who does not speak or understand the English language unless the nature and effect of the instrument to be notarized is translated into a language that the person does understand. A notary public may not change anything in a written instrument after it has been signed by anyone. A notary public may not notarize a signature on a document if the document is incomplete or blank.

A notary public may not notarize a signature on a document if the notary public has a financial interest in, or is a party to, the underlying transaction. However, a notary public who is an employee may notarize a signature for his or her employer, and this employment does not constitute a financial interest in the transaction nor made the notary a party to the transaction under this subsection as long as he or she does not receive a benefit other than his or her salary and the fee for services as a notary public authorized by law.

An electronic notarization shall include the words "Notary Public – State of Florida," the name of the notary public, exactly as commissioned, the date of expiration of the commission of the notary public, the commission number, and the notary's digital signature. Neither a rubber stamp seal nor an impression-type seal is required for an electronic notarization. Any notary public who seeks to perform electronic notarizations and obtains a certificate from any certification authority, and who is licensed in the state, shall request an amended commission from the Secretary of State. The Secretary of State shall issue an amended commission to the notary public indicating that the notary is a subscriber to the certification authority identified in the notary's request for an amended commission. Any fees collected from such amended commissions shall be used to fund the Secretary of State's administration of electronic notary commissions.

All notaries are recommended to keep a journal of all acts performed as a notary public. The journal should include the date and time of the notarial act, the type of notarial act, the type or name of the document, the signer's printed name and signature, the signer's complete address and telephone number, and the specific type of identification presented by the signer, including both its serial number and its expiration date. If the journal is stolen, lost, misplaced, destroyed, or rendered, the notary public must immediately notify the governor's office or the Department of State in writing of the circumstances

of the incident.

The notary public official seal and the certificate of notary public commission are the exclusive property of the notary public and must be kept under the direct and exclusive control of the notary public. The seal and certificate of commission must not be surrendered to an employer upon termination of employment, regardless of whether the employer paid for the seal or for the commission.

A notary public whose official seal is lost, stolen, or believed to be in the possession of another person shall immediately notify the Department of State or the Governor in writing.

Florida Statutes Chapter 117 governs the acts of notaries. The Governor of Florida publishes a “Reference Manual for Notaries,” which is a good reference tool.

Marriage Ceremonies

If the municipal clerk officiates at weddings, be sure that the couple has a valid marriage license, then complete the paperwork on the license and have the witnesses sign the license. After completion, hand the document to the responsible party and advise all parties of the importance of mailing the license for recording. This is their responsibility, but in the excitement of the moment, the duty can be forgotten. Stress the urgency and importance of their follow-through in having the certificate recorded.

The fee of a notary public for solemnizing marriage may not exceed that provided by law to the clerks of the circuit court for like services.

For samples of marriage ceremonies, refer to <https://notaries.dos.state.fl.us/education/faq/marriage.html> or search the internet.

Chapter XIV: Guide to the Sunshine Law and Code of Ethics for Public Officers and Employees

History of Florida’s Ethics Laws

Florida has been a leader among the states in establishing ethics standards for public officials and recognizing the right of citizens to protect the public trust against abuse. Florida’s state Constitution was revised in 1968 to require a code of ethics, prescribed by law, for all state employees and nonjudicial officers prohibiting conflict between public duty and private interests.

Florida’s first successful constitutional initiative resulted in the adoption of the Sunshine Amendment in 1976, providing additional constitutional guarantees concerning ethics in government. In the area of enforcement, the Sunshine Amendment requires that there be an independent commission (the Commission on Ethics) to investigate complaints concerning breaches of public trust by public officers and employees other than judges.

The Guide of Ethics for Public Officers and Employees (the Guide) is found in Chapter 112 (Part III) of the Florida Statutes and can be downloaded at <https://www.ethics.state.fl.us/PublicInformation/Publications.aspx>. Foremost among the goals of the Guide is to promote the public interest and maintain the respect of the people for their government. The Guide is also intended to ensure that public officials conduct themselves independently and impartially,

not using their offices for private gain other than compensation provided by law. While seeking to protect the integrity of government, the Guide also seeks to avoid the creation of unnecessary barriers to public service.

Criminal penalties, which initially applied to violations of the Guide, were eliminated in 1974 in favor of administrative enforcement. The legislature created the Commission on Ethics that year “to serve as guardian of the standards of conduct” for public officials, state and local. Five of the Commission’s nine members are appointed by the governor, and two each are appointed by the president of the senate and speaker of the house of representatives. No more than five commission members may be members of the same political party, and none may be lobbyists, or hold any public employment during their two-year terms of office. A chair is selected from among the members to serve a one-year term and may not succeed himself or herself.

In 2018, Florida’s Constitutional Revision Commission proposed, and the voters adopted, changes to Article II, Section 8. The earliest of the changes will take effect December 31, 2020, and will prohibit officials from abusing their position to obtain a disproportionate benefit for themselves or their spouse, child, or employer, or for a business with which the official contracts or is an officer, partner, director, sole proprietor, or in which the official owns an interest. Other changes made to the constitution place restrictions on lobbying by certain officeholders and employees and put additional limits on lobbying by former public officers and employees. These changes will become effective December 31, 2022.

Role of the Commission on Ethics

In addition to its constitutional duties regarding the investigation of complaints, the Commission:

- Renders advisory opinions to public officials;
- Prescribes forms for public disclosure;
- Prepares mailing lists of public officials subject to financial disclosure for use by supervisors of elections and the commission in distributing forms and notifying delinquent filers;
- Makes recommendations to disciplinary officials when appropriate for violations of ethics and disclosure laws, since it does not impose penalties;
- Administers the Executive Branch Lobbyist Registration and Reporting Law;
- Maintains financial disclosure filings of constitutional officers and state officers and employees; and,
- Administers automatic fines for public officers and employees who fail to timely file required annual financial disclosure.

The Ethics Laws

The ethics laws generally consist of two types of provisions, those prohibiting certain actions or conduct and those requiring that certain disclosures be made to the public. The following descriptions of these laws have been simplified in an effort to provide notice of their requirements. Therefore, it is suggested that the municipal clerk also review the wording of the actual law. The best resource is the Guide located on the website referenced above.

The laws summarized within the Guide apply generally to all public officers and employees, state and local, including members of advisory bodies. The principal exception to this broad coverage is the exclusion of judges, as they fall within the jurisdiction of the Judicial Qualifications Commission.

Public Service Commission (PSC) members and employees, as well as members of the PSC Nominating Council, are subject to additional ethics standards that are enforced by the Commission on Ethics under Chapter 350, Florida Statutes. Further, members of the governing boards of charter schools are subject

to some of the provisions of the Guide of Ethics [Sec. 1002.33(26), Fla. Stat.], as are the officers, directors, chief executive officers and some employees of business entities that serve as the chief administrative or executive officer or employee of a political subdivision. [Sec. 112.3136, Fla. Stat.].

Disclosures

Conflicts of interest may occur when public officials are in a position to make decisions that affect their personal financial interests. This is why public officers and employees, as well as candidates who run for public office, are required to publicly disclose their financial interests. The disclosure process serves to remind officials of their obligation to put the public interest above personal considerations. It also helps citizens to monitor the considerations of those who spend their tax dollars and participate in public policy decisions or administration.

Public officials and candidates are not required to file disclosures with the same level of detail, nor do they all file simultaneously or at the same location. Therefore, it is important to carefully determine which specific disclosure forms are required for each official or candidate.

Additionally, there are various financial disclosure forms, including gift disclosures, referenced in the Guide. Some of these forms require annual filing, some quarterly. Local officers and employees who must file Form 1 will file electronically in 2024 via the Electronic Financial Disclosure Management System (EFDMS) no later than June 1 of each year. The form requirement for Mayors and Elected members of governing bodies of municipalities is under judicial review, but they currently need to file Form 1.

Chapter XV: Municipal Budgets

The budget serves as the most important financial planning tool available to the governing body. This is where the financial direction of the local municipality is shaped.

A budget represents the financial blueprint for the municipality, detailing not forecasts but specific estimates of expected revenues needed to support the services and programs included in the appropriations section. It sets the maximum spending limit for management.

In a government, the expenditure side of the budget is called “appropriations,” and it is the legal authority for management to provide a given level of services. It is illegal to spend more than the budget appropriations.

Types of funds:

Governmental Funds

- General Fund
- Special Revenue Funds
- Debt Service
- Capital Project Funds
- Permanent Funds

Proprietary Funds

- Enterprise funds
- Internal service funds

Fiduciary Funds

- Trust funds (pension and other employee benefits, investment, private purpose)
- Agency funds

Certain guidelines have been established regarding budgets:

1. Every municipality in Florida must operate under a balanced budget. This means that anticipated revenues must equal proposed expenditures for the fiscal year per Florida Statutes Section 166.241(2). The fiscal year is from October 1 to September 30.
2. Rules of the Auditor General should be consulted regarding certain municipal financial operations.
3. Florida has established a uniform accounting system which must be used in the budgeting process. (Section 218.33, Florida Statutes)
4. Many municipalities may have additional financial requirements outlined in their municipal charter.
5. A municipal budget must be adopted by ordinance.

Some municipal clerks serve as the finance officer, while others may not be responsible for preparing or even assisting with the preparation of the budget. Understand the fundamentals of budgeting to effectively prepare and submit a proposed budget for the municipal clerk's department that adheres to all established requirements and guidelines.

Municipalities develop budgets in varying levels of detail. A basic checklist that could apply to any municipality (modifying according to the municipality's needs) is:

1. Establish a budget schedule for the preparation and adoption of the budget. In Florida, budgets must be adopted by October 1, so begin early in the year.
2. Estimate the revenues the municipality expects to receive. Revenue estimating can be difficult, and it is suggested to underestimate revenues. Sources of revenue include: ad valorem tax, municipal utility tax, franchise fees, business taxes, permits, intergovernmental revenues, charges for municipal services, fines and forfeitures and miscellaneous revenues.
3. Prepare budget requests. The preparation can be done by the department heads, budget officer, mayor, legislative body or any combination. Consideration should be given to personnel needs, expansion or reduction of services and essential capital outlays.
4. Submit budget requests along with historical data (previous year's revenues and expenditures), to the budget officer. Present annual budget message to the legislative body. This is generally presented by the municipal manager or the mayor and includes a summary of the financial conditions of the municipality along with the goals and how those goals can be met.
5. The tentative budget must be posted on the municipality's official website at least 2 days before the budget hearing, held pursuant to Florida Statutes 200.065 or other law, to consider such budget. The final adopted budget must be posted on the municipality's official website within 30 days after adoption.
6. Conduct public hearings on the budget to solicit feedback not only from staff but also from citizens, enhancing their involvement in the budget process. The number of public hearings may vary. Public participation requirements for those receiving federal revenue sharing monies should be reviewed. State law requires a public hearing before the adoption of an ordinance, and the charter may require others.
7. Adopt budget ordinance. After deliberations and adjustments, the budget should be enacted.

Budget changes can be submitted at any time during the fiscal year and should follow the established procedures. All changes to an adopted budget must be approved by the governing body by the

conclusion of each fiscal year.

A budget is considered to be balanced if the projected ending fund balance is positive. In any one year, it may be appropriate for expenditures to exceed revenue.

Some resources a municipal clerk may employ, depending on the level of the required involvement in the government finance function, include:

The Florida Department of Revenue website, in particular for TRIM (Truth In Millage) for advertising budgets or planning meetings. <http://dor.myflorida.com/dor>; and

The Florida Government Finance Officers Association (FGFOA) website including a basic Government Resource Manual. <http://www.fgfoa.org>.

Chapter XVI: Municipal Annexation

Chapter 171 of the Florida Statutes, entitled Municipal Annexation or Contraction, sets forth procedures for adjusting the boundaries of municipalities through annexations or contractions of corporate limits and criteria for determining when annexations or contractions may take place. This helps to:

- 1) ensure sound urban development and accommodate growth;
- 2) establish uniform legislative standards throughout the state for the adjustment of municipal boundaries;
- 3) ensure the efficient provision of urban services to areas that become urban in character; and
- 4) ensure that areas are not annexed unless municipal services can be provided to those areas.

“Annexation” means the adding of real property to the boundaries of an incorporated municipality, such addition making such real property in every way a part of the municipality.

“Compactness” means concentration of a piece of property in a single area and precludes any action that would create enclaves, pockets, or finger areas in serpentine patterns.

“Contiguous” means that a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality.

“Contraction” means the reversion of real property within municipal boundaries to an unincorporated status.

“Enclave” means: a) any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality; or b) any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality and a natural manmade obstacle that allows the passage of vehicular traffic to the unincorporated area only through the municipality.

“Municipality” means a municipality created pursuant to general or special law authorized or recognized pursuant to Section 2 or Section 6, Article VIII of the state constitution.

Newspaper of general circulation means a newspaper printed in the language most commonly spoken

in the area within which it circulates, which is readily available for purchase by all inhabitants in its area of circulation, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

Parties affected means any persons or firms owning property in, or residing in, either an annexation to a municipality or any governmental unit with jurisdiction over such area.

Qualified voter means any person registered to vote in accordance with law.

Sufficiency of petition means the verification of the signatures and addresses of all signers of a petition with the voting list maintained by the county supervisor of elections and certification that the number of valid signatures represents the required percentage of the total number of qualified voters in the area affected by a proposed annexation.

Urban in character means an area used for residential, urban recreational or conservation parklands, commercial, industrial, institutional, or governmental purposes of an area undergoing development for any of these purposes.

Annexation Procedures

Any municipality may annex contiguous, compact, unincorporated territory in the following manner:

1. An ordinance proposing to annex an area of contiguous, compact, unincorporated territory shall be adopted by the governing body of the annexing ordinance established by Statute 166.041. Prior to the adoption of the ordinance of the annexation, the local governing body shall hold at least two advertised public hearings.
2. Following the final adoption of the ordinance of annexation by the governing body of the annexing municipality, the ordinance shall be submitted to a vote of the registered electors of the area proposed to be annexed. The governing body of the annexing municipality may also choose to submit the ordinance of annexation to a separate vote of the registered electors of the annexing municipality. The referendum on annexation shall be called and conducted, and the expense thereof paid by the governing body of the annexing municipality.
3. Any parcel of land which is owned by one individual, corporation, or legal entity, or owned collectively by one or more individuals, corporations, or legal entities, proposed to be annexed under the provisions of this act shall not be severed, separated, divided or partitioned by the provisions of said ordinance, but shall, if intended to be annexed, or if annexed, under the provisions of this act, be annexed in its entirety and as a whole.
4. Except as otherwise provided in this law, the annexation procedure as set forth in the statute shall constitute a uniform method for the adoption of an ordinance of annexation by the governing body of any municipality in this state, and all existing provisions of special laws which establish municipal annexation procedures are repealed hereby; except that any provision or provisions of special law or laws which prohibit annexation of territory that is separated from the annexing municipality by a body of water or watercourse shall not be repealed.
5. If more than 70 percent of the land in an area proposed to be annexed is owned by individuals, corporations or legal entities which are not registered electors of such area, such area shall not be annexed unless the owners of more than 50 percent of the land in such area consent to such annexation.

Prerequisites to Annexation

Prior to commencing the annexation procedures under Florida Statutes 171.0413, the governing body of the municipality shall prepare a report setting forth the plans to provide urban services to any area to be annexed, and the report shall include a map of the municipality and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls. A statement certifying that the area to be annexed meets the criteria in Florida Statutes Section 171.043 must be attached, and prior to commencing the annexation procedures the governing body of the municipality shall file a copy of the report required by Section 171.043 with the board of county commissioners of the county wherein the municipality is located.

Character of the Area To Be Annexed

A municipal governing body may propose to annex an area only if:

- 1) It meets the general standards that the total area to be annexed must be contiguous to the municipality's boundaries at the time the annexation proceeding is begun and is reasonably compact.
- 2) No part of the area shall be included within the boundary of another incorporated municipality.

Part or all of the area to be annexed must be developed for urban purposes, which, by definition, meets certain standards.

- (a) It has a total resident population equal to at least two persons for each acre of land included within its boundaries;
- (b) It has a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are 1 acre or less in size

In addition to the area developed for urban purposes, a municipal governing body may include in the area to be annexed any area that does not meet the requirements that part of or all of the area to be annexed must be developed for urban purposes if such area either lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such developed area; or is adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes.

Voluntary Annexation

The owner or owners of real property in an unincorporated area of a county that is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality. Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.

Upon determination by the governing body of the municipality that there will be no resulting enclave and the petition bears the signatures of all owners of property in the area proposed to be annexed, the governing body may at any regular meeting, adopt a non-emergency ordinance to annex said property and redefine the boundary lines of the municipality to include said property. At least 10 days prior to

publishing the ordinance notice, the governing body of the municipality must send a copy of the notice by certified mail to the board of county commissioners of the county wherein the municipality is located. The adopted ordinance shall be filed with the clerk of the circuit court and the chief administrative officer of the county in which the municipality is located and with the Department of State within seven days after the adoption of such ordinance. Pursuant to Section 171.044(6), failure to follow this notice provision may be the basis for a cause of action invalidating the annexation.

Annexation of Enclaves

The Legislature recognizes that enclaves can create significant problems in planning, growth management, and service delivery, and therefore declares that it is the policy of the state to eliminate enclaves. In order to expedite the annexation of enclaves of 10 acres or less into the most appropriate jurisdiction a municipality may annex an enclave by interlocal agreement with the county having jurisdiction of the enclave; or annex an enclave with fewer than 25 registered voters by municipal ordinance when the annexation is approved in a referendum by at least 60 percent of the registered voters who reside in the enclave.

Annexation Limited to a Single County

In order for an annexation proceeding to be valid, the annexation must take place within the boundaries of a single county.

Contraction Procedures

Any municipality may initiate the contraction of municipal boundaries in the following manner:

- 1) The governing body shall, by ordinance, propose the contraction of municipal boundaries, as described in the ordinance, and provide an effective date for the contraction.
- 2) A petition of 15 percent of the qualified voters in an area desiring to be excluded from the municipal boundaries, filed with the clerk of the municipal governing body, may propose such an ordinance.
- 3) After the introduction, the contraction ordinance shall be noticed at least once per week for two consecutive weeks in a newspaper of general circulation in the municipality, such notice to describe the area to be excluded.
- 4) If, at the meeting held for such purpose, a petition is filed and signed by at least 15 percent of the qualified voters resident in the area proposed for contraction requesting a referendum on the question, the governing body shall, upon verification, submit the question of contraction to a vote of the qualified voters of the area proposed for contraction, or the governing body may vote not to contract the municipal boundaries.
- 5) The governing body may also call for a referendum on the question of contraction on its own volition and in the absence of a petition requesting a referendum.
- 6) The referendum, if required, shall be held at the next regularly scheduled election, or, if approved by a majority of the municipal governing body, at a special election held prior to such election, but no sooner than 30 days after verification of the petition or passage of the resolution or ordinance calling for the referendum.
- 7) The municipal governing body shall establish the date of election and publish notice of the referendum election at least once a week for the two consecutive weeks immediately prior to the election in a newspaper of general circulation in the area proposed to be excluded or in the municipality. Such notice shall give the time and places for the election and a general description of the area to be excluded, which shall be in the form of a map clearly showing the area proposed to be excluded.

- 8) Ballots or mechanical voting devices shall offer the choices “for de-annexation” and “against de-annexation,” in that order.
- 9) A majority vote “for de-annexation” shall cause the area proposed for exclusion to be so excluded upon the effective date set in the contraction ordinance.
- 10) A majority vote “against de-annexation” shall prevent any part of the area proposed for exclusion from being the subject of a contraction ordinance for a period of two years from the date of the referendum election.

Criteria for Contraction of Municipal Boundaries

Only those areas that do not meet the criteria for annexation may be proposed for exclusion by municipal governing bodies. If the area proposed does not meet the criteria, but such exclusion would result in a portion of the municipality becoming noncontiguous with the rest of the municipality, then such exclusion shall not be allowed.

Effects of Annexations or Contractions

An area annexed to a municipality shall be subject to all laws, ordinances, and regulations in force in that municipality and shall be entitled to the same privileges and benefits as other parts of that municipality upon the effective date of the annexation. If the area annexed was subject to a county land use plan and county zoning or subdivision regulations, these regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment that includes the annexed area.

An area excluded from a municipality shall no longer be subject to any laws, ordinances, or regulations in force in the municipality from which it was excluded and shall no longer be entitled to the privileges and benefits accruing to the area within the municipal boundaries upon the effective date of the exclusion. It shall be subject to all laws, ordinances, and regulations in force in that county. A party that has an exclusive franchise that was in effect for at least six months prior to the initiation of an annexation to provide solid waste collection services in an unincorporated area may continue to provide such services to an annexed area for five years or the remainder of the franchise term, whichever is shorter.

Effect in Miami-Dade County

Municipalities within the boundaries of Miami-Dade County shall adopt annexation or contraction ordinances pursuant to methods established by the home rule charter established pursuant to Statute 6(e), Article VIII of the State Constitution. In addition to statutory requirements, all requests for annexation must be consistent with Chapter 20 of the Miami-Dade County Code.

Appeal on Annexation or Contraction

No later than 30 days following the passage of an annexation or contraction ordinance, any party affected who believes that he or she will suffer material injury by reason of the failure of the municipal governing body to comply with the procedures set forth for annexation or contraction or to meet the

requirements established for annexation or contraction as they apply to his or her property may file a petition in the circuit court for the county in which the municipality or municipalities are located seeking review by certiorari. In any action instituted pursuant to this section, the complainant, should he or she prevail, shall be entitled to reasonable costs and attorney's fees.

Recording

Any change in the municipal boundaries through annexation or contraction shall revise the charter boundary article and shall be filed as a revision of the charter with the Department of State within 30 days.

Chapter XVII: Requirements of Florida's Local Government Comprehensive Planning Act

The Office of Intergovernmental Programs (OIP) coordinates the Florida Department of Environmental Protection's (DEP) review of amendments to local government comprehensive plans. Pursuant to Florida Statutes 163, DEP provides comments addressing important state resources and facilities that will be adversely impacted by the amendment and recommends measures the local government may take to eliminate, reduce, or mitigate the adverse impacts. These reviews provide DEP the opportunity to guide local government development and economic growth in a way that will protect natural resources.

COMPREHENSIVE PLAN REVIEWS

Background

The state of Florida has developed an integrated planning system intended to ensure the coordinated administration of policies that address the multitude of issues posed by the state's continued growth and development. The integrated comprehensive planning framework calls for planning at all levels of government. Key statutory guidance for the planning activities is included in the following Florida Statutes:

- Chapter 380, Part I, the Environmental Land and Water Management Act, which directs the integration and coordination of land and water management activities and specifically authorizes Developments of Regional Impact (DRI) and Areas of Critical State Concern.
- Chapter 187, the State Comprehensive Plan, which sets forth the goals that articulate Florida's desired future.
- Chapter 186, on State and Regional Planning, provides direction for the integration of state, regional, and local planning efforts. This act specifically requires the development of agency strategic plans and Strategic Regional Policy Plans (SRPP).
- Chapter 163, Part II, the Local Government Planning and Land Development Regulation Act, which directs local government planning and includes requirements for Evaluation and Appraisal Reports (EAR).

OIP coordinates the department's involvement in statewide planning efforts conducted under all of the above authorities, although the nature and level of involvement varies. The State Comprehensive Plan and the majority of the local government comprehensive plans have been adopted, while numerous local comprehensive plan amendments continue to be reviewed through OIP each year.

The State Comprehensive Plan is reviewed annually, and local plans are updated every five to seven years through the Evaluation and Appraisal Report (EAR) process. Through that process, the department has the formal opportunity to evaluate proposed amendments to the comprehensive plan, which are based upon the evaluation and appraisal report, to ensure that they are consistent with DEP's rules

and policies.

The Florida Water Plan and the Florida Transportation Plan have been adopted. Through its review of planning activities, OIP assists with the implementation of the Florida Water Plan and the water supply plans of the five water management districts.

Local Government Comprehensive Plans

Growth management legislation was passed in 1985 in response to Florida's commitment to provide the facilities and services that communities need to foster economic growth and preserve natural amenities. The importance of comprehensive planning cannot be overstressed, because it results in decisions regarding long-term issues such as environmental protection and economic development. Florida Statutes 163.3177 requires that local government comprehensive plans provide the policy foundation for local planning and land use decisions on capital improvements, conservation, intergovernmental coordination, recreation, open space, future land use, housing, transportation, coastal management (where applicable), and public facilities.

Since Florida's county and municipal governments have now adopted local government comprehensive plans, DEP's ongoing plan review activity involves amendments to the previously adopted plans. The reviews provide DEP an opportunity to guide local development in a manner consistent with the state's adopted policies. Amendments can be in the form of 1) map amendments that propose changes to a local government's future land use map; 2) text amendments that propose changes to the goals, objectives and policies of the adopted comprehensive plan; and 3) amendments that are based on the evaluation and update of a local government's comprehensive plan. The latter may be a combination of both map and text amendments.

Comprehensive Plan Review Process

The review process is initiated when a local government transmits a proposed or adopted comprehensive plan amendment to the appropriate state and regional agencies, including DEP, Department of Economic Opportunity (DEO), Department of State (DOS), Department of Transportation (DOT), regional planning councils, and water management districts. Other agencies that may be included in the review process are the Department of Education (if the amendment affects schools), Department of Agriculture and Consumer Services (DOAGS), and Florida Fish and Wildlife Conservation Commission (SWC) (for county amendments); county governments (for municipal amendments); and the commanding officer of any affected military installation. The three review processes for amending comprehensive plans include the Expedited State Review, State Coordinated Review, and Small Scale Review.

With the exception of small scale amendments, which involve land use changes on parcels of 10 acres or less (or 20 acres or less for parcels within rural areas of critical economic concern) and are exempt from state and regional review, most amendments proposed and later adopted by local governments are now reviewed through the Expedited State Review process. DEP and other state and regional agencies must provide comments directly to the local government within 30 days of receiving an expedited review amendment and copy DEO, the state land planning agency.

Amendments that would change land uses within an Area of Critical State Concern, create a Rural Land Stewardship Area or sector plan, create a Development of Regional Impact (DRI), or update a comprehensive plan based upon an Evaluation and Appraisal Report (EAR), are required to use the State Coordinated Review process. In a coordinated review, DEP must provide comments to DEO within 30 days of its receipt of a complete amendment package. DEO has a total of 60 days from receipt to

provide the local government with the state's objections, recommendations, and comments.

In both coordinated and expedited review processes, DEP provides comments addressing important state resources and facilities that will be adversely impacted by the amendment. DEP must state with specification how the plan amendment will adversely impact an important state resource or facility and recommend measures the local government may take to eliminate, reduce, or mitigate the adverse impacts. Through OIP, DEP comments on the following important state resources and facilities:

- Air and water pollution
- Wetlands and other surface waters of the state
- Federal and state-owned lands and interest in lands, including state parks, greenways and trails, and conservation easements
- Solid waste
- Water and wastewater treatment
- Everglades ecosystem restoration

If there are issues that cannot be resolved, the DEO may challenge an adopted plan amendment. Detailed guidelines for the submittal and processing of comprehensive plan amendments may be found at the [DEO website](http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents) at:

<http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents>.

GLOSSARY

Accrual Basis – A basis of accounting in which transactions are recognized at the time they are incurred, as opposed to when cash is received or spent. The term is used in proprietary and non-expendable types of funds.

Ad Valorem Taxes – Property taxes computed as a percentage of the net value of real or personal property, net of applicable exemptions, expressed in mills. Ad Valorem Taxes are recorded “net” of discounts, penalties, and interest. The millage rate is set during the budget process and is adopted by resolution in September.

Adopted Budget – The official budget as it is approved by the Municipal Council.

Annexation – Extending a municipality’s boundaries by adding land from adjoining unincorporated territory.

Appropriation – The legal spending level authorized by a resolution of the Municipal Council for the Budget Year. Spending should not exceed this level without approval by the Council.

Assessed Valuation – The value assigned to properties within the Municipal by the County Property Appraiser, which is used in computing the property taxes to be paid by property owners.

Asset – Resources owned or held by a government that have monetary value.

Available (Undesignated) Fund Balances – Refers to the funds remaining from the prior year, which are available for appropriation and expenditure in the current year.

Balanced Budget – A budget wherein revenues and other resources are equal to expenditures and transfers.

Bond/Note – A written promise to pay a sum of money at a specified interest rate. The interest payments and the principal repayment are detailed in a resolution. The most common types of bonds/notes are general obligation, revenue, and special assessment debt. These debts are most frequently used to finance capital projects.

Bond/Note Refinancing – The payoff and re-issuance of debt to obtain better interest rates or less restrictive conditions.

Budget – The financial plan for the operation of an organization or program for the fiscal period based upon estimated revenue, expenditures, and transfers.

Budget Amendment – A revision to the adopted budget, which replaces or adds to the original provisions. Budget Amendments may occur throughout the year as spending priorities change.

Budgetary Basis – The basis of accounting used to estimate financing sources and uses in the budget. This generally takes one of three forms: GAAP, cash, or modified accrual.

Budget Calendar – It is the schedule of key dates that a government follows in the preparation and the adoption of the budget.

Budgetary Control – The control or management of a governmental unit in accordance with the approved

budget to keep expenditures within the limitations of available appropriations and resources. The Municipality manages expenditures at the fund level.

Budget Document – The official written document prepared by Administration and Finance, which presents the proposed and final budgets to the Municipal Council.

Budget Message – A general discussion of the proposed budget presented in writing as part of the Budget Document. The Budget Message explains principal budget issues against the background of the municipality's financial experience in recent years and presents recommendations.

Capital Assets – Assets of a long-term character, which are intended to continue to be held or used, such as land, infrastructure improvements, buildings, machinery, futures, or equipment.

Capital Improvement Program – The municipality has a five-year plan of project expenditures for public facilities, equipment, and infrastructure adopted by the Municipal Council. It outlines the resources that are estimated to be available to finance projected expenditures.

Capital Outlay – Expenditures for buildings, infrastructure, equipment, vehicles, or machinery that result in the acquisition of assets with a useful life of more than one year and exceeds \$1,000 in cost.

Capital Project – The largely one-time cost for acquisition, construction, improvement, replacement, or renovation of land, structures, and improvements thereon.

Charter – Similar to a constitution; written and adopted by the citizens. It defines the municipality's boundaries, form of government, and powers.

Code – A set of ordinances arranged by subject matter.

Consumer Price Index (CPI) – Measures the cost of consumer goods and is considered a measure of economic inflation. The index used is published monthly by the US Department of Labor. The specific index used is Consumer Price Index – All Urban Consumers, U.S. All Items Bases 1982-84 = 100.

Contingency – The appropriation of funds for future allocation in the event specific budget allotments have expired, additional funds are needed, or unplanned expenditures are encountered.

Cost Allocations – Assignment of applicable costs and charges from one fund/department/division to another fund/department/division based upon treating each unit as an independent entity.

Coverage – The percent of revenues required by bond covenants to cover expenditures and debt payments.

Cultural/Recreation – The UAS manual outlines this category as services that provide and maintain cultural and recreational facilities and activities for the benefit of citizens and visitors. The funds/departments under this category would be the Library, Simpson House, Historical Museum, Recreation, Parks, Aquatics, Community Building, and a portion of the Impact Fee Fund.

Debt Service – Debt Service is the annual payment of principal, interest, and any other related expenses for the Municipality's indebtedness.

Debt Service Funds – Debt Service Funds are used to account for the accumulation of resources for the payment of debt. General obligation (G.O.) bonds are those for which the full faith and credit of the

municipality are pledged.

Deficit – The excess of expenditures/expense over the revenues/income during a single accounting period. In addition, it is the excess of a fund's liabilities over its assets.

Department – The basic organizational unit of government which is functionally unique in its delivery of services and responsible for that service.

Depreciation – That portion of the cost of a capital asset, which is charged as an expense during each fiscal year in an Enterprise or Internal Service Fund.

Division – A group of homogeneous cost centers within a department, i.e. Recreation within the Parks & Recreation Department.

Encumbrances – Encumbrances are the budgetary authority that is used when a purchase order is issued for a future expenditure. The amount of funds is then committed to vendors for goods or services received or to be received by the municipality as specified on the municipality purchase order.

Enterprise Fund Accounting – Accounting used for governmental operations that are financed and operated in a manner like a business enterprise.

Estimated Revenue – The amount of projected revenue to be collected during the fiscal year.

Expenditure – An outflow of funds spent in accordance with budgeted appropriations on assets, goods, or services obtained.

Expense – Charges incurred (whether paid immediately or unpaid) for operations, maintenance, interest, or other charges in Enterprise and Internal Service Funds.

Expenditure Categories – The classifications are based upon the type of expenditure for goods or services purchased, such as Salaries, Benefits, Services, Supplies/Material, Capital, Debt Service, and Grants.

Fiscal Policy – A government's policies with respect to revenues, spending, and debt management as these relate to government services, programs, and capital investment. Fiscal policy provides an agreed-upon set of principles for the planning and programming of government budgets and their funding.

Fiscal Year – The designated 12-month period for budgetary and financial reporting purposes. The fiscal year is from October 1st to September 30th.

Fringe (Employee) Benefits - Benefits provided for employees such as Social Security, workers' compensation, health and life insurance, and retirement.

Franchise Fees – Fees levied on identities by a local government for granting the privilege to exclusively operate or use public property. Contracts are approved by the municipal council in ordinance form.

Full Faith and Credit – A pledge of a government's taxing power to repay debt obligations.

Full-time Equivalent Position (FTE) – A part-time position converted to the decimal equivalent of a full-time position based on 2,080 hours per year. For example, a part-time clerk working 20 hours per week would be the equivalent to 0.5 of a full-time position.

Fund – An independent fiscal and accounting entity with a self-balancing set of accounts recording all assets, related liabilities, and fund balance, which are segregated for the purpose of carrying on specific activities or certain objectives within the guidelines provided for by GASB pronouncements.

Fund Balance – The excess of the entity's assets over its liabilities in each fund is the Fund Balance.

GAAP – Generally Accepted Accounting Principles are standards used for accounting and reporting for both private industry and governments. Governmental GAAP is currently set by the Governmental Accounting Standards Board.

GASB – The Governmental Accountant Standards Board, established in 1985, is the current standards-setting board for governmental GAAP.

General Fund – The General Fund is the general operating fund of the municipality used to account for all financial resources and expenditures of the municipality that are not accounted for in other funds.

General Government – The UAS manual outlines this category as services provided by the legislative and administrative branches for the benefit of the public and other departments. The funds/departments under this category would be Legislative, Municipal Manager, Municipal Clerk, Finance, Customer Service, Purchasing, Planning & Development, Legal, Building Maintenance, CRA, NECRA, Motorpool, Equipment Replacement, Self-Insurance, and Other General Government. This category does not include administrative services provided by a specific department in support of services properly included in another major class.

Goal – A statement of broad direction, purpose, or intent based on the needs of the community. A goal is general and timeless.

Grants – A contribution of an asset (usually cash) from or to another government or organization to support a function. Grants are classified as either operational or capital, depending upon their purpose.

Growth Strategies – Planning for future population growth, resource use, and development.

Home Rule – A constitutional provision that allows municipal governments to exercise any power for municipal purposes except when it is expressly prohibited by state law. That is, if it is not specifically prohibited by state or federal law, municipal officials may pass any ordinance on behalf of the municipality.

Incorporated Area – The land within a municipality. The boundaries are set by the municipal charter.

Infrastructure – The capitalized improvements that support public activities, such as roads, street lighting, stormwater structures, plus water and wastewater lines.

Intergovernmental Revenue – Revenue from other governments, primarily State shared revenue from gasoline, telecommunications and sales taxes plus alcohol licenses and mobile home licenses.

Internal Control – Is the system of controls established by the Municipality to protect its assets from misappropriation and ensure accurate reporting of financial transactions.

Internal Service Funds – Internal Service Funds are used to account for the financing of goods and services provided by one department or agency to other governmental unit, or to other governments, on a cost-reimbursement basis.

Investment Earnings – The interest earnings and the net increase (decrease) in the fair Markey value of investments as authorized by the Municipality's Investment Policy.

Long-term Debt – Debt with a maturity of more than one year after the date of issuance.

Mill – One-thousandth of a dollar or \$1.00 of tax per \$1,000 of taxable assessed valuation.

Millage Rate – The rate of tax to be imposed on the assessed value of real property after exemptions for the computation of property tax revenues.

Miscellaneous Revenue – The account which provides for accumulation of revenues not specifically identified in other categories. This designation includes investment earnings, rents, donations, and insurance proceeds.

Modified Accrual – The basis of accounting according to which revenues are recognized when available and measurable and expenditures are recognized when the underlying liability is incurred.

Operating Budget – The portion of the budget that pertains to the daily operation that provides the basic governmental services.

Operating Expense – Costs including expenditures for salaries and wages, benefits, supplies, services, and charges which are necessary to support the primary services of the organization.

Operating Revenue – Funds that the government receives as income to pay for ongoing operations. It includes such items as taxes, fees from specific services, interest earnings, and grant revenues. Operating revenues are used to pay for day-to-day services.

Ordinance – A law enacted by a municipality or county affecting local affairs such as traffic, noise, and animal control.

Payment in Lieu of Taxes (PILOT) – Payments made by enterprise funds to the General Fund for compensation of tax-supported services like payments made by private sector entities. The PILOT is based upon the estimated amount that would be paid if a private sector entity would operate the service. The fee covers franchise fees and property taxes.

Permanent Funds – Permanent Funds account for resources that are legally restricted to only earnings, not principal; may be used to support the reporting government's programs for the benefit of the government or its citizens. The Municipality has no permanent funds.

Permits and Fees – Revenue category that includes franchise fees, impact fees, building permits, rental licenses, special assessments, and any other miscellaneous licenses or fees.

Performance Measure – Data collected to determine how effective or efficient a program is in achieving its objectives.

Personal Services – Expenditures for salaries, wages, and fringe benefits of a government's employees.

Physical Environment – The UAS manual outlines this category as services provided for the primary purpose of achieving a satisfactory living environment by controlling and utilizing elements of the environment. The funds/departments under this category would be Electric, Water & Wastewater,

Sanitation, Stormwater, and Cemetery Funds.

Privatization – The use of a private business to deliver a government service.

Proposed Budget – The recommended and unapproved Municipal budget submitted to the Municipal Council and the public.

Public Safety – The UAS manual outlines this category as services provided for the security and protection of persons and property. The funds/departments under this category would be Police, Police Communications, Fire, Protective Services, a portion of NECRA, and the Impact Fee Fund plus the Law Enforcement Fund.

Other Financing Sources – This category includes Transfer In from other Municipal Funds, Debt Proceeds and Extraordinary Gains.

Other Taxes – This category includes revenue from Local Option Gas Tax and Local Business Taxes (formerly Occupational Licenses).

Reserve – An account used to show that a portion of the fund equity is legally restricted for a specific purpose or is not required or available for expenditure in that budget year.

Resources – Total amounts available for appropriation, including estimated revenues, fund transfers, and beginning balances.

Return on Investment (ROI) – Payments made by an enterprise as a return for the investment made in the fund (Fund Balance). It is calculated based upon the Fund Balance times an interest rate of 4%.

Revenue – Sources of income for financing the operations of government.

Revenue Bonds – Bonds issued pledging future revenues, usually water, wastewater, garbage, or drainage charges, to cover debt payments in addition to operating costs.

Rolled-back Rate – The millage rate which, when multiplied by the tax roll, exclusive of new construction added to that tax roll, would yield the same amount of revenue for the taxing authority as was yielded by the millage rate levied the previous year, excluding new construction.

Services – Services include professional and other contractual services that the Municipality uses to supplement its workforce. These services include legal, medical, engineering, architectural, grant procurement, solid waste hauling, road resurfacing, sludge hauling, etc.

Service Charges or Fees– A general term for any charge levied by the Municipality associated with providing a service, permitting an activity, or imposing a fine or penalty. Major types of fees include utility charges, user or program fees, business licenses, fines, and special event fees. The amount of the fees is usually established by resolution with an ordinance authorizing the fee.

Source of Revenue – Revenues are classified according to their source or point of origin.

Special Revenue Funds – Special Revenue Funds are used to account for the proceeds of specific revenue sources other than major capital projects that are legally restricted to expenditures for specific purposes.

Standard Work Year – 2,080 hours or 260 working days.

Taxes – Compulsory charges levied by a government for the purpose of financing services performed for the common benefit of the people. This term does not include specific charges made against persons or property for current or permanent benefit, such as special assessments.

Tentative Budget – The budget approved after the first public hearing and before the Final Budget adoption.

Tax Roll – The certification of assessed/taxable values prepared by the Property Appraiser and presented to the taxing authority by July 1st of each year.

Transfers In/Out (Inter-fund Transfers) – The movement of monies between funds in the same governmental entity.

Transportation – The UAS manual outlines this category as services provided for the safe and adequate flow of vehicles, travelers, and pedestrians while excluding those expenditures for public safety. The funds/departments under this category would be Roads & Streets, Engineering, and a portion of the CRA and Discretionary Sales Tax Funds.

Undesignated Fund Balance – The portion of a fund's balance that is not restricted for a specific purpose and is available for general appropriation.

Uniform Accounting System (UAS) – The Bureau of Local Government under the State of Florida Department of Financial Services publishes a manual that outlines the accounting structure to be used by all local governments. Part of the manual outlines expense/expenditure grouping of various functions called categories, as well as revenue categories.

Unincorporated Area – The area of the county not in any municipality. The area may be rural, agricultural, or heavily populated and suburban in nature.

User Fees – The charge for the direct receipt of a public service by the party benefiting from the service.

Utility Service Taxes – Taxes levied by the municipality on the purchase of utility services within the jurisdiction, in accordance with Chapter 166.231, Florida Statutes. It is also known as the Municipal Public Services Tax.

Working Capital – The year-end balance of current assets less current liabilities in the Enterprise and Internal Service Funds. The unencumbered balance at year-end is available for appropriation in the next year's budget.

Zoning – Dividing a community into zones for different types of uses, such as business, residential subdivisions, and agriculture.

Sections of the City of Deland Charter Referencing the City Clerk-Auditor Responsibilities

SUB-PART A –

ARTICLE II. – THE CITY COMMISSION

Sec. 6. Qualifications and disqualifications.

Each member of the city commission shall be a registered elector of the city. Any member of the city commission who ceases to have the qualifications herein imposed for members of the city commission or who, while in office, is convicted of a crime involving moral turpitude, shall forfeit his office and his seat shall immediately become vacant. Absence from three consecutive, regular meetings of the city commission, as certified by the city clerk, shall cause the seat of such commissioner to become vacant, unless such absence is excused by a resolution duly adopted by the city commission.

(Ord. No. 88-07, § 1, 1-25-88; Ord. No. 2014-14, § 2, 5-5-14, effec. 9-15-14)

Sec. 8. Election of commission; vacancy; term.

At all elections the candidates shall be grouped by seats on the commission. Seat number 1 shall be for the office of mayor-commissioner. Seat numbers 2 through 5 shall be for the office of commissioner. All members of the commission shall be elected for terms of four years.

If a vacancy occurs in the city commission and there is more than 28 months remaining in the term, or if a resignation is provided to the city clerk by a sitting city commissioner at least 28 months prior to the expiration of that commissioner's term, which resignation is effective at least 24 months prior to the expiration of that commissioner's term, then the city commission shall, within 60 days from the date of the vacancy, call for a special election to elect the replacement. In all other instances in which a vacancy occurs in the city commission, the city commission shall, within 45 days of the date of the vacancy, elect by majority vote of the remaining commissioners a replacement commissioner. Any replacement commissioner elected or appointed under this section shall take office immediately upon their appointment or election and qualification and shall serve for the remainder of the term of office of the commissioner being replaced.

(Ord. No. 88-07, § 1, 1-25-88; Ord. No. 97-32, § 1, effec. 10-1-97; Ord. No. 2005-32, § 1, 6-20-05, effec. 10-11-05; Ord. No. 2024-15, § 2, 5-20-24, effec. 8-20-24)

Sec. 13. Powers of commission.

Except as otherwise provided in this Charter, all powers of the city and the determination of all matters of policy shall be vested in the city commission. Without limitation of the foregoing, the city commission shall have power to:

- (1) Be the judge of the election and qualifications of its own members.
- (2) Adopt a budget.
- (3) Authorize the issuance of bonds, revenue certificates and other evidence of indebtedness.
- (4) Appoint members of official boards and establish advisory groups or boards and appoint the members thereof.

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- (5) Adopt and modify an official map of the city and provide for the names of streets, avenues and other public ways and provide for a system of house numbering.
 - (6) Provide for an independent audit.
 - (7) Enter into contracts with the state and federal governments and agencies relating to housing, public utilities and other municipal functions, and make expenditures for those purposes.
 - (8) Pass ordinances and laws and impose penalties for the violation thereof, provided that the maximum penalty to be imposed shall not exceed that provided by general law.
 - (9) Provide rules and regulations for all purchases and sales made for and on behalf of the city.
 - (10) Appoint, remove and fix the compensation of the city manager, city attorney and city clerk and any other officers and employees appointed by the city commission.
 - (11) Exercise the power of eminent domain.
 - (12) Exercise any right or authority given or permitted by the Constitution and the laws of the State of Florida to city commissions or to city councils not inconsistent with the provisions of this Charter.
- (Ord. No. 88-07, § 1, 1-25-88)

Sec. 20. commission meeting procedures; journal of minutes.

The city commission shall determine its own rules and order of business. It shall require a journal of minutes of its proceedings to be kept and the journal of minutes shall be open to public inspection. The city clerk-auditor shall be custodian of the journal of minutes.

(Ord. No. 88-07, § 1, 1-25-88)

Sec. 27. Execution of ordinances.

Each ordinance enacted by the city commission shall be signed by the mayor-commissioner, shall be attested to by the city clerk-auditor or the designee of the city clerk-auditor, as designated by the city commission, and shall be approved by the city attorney as to form and legality. However, failure of the city attorney to approve an ordinance shall not affect its validity.

(Ord. No. 88-07, § 1, 1-25-88)

Sec. 28. Publication of ordinances after final passage.

The city commission may designate the methods of publication of each ordinance in the ordinance, and in the absence of such designation in the ordinance, the method of publication shall be by making a copy of such ordinance available in the city clerk's office for inspection by the public. The requirement of publication shall not postpone the effective date of such ordinances unless so provided in the ordinance.

ARTICLE III. – THE CITY MANAGER

Sec. 35. Absence of the city manager.

To perform his duties during his temporary absence or disability, the city manager may designate by letter filed with the city clerk a qualified administrative officer or department head of the city. Such appointment may be for an interim period only, not to exceed 30 days unless otherwise approved by the city commission. In the event of

the failure of the city manager to make such designation, the city commission may by resolution appoint an officer or department head of the city to perform the duties of the city manager until he shall return, or his disability shall cease.

(Ord. No. 88-07, § 1, 1-25-88)

ARTICLE IV. – ADMINISTRATIVE OFFICERS

Sec. 39. City clerk-auditor; duties.

There shall be a city clerk-auditor who shall be appointed by and serve at the pleasure of the city commissioners. The city clerk-auditor shall receive a salary to be fixed by the city commission.

The city clerk-auditor shall give notice of the meetings of the city commission, shall keep the minutes of its proceedings, shall be the custodian of the city seal, shall authenticate by signature and record and keep for that purpose all ordinances and resolutions passed by the city commission, and shall perform such other duties as may be assigned by the city commission. The city clerk-auditor shall also countersign all contracts made on behalf of the city. No contract made on behalf of the city or to which the city is a party shall be valid unless countersigned by the city clerk-auditor. The city clerk-auditor or the designee of the city clerk-auditor, shall also have the power to administer oaths.

The city clerk-auditor shall perform internal auditing on the financial records of the city and is directly accountable to the city commission as the representative of the legislative branch of government.

The city clerk-auditor shall perform such other duties as may be assigned by the city commission.

(Sp. Acts, Ch. 72-522, Sec. 2; Ord. No. 88-07, § 1, 1-25-88; Ord. No. 2014-14, § 7, 5-5-14, effec. 9-15-14; Ord. No. 2024-19, § 1, 5-20-24, effec. 8-20-24)

Sec. 40. City finance director; appointment, compensation, duties.

There shall be a city finance director who shall be appointed by and shall be under the direction and supervision of the city manager. The finance director shall receive a salary to be fixed by the city manager.

The finance director shall be responsible for the collection, receipt and accounting for all funds of any kind due to the city and shall be custodian of such funds. The finance director shall be responsible for keeping a separate account of each fund or appropriation and of the debits and credits pertaining thereto. All funds of the city shall be deposited by the finance director in such banks or depositories as may be directed from time to time by the city commission and may be withdrawn and disbursed from time to time in such manner as may be provided by resolution or approved motion of the city commission. All monies due as interest upon investments or deposits shall be collected under direction of the finance director and placed to the credit of the general fund of the city unless designated to some other city fund by the city commission. The finance director shall be responsible for the safekeeping of any and all bonds and securities taken for investments and deposits.

The finance director shall be responsible for the disbursement of any city funds. All disbursements except those from petty cash funds and those for certain bonds and interest bearing coupons will be made by check drawn on city bank, depository accounts, or electronic payment. All checks will be signed by the finance director and in the finance director's absence by the finance director's designee and countersigned by the city manager and in his absence by his designee. A receipt shall be obtained and properly filed for each disbursement of cash from the petty cash fund. Certain bonds and interest-bearing coupons which, when due, may as provided by ordinance or resolution be paid on presentation to a bank or depository holding funds of the city for payment of such items and in case the same are payable in some place other than the City of DeLand, then the money for their redemption shall be sent to the place of payment.

The finance director shall be responsible for keeping an accurate account of all assessments and taxes, of all monies due to, and of all receipts and disbursements by the municipality; of all its assets and liabilities and of all appropriations made by the city commission. The finance director shall submit to the city commission once each quarter a complete and comprehensive report covering the last preceding quarter of the receipts and expenditures and of the financial condition of the city. The finance director shall recommend such action from time to time to the city commission through the city manager as will ensure the punctual payment of principal and interest of any and all bonds and all other obligations of the city. The finance director shall furnish the city manager at any time such reports, data, and information as may be necessary to fully inform the latter as to the financial affairs of the city, furnishing him such estimates of the expenses of the government as may be necessary to form the basis for the annual budget and to determine the revenue necessary to be raised each year.

The finance director shall prescribe and require except as there may be prescribed by law, the use of plain and uniform systems of books of accounts by all city departments, offices or employees who are charged with the receipt or disbursement of any of the funds of the city, or who may be authorized to purchase materials and supplies or to employ labor for the city. The finance director shall prescribe the forms or vouchers or other evidence of receipts of money from the city or the establishment of demands against the city, and may require reports from each department, office, officer or employee of the city receiving or disbursing funds of the city showing all sums received and disbursed, from what source, and for what purpose, making such records available to the city clerk-auditor for internal auditing, provided that at the close of each fiscal year the city commission shall have the books of the city audited by a certified public accountant.

The finance director in addition to his enumerated duties above shall perform such other duties as may be assigned to the finance director from time to time by the city manager.

(Sp. Acts, Ch. 72-522, § 3; Ord. No. 88-07, § 1, 1-25-88; Ord. No. 2005-31, § 4, 6-20-05, effec. 10-11-05; Ord. No. 2024-20, § 1, 5-20-24, effec. 8-20-24)

ARTICLE VII. – BUDGET

Sec. 54. Budget a public record.

The budget and budget message and all supportive schedules shall be a matter of public record open to public inspection by anyone at any reasonable hour in the office of the city clerk-auditor.

(Ord. No. 88-07, § 1, 1-25-88)

Sec. 57. Effective date of budget; certification; copies made available.

Upon the final adoption, the budget shall be in effect for the budget year. A copy of the budget, as finally adopted, shall be certified by the city manager and city clerk-auditor, and filed in the office of the city clerk-auditor. The budget so certified shall be reproduced and sufficient copies thereof shall be made available for the use of all offices, departments, and agencies of the city, and for the use of interested persons.

(Ord. No. 88-07, § 1, 1-25-88)

Sec. 59.1. Pay plan.

The city commission shall establish a pay plan for all permanent employee positions of the city and shall review that pay plan not less often than every five years. A copy of the pay plan shall be filed with the city clerk-auditor and shall have the same effect as though it were a part of this Charter. The pay plan shall include rules for its

installation and administration. There shall be established a schedule of annual salary ranges having a minimum and maximum rate. It shall be the duty of the city manager to administer the pay plan in accordance with its provisions.

(Ord. No. 88-07, § 1, 1-25-88; Ord. No. 2005-31, § 6, 6-20-05, effec. 10-11-05; Ord. No. 2014-14, § 8, 5-5-14, effec. 9-15-14)

ARTICLE IX. - ELECTIONS

Sec. 65. Elections.

The city commission shall by ordinance provide and make all regulations, not inconsistent with this Charter or general law, which it considers needed or desirable for the conduct of municipal elections, and for the prevention of fraud therein. Inspectors and clerks of elections shall be appointed by the city clerk-auditor.

(Ord. No. 88-07, § 1, 1-25-88)

Sec. 67. Qualifying of candidates for office of city commissioners.

Any elector of the city, having the qualifications herein provided for city commissioner and desiring to be a candidate for election as a city commissioner or mayor-commissioner shall file with the city clerk a signed qualifying statement under oath in substantially the following form:

I do solemnly swear that I am a candidate for Seat No. ____; on the city commission of the City of DeLand in the election to be held on ____; and I agree to serve if I am elected. I am a qualified elector in the City of DeLand, Florida, and I have or will have resided within the present corporate limits of the City of DeLand for at least six months immediately preceding the date of the end of the qualifying period.

The city clerk shall have qualifying forms available for completion by any candidate who may request such a form. Such qualifying forms and such qualifying fees as may be required by law shall be filed by the candidates at the time and on the dates established by the Florida Election Code of each even-numbered year, unless otherwise set by adoption of a resolution by the City Commission.

(Ord. No. 88-07, § 1, 1-25-88; Ord. No. 97-37, § 1, 9-3-97; Ord. No. 99-14, § 1, 5-17-99; Ord. No. 2005-29, § 1, 6-20-05, effec. 10-11-05; Ord. No. 2008-34, § 1, 8-18-08; Ord. No. 2014-14, § 10, 5-5-14, effec. 9-15-14)

Editor's note(s)—Ord. No. 2008-34, § 1, adopted Aug. 18, 2008 was approved by voters at a Referendum held on Nov. 4, 2008.

Sec. 71. Election officer.

The city clerk-auditor shall be the election officer of the city and shall perform all ministerial duties of the election which are not performed by the supervisor of elections of Volusia County, Florida.

(Ord. No. 88-07, § 1, 1-25-88)

Sec. 73. Hours of elections; canvass of returns.

The polls shall open and close as provided by state law for general elections. On the day of the election, the canvassing board, comprised of the City Clerk-Auditor, the chief of police, and one member of the city commission not on the ballot and appointed by vote of the city commission, shall canvass the returns and count the absentee ballots in the office of the Supervisor of Elections. The election returns shall be certified by resolution at the organizational meeting of the city commission.

(Ord. No. 88-07, § 1, 1-25-88; Ord. No. 97-37, § 3, 9-3-97; Ord. No. 2005-32, § 1, 6-20-05, effec. 10-11-05)

ARTICLE XVII. – GENERAL AND MISCELLANEOUS PROVISIONS

Sec. 145. Official bonds.

The city commission shall determine which officers and employees of the city shall give bond, and the amount thereof, but all officers and employees handling any funds or property of the city shall be required to give bond to the city, unless otherwise provided for under the City's blanket coverage providing coverage for all employees. The bond shall be procured from a regularly accredited surety company authorized to do business in the state. The premiums of such bonds shall be paid by the city. All such bonds shall be filed in the office of the city clerk.

(Ord. No. 88-07, § 1, 1-25-88; Ord. No. 2005-32, § 4, 6-20-05, effec. 10-11-05)

ARTICLE XII. – PLANNING AND ZONING

Sec. 91. Recording of plats.

The county clerk or other public recording officer shall not receive or record any plat of lands within the city unless the plat has been approved by the city commission and its approval has been entered in writing on the plat, signed by the mayor-commissioner and attested by the city clerk.

(Ord. No. 88-07, § 1, 1-25-88)

ARTICLE XIII. – BONDS

Sec. 99. Execution of bonds; conditions.

All bonds, including municipal improvement bonds, excise tax bonds, revenue bonds or other obligations or certificates of indebtedness for the payment of money, shall be signed in the name of the city by the mayor-commissioner or any other officer designated for that purpose in the resolution authorizing the issuance of the same, shall be attested by the city clerk, and shall be under the seal of the city. All of the bonds and certificates of indebtedness may bear interest coupons to be signed with the facsimile signature of the city clerk. All of the obligations shall be of such denominations as shall be determined by the city commission, and shall bear interest at a rate fixed by the city commission not exceeding 15 percent per annum or any higher rate authorized by general or special act, payable either annually or semiannually, and to be due not more than 40 years from the date of issuance.

Prior to the issuance of any such bonds or certificates of indebtedness, the city commission shall by resolution authorize the issuance of the same, fixing the aggregate amount of the proposed issue, the denominations, the rate of interest, the purpose for which the moneys derived therefrom shall be expended, the maturity of the same, either in serial term or all to mature at a fixed date, and shall provide for and shall create a sinking fund to pay the principal and interest of the bonds or certificates. The city commission shall also by ordinance fix the fees or charges to establish and maintain the services and facilities of such systems, undertakings or enterprises. These fees or charges shall be fixed, established and maintained at such rate or rates as shall be sufficient to pay all of the costs of operation and maintenance of such systems, undertakings or enterprises, the principal of and interest on such revenue bonds, and any reserve funds or other funds including reasonable margins, which may be provided for in the proceedings authorizing such revenue bonds. The city commission may also in such proceedings provide for a trustee or trustees of the proceeds of the sale of such revenue bonds or such revenues, and enter

into trust agreements or other forms of agreements which it shall deem necessary and advisable and may include in such proceedings, trust agreements or other agreements, such other covenants, agreements and contracts which it shall deem advisable, all of which covenants, agreements and contracts shall be valid and legally binding obligations of the city in accordance with the terms thereof.

(Ord. No. 88-07, § 1, 1-25-88)

ARTICLE XIV. – SPECIAL ASSESSMENTS FOR MUNICIPAL IMPROVEMENTS

Sec. 111. Municipal improvement certificate of lien; authorization for issuance; description; execution; registration; payment.

If the city commission provides for any municipal improvements to be paid by any special assessments against any property benefited by the improvements, as provided in this article, in lieu of issuing municipal improvement bonds to provide funds to pay for that portion of the work to be paid by special assessments, the city commission may provide for the issuance of municipal improvement certificates of lien for the amount so assessed against the property benefited or the adjoining or contiguous or abutting property assessed as hereafter provided.

A separate municipal improvement certificate of lien shall be issued against each tract or lot of land assessed, for the amount of the assessment against the same, which shall be signed in the name of the city by the mayor-commissioner and attested by the city clerk, and under the seal of the city, and shall contain a description of the land assessed and the amount of the assessment together with the general nature of the improvement for which the assessment is made, the date thereof, and an assignment to the holder of such public improvement certificate of lien of the lien entered against the said land. The certificate shall be made payable to the holder in a number of installments equal to the number of special assessments made against the property on which the lien is claimed and shall bear interest at the same rate and shall be payable at the same time as the special assessments. The installment of principal and interest shall be paid to the holder of such certificate upon the presentation of the same for payment and the final installment of principal and interest shall be payable only upon the surrender and cancellation of the certificate. The holder of any such certificate may present the same for registration with the finance director and by the registration the finance director shall note on the record of the certificate and on the certificate the name of the holder and thereafter payment may be made of the installments (except the last and final installment) to the registered holder in lieu of the presentation of such certificate, and payment to the registered holder shall be a complete discharge of the amount so due. Any holder of such registered certificate may thereafter present the same for registration so that the amount due shall be payable only to the holder upon presentation of the same.

The municipal improvement certificates of lien shall neither be nor constitute obligations of the city, and the payment of such certificates or the annual interest thereon shall not be guaranteed by the city, but the holder of such certificates shall look only to the lien on the land for collection of the same.

If any installment of interest or principal upon any certificate is not paid within 30 days after maturity of the same, the holder may elect to consider the whole amount expressed in the certificate as immediately due and payable.

If the amount due on such certificate of lien is fully paid, upon the surrender of the same to the finance director the fact of such payment in full shall be noted on the entry of the special assessment and shall constitute a discharge of the lien of the same, and a certificate of such discharge signed in the name of the city by the finance director shall be recorded in the public records of Volusia County, Florida.

The owner of any lot or tract of land so assessed may pay to the finance director the full amount due for principal and interest of any special assessment, the interest to be computed to a date 30 days subsequent to the date of such payment, and thereupon the finance director shall make note of the fact of such payment and notation of payment shall fully discharge the lien of said special assessment, a certificate of discharge shall be filed in the

public records of Volusia County, Florida, and thereafter the moneys paid to the finance director shall be paid to the holder of said certificate upon the surrender of the same for cancellation.

(Ord. No. 88-07, § 1, 1-25-88)

Sec. 116. Municipal improvement bonds.

In lieu of the issuance of municipal improvement certificates of lien, the city commission may, by resolution, authorize the issuance of municipal improvement bonds as provided in this Charter, to be designated as "Municipal Improvement Bonds, Series No. _____," In an amount not in excess of the aggregate amount of the liens levied for municipal improvements. These bonds shall be payable from a special fund to be known as the "Municipal Improvement Fund Series No. _____," Which shall be used solely for the payment of the principal and interest of the "Municipal Improvement Bonds, Series No. _____," And for no other purpose. This fund shall be deposited in a separate bank account and all the proceeds collected by the city from the principal, interest and penalties of the liens shall be deposited and held in said fund. The bonds issued shall never exceed the amount of liens assessed, and the bonds shall mature not later than six months after the maturity of the last installment of the liens. The bonds shall bear certificates signed by the city clerk certifying that the amount of liens levied, the proceeds of which are pledged to the payment of said bonds, are equal to the amount of the bonds issued. The bonds may be delivered to the contractor in payment or part payment for his work, or may be sold as provided in this Charter, and the proceeds to be used in paying for the cost of the work. The bonds shall not be a charge on, or payable out of, the general revenues of the city, but shall be payable solely out of said assessments, installments, interest and penalties. Any surplus remaining after payment of all bonds and interest thereon shall revert to the city and be used for any municipal purpose.

(Ord. No. 88-07, § 1, 1-25-88)

Sec. 119. Special assessments for local improvements acquired in whole or in part or completed by the city.

In the event that the city shall acquire sewer improvements, water improvements or any other local improvements from the owners thereof, for which assessments can be legally levied against the lands and real estate benefited thereby, either in the territory of the city as it now exists or in any territory hereafter annexed by the city in the manner provided by law, the city may assess all or any part of the cost thereof against the lands and real estate benefited by the construction of the sewer, water, or other local improvements.

In the event that the city shall acquire from the owner thereof any sewer, water or other local improvements which have been partly constructed and it is necessary for the city to complete the construction of the sewer, water or other local improvements, the city shall have power to levy special assessments against the lands and real estate which have been benefited or will be benefited by the completion of the sewer, water or local improvements and the special assessments for the completion of the construction of such sewer, water or other local improvements may be levied at the same time and in the same proceeding with any special assessments levied pursuant to this section on such lands or real estate for the acquisition of the part of such sewer, water or other local improvements already constructed prior to their acquisition by the city. It is the intention of this section that the city shall not be required to levy separately special assessments for the parts of such sewer, water or other local improvements which have been completed and are acquired from the owners thereof by the city and for the part of such sewer, water or other local improvements which the city shall thereafter complete. It is the intention of this section that one assessment may be levied in one proceeding against the lands and real estate benefited for the part of such sewer, water or other local improvements already acquired from the owners thereof and the part of such sewer, water or other local improvements thereafter completed by the city.

The power to levy the special assessments provided for in this section shall not be exercised by the city unless a petition is filed in the office of the city clerk signed by the owners of at least 50 percent of the amount of the

assessed valuation of all the lands and real estate benefited by such sewer, water or other local improvements according to the assessed valuation then in effect in the city at the time of the filing of such petition.

The amount of special assessment to be levied and assessed pursuant to this section shall not in any event exceed the cost to the city of acquiring of any such sewer, water or other local improvements, or part thereof, from the owners thereof, together with the cost of the completion by the city of any of such sewer, water or other local improvements which may not have been completed at the time of the acquisition thereof by the city and which are subsequently completed by the city, together with the reasonable and proper expenses of the city in the making and levying of such assessments and all other proceedings connected therewith.

Any special assessments levied pursuant to this section shall in all other respects be levied and made in the manner provided in this Charter and by general law.

(Ord. No. 88-07, § 1, 1-25-88)

ARTICLE XVIII. – GENERAL AND MISCELLANEOUS PROVISIONS

Sec. 146. Oath of office.

Every administrative officer of the city, including the mayor and city commission, the city manager, the city clerk, the city attorney, and all department heads, before entering upon the duties of office, shall take and subscribe to the following oath or affirmation, to be filed and kept in the office of the city clerk:

I do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida; that I will, in all respects, observe the provisions of the Charter and ordinances of the City of DeLand; and that I will well and faithfully discharge the duties of the office of _____.

The city commission may require the taking of the oath of office by any additional city officer or employee.

(Ord. No. 88-07, § 1, 1-25-88)

CHAPTER 2 – ADMINISTRATION

ARTICLE I. – IN GENERAL

Sec. 2-1. Utility rates; rules of procedure and practice before commission in fixing rates.

The following rules for procedure and practice before the city commission in all proceedings related to and in connection with the exercise by the city commission of its power and authority to fix the rates to be charged by any utility in the city, are hereby adopted and promulgated, to wit:

Rule I. Any citizen of the city or any party interested in or affected by the rates fixed for or charged by any public utility or service company rendering or furnishing service to the inhabitants of the city may appear and be heard, either in person or by attorney at law or in fact, in any proceeding before the commission.

Rule II. A majority of the city commission shall be necessary for the holding of any hearing and at any hearings at which a majority of the city commission are present shall be a valid hearing of the commission.

Rule III. The mayor shall preside at all meetings of the commission and in his absence the commissioner from ward 1 shall preside.

Rule IV. The city auditor and clerk shall act as secretary of the commission and shall hire such reporters or stenographers as shall be necessary for proper taking and transcribing all proceedings before the commission.

Rule V. The city attorney or any member of his staff shall act as the attorney for the commission.

Rule VI. The presiding officer or secretary of the commission or any notary public may administer oaths to witnesses or deponents before the commission.

Rule VII. In making an investigation or inquiry or conducting a hearing the commission shall not be bound by technical or formal rules of procedure or evidence; but may make such investigation or inquiry, or conduct such hearing in such manner as to best ascertain the rights of the parties.

Rule VIII. All applicants or complaints filed before the commission must be in writing. No specific form of complaint shall be required but any application or complaint must contain the name and address of the applicant or complainant, a brief statement of the facts forming the basis of the application or complaint, and if the application be for a change in rates it must contain a detailed schedule of the existing rate and the rate requested. Five copies of all applications or complaints must be filed with the commission or its secretary. All applications or complaints must be signed by the party making the same or its duly appointed officers or attorneys.

Rule IX.

(1) An applicant is a person on whose behalf an application is filed before the commission for authorization to change an existing rate.

(2) A complainant is a person on whose behalf a complaint has been filed with the commission in respect to any act done or omitted to be done in violation of the orders of the commission.

(3) A respondent is a person answering any complaint.

Rule X. Upon any complaint being filed against a public utility doing business in the city, the commission shall by a majority vote, determine whether the complaint is of such nature as requires a hearing, and if the commission determines that a hearing is necessary, a copy of the complaint shall be served forthwith upon the utility by delivery of the same to any officer of the utility or any employee in the principal business office of the utility within the city.

Rule XI. Answers to complaints must be filed with the commission within 30 days after service of the complaint except that for good cause shown the commission may extend the time for filing answers. Answers must be so drawn as to fully and completely advise the parties and the commission as to the nature of the defense and should admit, deny or explain specifically each material allegation of the complaint.

Rule XII. Hearings shall be open to the public and shall be held at such time and place as the commission may direct provided, however, that notice of such hearing shall be served upon all parties to the proceeding not less than three days prior to such hearing, and public notice shall be given by publication of such notice in a newspaper published in the city once a day for not less than three days preceding the day of such hearing. Notice of hearing shall clearly state the time and place of the hearing and a brief summary of the subject matter of the hearing. Hearings may be adjourned or recessed at the direction of the presiding officer of the commission.

Rule XIII. At all hearings the complainant or the applicant shall open and close unless the hearings be proceedings instituted by the commission in which event the presiding officer of the commission shall direct who shall open and close. All persons testifying or deposing before the commission shall be placed under oath which oath requires the witness to swear that he will testify the truth, the whole truth and nothing but the truth. Testimony shall be taken and reduced to writing by reporters under the direction of the commission.

Rule XIV. Relevant and material matter contained in any book, paper or document containing other matter not relevant or material may be offered in evidence either by reading the same into the record or by clearly designating such matter by markings in such book, paper or document and describing the location of the same in the written record.

Rule XV. All exhibits of documentary character shall be furnished in duplicate, one copy of which may be removable from the files of the commission by any party upon application.

Rule XVI. All witnesses produced by any party or person shall be subject to orderly cross examination by any other party to or person interested in the proceedings, or any commissioner or the attorneys for the commission.

Rule XVII. At the close of testimony in each case the presiding officer of the commission shall fix the time for filing and service of the respective briefs, if briefs shall be required by the commission. The applicant or complainant shall file the copies of its brief with the commission and serve one copy on the opposite party if any and the opposite party shall thereupon have the same period as was granted to the applicant or complainant in which to file its reply brief such period commencing from the date of service of the initial brief.

Rule XVIII. The commission shall fix the time in which written argument may be filed or oral argument made unless the same be waived by the parties.

Rule XIX. All briefs, if required, should contain an abstract of the evidence relied upon by the party filing it with reference to the pages of the record or exhibit where the evidence appears and shall include requests for such specific findings as the party desires.

Rule XX. The commission upon rendering its decision shall file two copies of its written findings and decision with the secretary of the commission and shall serve one copy of the same upon every party to the proceeding. Any orders may be made and entered at any time after the filing of the finding and decisions of the commission, but such order shall not become effective until ten days after its adoption and passage.

Rule XXI. Any party who is aggrieved or dissatisfied as a result of any findings, decision or order issued by the commission may apply for a rehearing within 30 days from the date upon which such findings, decision or order was served upon it, which application for a rehearing must contain a summary of the rulings, findings or orders of the commission which the party seeking the rehearing contends to be unjust, illegal or invalid together with the summary of the grounds of such contention and a detailed statement of any new and material evidence which the party desires to present before the commission. The commission may grant or deny such rehearing or abrogate or modify its order without further hearing. Unless the commission acts upon the application for rehearing within 15 days after it is filed, such application shall be deemed to have been denied.

Rule XXII. An investigation or inquiry into the rates of any utility operating in the city may be instituted by the commission upon its own motion at any time upon filing and serving upon the utility concerned a complaint setting forth specifically the subject matter of such investigation or inquiry and all proceedings therein shall be similar to the proceedings upon any other complaint.

Rule XXIII. If the commission finds upon its face that any complaint or application is frivolous, dilatory or absurd it may deny such application or complaint without further proceedings or hearing.

Rule XXIV. One-half the cost of all proceedings upon any application by a utility for the fixing of a rate for such utility shall be paid by such utility and shall be secured by a deposit of \$100.00 filed with the secretary of the commission at the time the application for rate adjustment is filed and such utility shall be entitled to a copy of all documentary evidence, exhibits and reports filed with or made by the commission.

Rule XXV. One copy of all pleadings, exhibits, reports and other matters filed with and before the commission shall be retained in the office of the city auditor and clerk in the city hall at DeLand, Florida.

Rule XXVI. The reporter for the commission shall be allowed and paid such fees as are allowed official court reporters of the State of Florida for similar services in proceedings in the circuit courts of the state, which fees shall be taxed as the costs of the proceedings.

Rule XXVII. Service of any notice, complaint, order or other document, pleading or instrument shall be had by delivering a true copy of the same upon the person to be served or if a corporation, by delivering a true copy of the same to any officer or local manager of said corporation or by delivery of a true copy of the same to any employee in the principal business office of the corporation in the city and explaining the contents of such instrument to such employee and requesting its delivery to the proper officer of the corporation.

Rule XXVIII. A majority vote of the entire commission shall be required for the making or issuance of any rate order, temporary or final. A majority vote of the members of the commission present at any hearing or other session shall be necessary for any ruling, interlocutory order or decision other than a rate order or final order of the commission.

Rule XXIX. Temporary rate adjustments may be allowed pending final decision upon such terms and conditions as the commission may determine to be necessary for the protection of the utility, the consumer and the general public.

(Bk. 12. P. 68, § 1)

Cross reference(s)—Water rates § 30-4; meter gas rates, § 30-10.

Charter reference(s)—Authority of municipality to grant utility franchises, § 106; authority of city to regulate rates, § 21.

Sec. 2-4. Bond required of employees; amount.

- (a) The city manager, tax collector, treasurer, clerk and auditor, and all department heads are hereby required to give an annual bond for the faithful performance of the duties of their respective offices, which bond or bonds shall be in an amount as determined by the city commission. All other city employees shall be required to give a bond for the performance of any duty assigned if the city manager in his discretion requires such a bond to be given. In the event the manager requires the employee to give bond, the amount of the bond shall be in a sum to be determined by the city manager.
- (b) The bond required to be given by the city manager, department heads and other employees of the city may be given by way of one "blanket" bond. The tax collector, treasurer, clerk and auditor shall give individual bonds. All bonds provided for herein shall be paid by the City of DeLand, out of the general revenue of the city.

(Ord. No. 62-17, §§ 1, 2, 11-5-62)

Charter reference(s)—Authority of commission and city manager to require bonds, § 111.

Secs. 2-4.1, 2-4.2. Reserved.

Editor's note(s)—Ord. No. 83-14, §§ 1, 2, adopted May 2, 1983, repealed § 2-4.1 relative to cremation of obsolete records and directed that the clerk and auditor follow applicable provisions of the Florida Statutes in destruction of public records. Prior to repeal, former § 2-4.1 had been derived from Ord. No. 55-4, § 1, adopted Mar. 7, 1955, Book 13, Page 235. Former § 2-4.2 designated city jails and was derived from Ord. No. 1957-8, § 1; and Ord. No. 76-7, §§ 1, 2, adopted Mar. 15, 1976. Such section was repealed by Ord. No. 83-11, adopted Apr. 18, 1983.

ARTICLE IV. – CONTINUITY OF GOVERNMENT

Sec. 2-23. Designation, status, qualifications and term of emergency interim successors.

1. (a) *Elective officers.* Within 30 days following the effective date of this article, and thereafter within 30 days after first entering upon the duties of his office, the mayor and each member of the city commission shall, in addition to any duly authorized deputy, designate such number of emergency interim successors to his office and specify their rank in order of succession after any duly authorized deputy so that there will be not less than three duly authorized deputies or emergency interim successors or combination thereof for the office.
2. (b) *Appointive officers.* The city commission shall within the time specified in subsection (a) of this section, in addition to any duly authorized deputy, designate for appointive officers including the city clerk, judge, city attorney, and chief of police such number of emergency interim successors to these officers and specify their rank in order of succession after any duly authorized deputy so that there will be not less than three duly authorized deputies or emergency interim successors or combination thereof for each officer.
3. (c) *Review of designations.* The incumbent in the case of those elective officers specified in subsection (a) of this section and the city commission in the case of those appointive officers specified in subsection (b) of this section, shall review and, as necessary, promptly revise the designations of emergency interim successors to ensure that at all times there are at least three such qualified emergency interim successors or duly authorized deputies or any combination thereof for each officer specified.
4. (d) *Qualifications.* No person shall be designated or serve as an emergency interim successor unless he may under the constitution and statutes of this state and the Charter or ordinances of this city, hold the office of the person to whose powers and duties he is designated to succeed, but no provision of any ordinance prohibiting an officer or employee of this city from holding another office shall be applicable to an emergency interim successor.
5. (e) *Status of emergency interim successor.* A person designated as an emergency interim successor holds that designation at the pleasure of the designator; provided, that he must be replaced if removed. He retains this designation as emergency interim successor until replaced by another appointed by the authorized designator.

(Ord. No. 61-8, § 3, 9-18-61)

Sec. 2-25. Recording and publication.

The name, address and rank in order of succession of each duly authorized deputy shall be filed with the city clerk and each designation, replacement or change in order of succession of an emergency interim successor shall become effective when the designator files with the city clerk the successor's name, address and rank in order of succession. The city clerk shall keep on file all such data regarding duly authorized deputies and emergency interim successors and it shall be open to public inspection.

(Ord. No. 61-8, § 5, 9-18-61)

ARTICLE VI. – PARKS AND RECREATION DEPARTMENT

Sec. 2-50. Regulation in parks and recreation areas: Hours; prohibited activities; penalties.

- (1) *Purpose.* It is the purpose of this section to protect the public health, welfare and safety by regulating the hours of use of and activities in city parks and recreation areas. The city commission finds that these regulations are necessary to protect the safety, integrity and lawful use of city parks and recreation areas so that they can be enjoyed by all citizens, and that these regulations are the minimum necessary to carry out this purpose. These regulations shall be interpreted to carry out this intent.
- (2) *Use of park prohibited when closed.* No person shall use or enter or be present on any portion of any city park or recreation area during the hours that the park or recreation area is closed in accordance with this section, unless they are participating in an activity authorized and supervised by the city parks and recreation department.
- (3) *Park hours.* Melching Field, Spec Martin Stadium, Chess Park, Pioneer Park, Sunflower Park, and the Sperling Sports Complex shall be open for use at those times specifically designated by the parks and recreation department or the city manager, in accordance with any fee schedules or other regulations established for the use of or entry into such facilities. All other public parks shall be open from 30 minutes before sunrise until 30 minutes after sunset.
- (4) *City manager may set more restrictive closing hours.* The city manager, upon request of the parks and recreation director, may establish in writing closing hours for parks and recreation areas more restrictive than the closing hours provided above for a period of not more than 30 days when necessary to protect the public health, welfare and safety, and based upon the following factors to be taken into consideration when the closing hours are set:
- (a) The amount of daylight at the time of year during which the closing hours will be in effect.
 - (b) The availability of artificial lighting.
 - (c) The ability to provide (and the cost of providing) adequate police protection during the hours the park or recreation area is open.
 - (d) The occurrence of acts of vandalism or other crimes in the park or recreation area.
 - (e) The prevention of the deterioration of existing buildings, playground apparatus or other structures or facilities.
 - (f) The prevention of the deterioration of shrubbery, trees and grass.
 - (g) The protection of new plantings of grass, trees or shrubbery.
- (5) *Filing memorandum of new hours.* The city manager shall file a memorandum with the city clerk and chief of police establishing any new closing hours set by the city manager pursuant to subsection (4).
- (6) *City commission may set different opening and closing hours.* The city commission by resolution may at any time set different opening and closing hours for any public park.
- (7) *Posting of hours.* A sign shall be posted at each main authorized entrance to each city park or recreation area identifying the park or recreation area and stating the current hours during which the park or area is open and closed. The signs shall also indicate that using the park during closed hours is prohibited.
- (8) *Allowance of activities.* The parks and recreation director may authorize a particular activity to be carried on in a city park or recreation area during the closed hours set for that park or area, so long as the activity to be

carried on does not violate the considerations contained in subsection (4) above and the activity is supervised by at least one city employee. A fee shall be charged for the activity to offset additional costs to the city.

(9) *Activities prohibited in parks.* In addition to entering or remaining in any park or recreation area during the closed hours specified above, it shall be unlawful for any person to do one or more of the following acts in any park or recreation area, unless specifically authorized to do so by a permit issued by the parks and recreation director:

- (a) Sleep or recline in a horizontal position on a park bench or table.
- (b) Sleep at any time during the hours from sunset to sunrise of the following day.
- (c) Construct any hut, shanty or other structure.
- (d) Cook food stuffs except in facilities provided by the city for the specific purpose of cooking food stuffs.
- (e) Set or stoke a fire except in facilities provided by the city specifically for the setting or stoking of fires.
- (f) Discharge or deposit human waste, except in toilet facilities provided by the city.
- (g) Dig holes or otherwise disturb the natural surface of the ground.
- (h) Pick flowers or damage or remove plants, trees, shrubs or any part of the park grounds or median strip.
- (i) Erect signs or affix signs to any tree, post or park facility or grounds, except signs posted or approved by the parks and recreation director.
- (j) Drive, putt or otherwise hit a golf ball or shoot an arrow, except in areas specifically designated for those purposes by signs erected by the parks and recreation department.
- (k) Kill, injure, harm, capture, chase, poison or remove any wildlife, animal, bird or egg located above, upon or under park grounds.
- (l) Write on, draw on or otherwise deface, damage, remove or destroy any park facility or property, or any part of the park grounds.
- (m) Operate any vehicle in violation of city ordinances.
- (n) Purchase, sell, offer for sale, possess or consume any alcoholic beverages or controlled substances, as defined by general law.
- (o) Sleep or otherwise be or remain in any bushes, shrubs or other foliage.
- (p) Use public restrooms to shave or shower, except that showering is permitted in shower facilities specifically provided for public use.
- (q) Sit in or on any trash receptacle provided for public use.
- (r) Use roller skates or skateboards except in areas specifically designated for those purposes by a sign erected by the parks and recreation department.
- (s) Bathe, swim or otherwise be or remain in any pond, lake, body of water or water fountain or its reservoir, except for swimming pools specifically designated for public use.
- (t) Ride bicycles or other vehicles on trails or areas designated for pedestrian use.

(10) *Penalties.* Any person who violates this section shall be fined up to \$1,000.00 and/or imprisoned for up to one year. The failure of the alleged violator to see or understand, or of the city to erect, any signs or other notices provided for in this section shall not be a defense to or in the prosecution of any violation of this section.

(Ord. No. 88-24, § 1, 7-5-88; Ord. No. 2012-06, §§ 1, 2, 3-5-12)

Editor's note(s)—Ord. No. 88-24, § 1, adopted July 5, 1988, amended the Code by adding provisions pertaining to regulation of parks and recreation areas designated as § 2-50.

CHAPTER 5 – AUCTIONS AND AUCTIONEERS

ARTICLE II. – AUCTION OF PRECIOUS STONES

Sec. 5-9. Bond required—Certain dealers exempt.

Upon securing such licenses and before commencing such auction sale covered hereby, the licensee shall make and file with the city auditor and clerk a bond in the sum of \$5,000.00 payable to the Governor of Florida, and conditioned upon the carrying on of the sale in accordance with the terms of this article and free from any fraud or deception, such bond to be executed by some good and solvent surety company doing business in the State of Florida. Upon the violation of any of the terms of this article in the carrying on of the auction sale or in case of any fraud or deception, any person, injured by such violation or by such fraud or deception, may sue and recover upon such bond in the name of the Governor of Florida for the use of such person and for the amount of the injury and loss sustained by reason of such violation of this article or of such fraud or deception, to the amount of such bond. No such bond shall be required of any dealer, whether individual, firm or corporation, who shall have been continuously engaged in business in the city as a wholesale or retail merchant dealing in the goods and wares provided by section 5-8 hereof for a period of two years or more next preceding the date of the sale at public auction which such dealer desires to hold.

(Bk. 7, P. 231, § 4)

CHAPTER 9 CONSTRUCTION AND INDUSTRY LICENSING

Sec. 9-8. Miscellaneous administrative provisions.

(a) *Contracts with unlicensed contractors, etc., prohibited.* No person to whom a building permit is issued shall contract with any contractor or subcontractor for work to be done within the city unless such contractor or subcontractor is licensed by or registered with the city.

(b) *Permittee to furnish list of contractors or subcontractors to building official.* Each person to whom a building permit is issued shall furnish a list of all contractors or subcontractors who shall perform or furnish labor or services on such building and the license number of such contractor or subcontractor, to the building official prior to final inspection of such building.

(c) *Federal payroll identification number; workers' compensation.* Any person employing others in the business of construction shall, at the request of the building official, show evidence of having obtained a federal payroll identification number, and submit to the city clerk a certificate showing policy numbers for workers' compensation and liability as required by state law.

CHAPTER 10B – EMERGENCY MANAGEMENT

Sec. 10B-6. Emergency powers and duties of emergency management director.

The emergency management director:

(a) May exercise the emergency power and authority necessary to fulfill the general powers and duties of the city as defined in section 4 of the city Charter, and shall recommend to the city commission the invoking of emergency powers provided in the city Charter, this Code, other ordinances of the city and other appropriate authorities.

(b) May promulgate such regulations as he deems necessary to protect life and property and preserve critical resources during any period when disaster threatens or when the city has been struck by disaster. Such regulations may include, but shall not be limited to, the following:

(1) Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of emergency management forces, or to facilitate the mass movement of persons from critical areas within or without the city.

(2) Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster.

(3) Such other regulations necessary to preserve public health and safety or to conserve petroleum products, food, medical supplies, hardware and equipment and any other commodity or resource required to combat the emergency or to aid in the restoration of normalcy.

Regulations promulgated pursuant to the authority given in this subsection will be given widespread circulation by proclamations published and uttered by newspaper and radio. Such regulations will have the force of an ordinance when duly filed with the city clerk and violations will be subject to the penalties provided in the city Charter.

(c) Shall order the emergency management force to the aid of other communities when required in accordance with mutual-aid agreements or applicable state statutes, and may request through the county civil defense, additional aid to the city in cases of disaster when conditions in the city are beyond the control of the local emergency management force.

(d) May obtain vital supplies, equipment and other properties found lacking and needed for the protection of health, life and property of the people, and bind the city for the fair value thereof.

(e) May require emergency services of any city employee or appointive officer. If regular city forces are determined inadequate, he may require the services of such other personnel as he can obtain that are available, including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to the privileges and immunities that are provided by state statute, the city Charter and ordinances of the city for regular city employees and other registered and identified emergency management and disaster workers.

(f) Will cause to be prepared the basic plan referred to in the chapter and to exercise his ordinary powers as city manager, all the special powers conferred upon him by the city Charter and this Code, and all powers conferred upon him by any statute or any other lawful authority.

CHAPTER 13 – FRANCHISES

ARTICLE II. – CITY OF DELAND CABLE TELEVISION ORDINANCE

Sec. 13A-34. Review of application.

- (a) *Information.* The city manager shall, upon request of the applicant, provide the applicant with information and application forms, if any, regarding the application process.
- (b) *City manager.* Upon the applicant's submitting an application, the city manager shall review the application and notify the applicant as to any facial (sic) deficiencies.
- (c) *Additional information.* The city manager shall review the application to ensure that all of the information is submitted to the city. The city manager may request relevant additional information of the applicant at any time during the application process.
- (d) *Completeness of the application.* The city manager shall approve, reject as incomplete or deficient, or approve with conditions, the application. Upon approval or, if approved with conditions, upon the conditions being met, the city manager shall notify the clerk of the city to advertise the public hearing at which the city will consider the application. The advertisement shall be published by the clerk of the city in a newspaper of general circulation in the City of DeLand once weekly for two consecutive weeks not more than 21 days nor less than ten days prior to the public hearing.
- (e) *Summary report.* The city manager shall issue, or cause to be issued, a report summarizing the application. It shall be presented to the city commission. The city manager shall make a recommendation to the city commission to approve, deny, or approve with conditions.
- (f) *[Grant by resolution.]* A grant of an initial franchise, a renewal of a franchise or a transfer of a franchise shall be granted by resolution.

(Ord. No. 2005-16, § 2(10), 5-16-05)

CHAPTER 16 – HEALTH AND SANITATION

ARTICLE I. – IN GENERAL

Sec. 16-1. Adoption of state sanitary code relating to sanitary privies, water and toilet facilities and restaurants.

- (a) The city hereby adopts by reference F.S. Ch. 381, known as the Public Health General Provisions and all regulations pertinent thereto and any further amendments or revisions thereto.
- (b) That the city auditor and clerk shall keep in his office for the public's information a copy of said rules and regulations, as aforesaid, certified by the director of the state agency promulgating the same.

(Ord. No. 66-16, 11-21-66; Ord. No. 79-19, § 1, 8-20-79)

- e. The costs and attorney's fees and court reporter costs.

(Supp. No. 14)

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f. Copying and filing plus postage.

g. The cost of any abatement or demolition and associated activities.

(5) It is the intent of the city commission to transfer the burden of paying for the protection of the health and welfare of the citizens of the city on the people who violate state, county or city health and sanitation regulations or who commit or permit public nuisances or unsafe buildings or structures which must be abated to the owner of the real property as a special assessment rather than on the general public. The above-listed costs and attorney's fees are found to be reasonable and necessary and it would be unfair and unjust to cause the general public to pay for special benefits paid to real property being paid for by the general public and the general revenue budget depleted in order to enforce reasonable and necessary health and sanitation regulations. Notwithstanding the foregoing, the city may take any governmental action that it deems appropriate and seek any remedy and engage in any process available to the city under controlling law.

(6) The city manager may advance the funding of the expenses of the city arising from the provisions of this section from such funding source as the city manager deems appropriate.

(Ord. No. 62-6, § 1, 6-2-62; Ord. No. 73-30, § 1, 9-10-73; Ord. No. 85-23, § 1, 7-1-85; Ord. No. 2021-13, § 2, 3-15-21)

Cross reference(s)—Southern Standard Building Code adopted by reference, § 7-1.

ARTICLE II. – BOARD OF HEALTH

Sec. 16-13. Rules to be posted.

All general rules adopted by the board of health shall be posted at the city clerk's office in city hall for a period of ten days after adoption, and shall thereafter be kept on file in said office for public inspection.

(Bk. 9, P. 335, § 3; Ord. No. 66-19, 11-21-66)

Amendment note—Ord. No. 66-19 amended § 16-13 which, prior to amendment, simply provided that all general rules adopted by the board be published or posted as soon as practicable after adoption.

ARTICLE V. – FOOD SERVICE, FOOD PROCESSING AND FOOD OUTLET ESTABLISHMENTS

Sec. 16-41. Permit prerequisite to operation; issuance revocation and display.

(a) *Permit required.* No food service, food processing, or food outlet establishment as set forth in chapters 170C-16-17-18 of the Florida State Sanitary Code shall be operated or maintained in the city until a sanitation permit for the operation and maintenance of such establishments has been obtained from the health officer or his authorized representative.

(b) *Term of permit.* The permit shall be issued annually without charge to the owner or operator of any food service, food processing or food outlet establishment in the city operating and maintaining such an establishment in compliance with the terms of this article for which an occupational license has been obtained.

(c) *Display.* All sanitation permits shall be displayed prominently and conspicuously with the city license in the establishment for which the permit and license are issued.

(d) *Revocation.* Sanitation permits are revocable by the health officer or his authorized representative for violation of any of the requirements of this article. Written notice of such revocation, together with the list of violations signed by the health officer or his authorized representative, shall be served upon the owner or manager of the establishment by a member of the city police department, and a copy thereof shall be filed with the city

clerk. No food service, food processing, or food outlet establishment shall be operated as such establishment after its permit has been revoked as stated.

(Ord. No. 66-18, 11-21-66)

Cross reference(s)—Occupational license required, § 17-1 et seq.; health officer designated, § 16-11.

CHAPTER 16A – IMPACT FEES

ARTICLE I. - FIRE/EMERGENCY MEDICAL SERVICES

Sec. 16A-11. Vested rights.

Any owner of property with an approved building permit from the city prior to the effective date of this article [Dec. 16, 2002], may petition the city for a vested rights determination which would exempt the owner from provisions of this article. Such petition shall be evaluated by the city attorney and a determination made based on the following criteria:

- (1) Whether a valid and unexpired building permit has been issued to the applicant by the city relative to the development.
- (2) Whether the applicant incurred such substantial obligations or expended such substantial sums that the amount due to the city for impact fees has essentially been paid by the applicant.
- (3) Other factors that demonstrate that it is inequitable to deny the owner the opportunity to complete the previously approved development under the conditions of approval by requiring the owner to comply with the requirements of this article. For the purposes of this paragraph, the following factor shall be considered in determining whether it is inequitable to deny the owner the opportunity to complete the previously approved development: whether the injury suffered by the owner outweighs the public cost of allowing the development to go forward without payment of the fire/EMS impact fee ordinance (sic) such that it is highly inequitable and unjust to impose the impact fees and destroy vested rights that may exist.
- (4) The city attorney shall make a written determination as to whether the owner has a vested right and, if so, whether such vested right would exempt the owner from the provisions of this article.
- (5) Any owner aggrieved by a decision of the city attorney pursuant to this section may appeal said decision to the city commission within 30 days of the date of the written decision by filing said appeal with the city clerk with a copy to the city attorney.

(Ord. No. 2002-45, § 11, 12-16-02)

ARTICLE II. POLICE

Sec. 16A-35. Vested rights.

(a) Any owner of property with an approved building permit from the city prior to the effective date of this article [Dec. 16, 2002], may petition the city for a vested rights determination that would exempt the owner from the provisions of this article. Such a petition shall be evaluated by the city attorney and a determination made based on the following criteria:

(1) Whether a valid and unexpired building permit has been issued to the applicant by the city relative to the development.

(2) Whether the applicant incurred such substantial obligations or expended such substantial sums that the amount due to the city for impact fees has essentially been paid by the applicant.

(3) Other factors that demonstrate [that] it is inequitable to deny the owner the opportunity to complete the previously approved development under the conditions of approval by requiring the owner to comply with the requirements of this article. For the purposes of this paragraph the following factor shall be considered in determining whether it is inequitable to deny the owner the opportunity to complete the previously approved development: Whether the injury suffered by the owner outweighs the public cost of allowing the development to go forward without payment of the police impact fee ordinance.

(b) The city attorney shall make a written determination as to whether the owner has a vested right and, if so, whether such vested right would exempt the owner from the provisions of this article.

(c) Any owner aggrieved by a decision of the city attorney pursuant to this section may appeal said decision to the city commissioners within 30 days of the date of the written decision by filing said appeal with the city clerk with a copy to the city attorney.

(Ord. No. 2002-46, § 11, 12-16-02)

ARTICLE III. – GENERAL GOVERNMENT BUILDING

Sec. 16A-55. Vested rights.

(a) Any owner of property with an approved building permit from the city prior to the effective date of this article [Dec. 16, 2002], may petition the city for a vested rights determination that would exempt the owner from the provisions of this article. Such a petition shall be evaluated by the city attorney and a determination made based on the following criteria:

(1) Whether a valid and unexpired building permit has been issued to the applicant by the city relative to the development.

(2) Whether the applicant incurred such substantial obligations or expended such substantial sums that the amount due to the city for impact fees has essentially been paid by the applicant.

(3) Other factors that demonstrate that it is inequitable to deny the owner the opportunity to complete the previously approved development under the conditions of approval by requiring the owner to comply with the requirements of this article. For the purposes of this paragraph the following factor shall be considered in determining whether it is inequitable to deny the owner the opportunity to complete the previously approved development: Whether the injury suffered by the owner outweighs the public cost of allowing the development to go forward without payment of the general government impact fee ordinance.

(b) The city attorney shall make a written determination as to whether the owner has a vested right and, if so, whether such vested right would exempt the owner from the provisions of this article.

(c) Any owner aggrieved by a decision of the city attorney pursuant to this section may appeal said decision to the city commissioners within 30 days of the date of the written decision by filing said appeal with the city clerk with a copy to the city attorney.

(Ord. No. 2019-30, § 4, 8-19-19)

ARTICLE IV. – PARKS AND RECREATION

Sec. 16A-90. Vested rights.

(a) Any owner of property with an approved building permit from the city prior to the effective date of this article [Dec. 16, 2002], may petition the city for a vested rights determination that would exempt the owner from the provisions of this article. Such a petition shall be evaluated by the city attorney and a determination made based on the following criteria:

- (1) Whether a valid and unexpired building permit has been issued to the applicant by the city relative to the development.
- (2) Whether the applicant incurred such substantial obligations or expended such substantial sums that the amount due to the city for impact fees has essentially been paid by the applicant.
- (3) Other factors that demonstrate that it is inequitable to deny the owner the opportunity to complete the previously approved development under the conditions of approval by requiring the owner to comply with the requirements of this article. For the purposes of this paragraph the following factor shall be considered in determining whether it is inequitable to deny the owner the opportunity to complete the previously approved development: Whether the injury suffered by the owner outweighs the public cost of allowing the development to go forward without payment of the general government impact fee ordinance.

(b) The city attorney shall make a written determination as to whether the owner has a vested right and, if so, whether such vested right would exempt the owner from the provisions of this article.

(c) Any owner aggrieved by a decision of the city attorney pursuant to this section may appeal said decision to the city commissioners within 30 days of the date of the written decision by filing said appeal with the city clerk with a copy to the city attorney.

(Ord. No. 2019-30, § 5, 8-19-19)

CHAPTER 21 – OFFENSES

Sec. 21-30. Rules and regulations relating to garage and carport sales.

6. (a) *Purpose of section.* There is hereby adopted by the City of DeLand for the purpose of protecting the public health and safety the following regulations and rules relating to garage sales and carport sales within the city limits.
7. (b) *Definition.* A garage or carport sale is defined as a sale by a resident within the City of DeLand, Florida, of secondhand items belonging to said resident for a period of more than six months, which sale shall take place at the residential site of the resident conducting the garage or carport sale.
8. (c) *Time limit of sales.* Garage or carport sales must not last more than two consecutive eight-hour days and may not be conducted by any resident more than once every six months or by any nonprofit organization more than one every two months.
9. (d) *Permit required.* Garage or carport sales may not be conducted without first obtaining a permit from the city clerk's office, City of DeLand, Florida, which permit shall set forth the time and place of said garage sale, and contain the signature of the city manager.
10. (e) *Display of items.* Nothing shall be displayed outside the house, garage, or carport, except that which might normally be located on the lawn or yard such as lawn furniture, swing set, etc.

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11. (f) *Signs*. Only one sign of four square feet in area (two feet by two feet) shall be permitted and it shall not be placed on the public right-of-way.
 12. (g) *Parking*. Parking shall be controlled by the permittee so as not to be a hazard, or create any congestion on adjacent streets.
 13. (h) *Display of permit*. The city permit shall be publicly displayed at the sale.
 14. (i) *Conditions for issuance of permit*. In determining whether to issue a garage or carport sale permit, the city will take into consideration the type and amount of goods to be sold upon inspection, the vehicular parking available for said garage sale, and any other conditions affecting the health, safety and welfare of the City of DeLand, Florida.
 15. (j) *Penalty for violation*. Any person who shall violate the provisions of this section shall, upon conviction in the Municipal Court of DeLand, be punished by a fine not to exceed \$250.00 or imprisonment not to exceed 30 days.
 16. (k) *Constitutionality*. If any subsection, sentence, clause, phrase or portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

(Ord. No. 74-25, §§ 1—11, 10-21-74; Ord. No. 80-31, § 1, 11-17-80)

CHAPTER 22 – PEDDLERS, CANVASSERS AND TRANSIENT MERCHANTS

Sec. 22-2. Permits required.

- (a) *City permit*. It shall be unlawful for any solicitor, canvasser, peddler or transient merchant, as defined in section 22-1 herein, to engage in such business within the corporate limits of the City of DeLand without first obtaining a city permit therefor in compliance with the provisions of this chapter.
- (b) *Home solicitation sale permit*. As a requirement to receiving a city permit, and in addition thereto, peddlers, canvassers and solicitors, as defined herein, shall first present the city with a copy of their valid and current home solicitation sale permit from the Clerk of the Circuit Court of Volusia County, issued pursuant to chapter 501, Florida Statutes. Revocation by the clerk of circuit court of the home solicitation sale permit shall result in revocation of the city's permit. If the applicant for a home solicitation permit is exempt from permitting under chapter 501, Florida Statutes, or is otherwise not required to obtain a permit under chapter 501, Florida Statutes, then the applicant shall not be required to submit a permit issued under chapter 501, Florida Statutes as a condition of obtaining a city permit.
- (c) *Exceptions to home solicitation sale permit*. The following persons shall not be required to obtain a home solicitation sale permit from the clerk of the circuit court in order to engage in business within the corporate limits of the city, but shall not be exempt from the requirement of obtaining a city permit:
 - (1) Transient or itinerant merchants or vendors as defined herein.
 - (2) Solicitors, salesmen or agents making calls or soliciting orders on behalf of a religious, charitable, scientific, educational, government or veteran's institution or organization holding a sales tax exemption certificate under Florida Statutes section 212.08(7)(a).
 - (3) Minors, as defined in Florida Statutes section 1.01(4), conducting home solicitation sales under the supervision of an adult who holds a valid home solicitation sales permit and a valid city permit, shall be

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exempt from holding such permits in their own name. Minors must carry identification, however, which includes their full name, date of birth, residence address, and the name and permit number of their employer.

(Ord. No. 83-9, § 2, 4-4-83; Ord. No. 97-03, § 2, 1-6-97; Ord. No. 2014-11, § 1, 3-17-14)

Sec. 22-3. Application for city permit.

(a) *Application form and required information.* Applicants for city permits under this chapter shall file with the chief building official a sworn application in writing on a form furnished by the chief building official giving the following information:

- (1) Name of applicant;
- (2) Permanent home address and full local address of applicant;
- (3) A brief description of the nature of the business and the goods to be sold;
- (4) The name and address of the employer, if employed, together with credentials establishing the employment;
- (5) The length of time for which the right to do business is desired;
- (6) Whether the applicant, upon any sale or order, shall demand, accept or receive payment or deposit of money in advance of final delivery;

(b) *Driver's license.* At the time of filing his application for a city permit required by this chapter, the applicant shall present his driver's license, or other form of picture identification if he doesn't hold a driver's license, to the chief building official.

(c) *Home solicitation sale permit.* Applicants for peddler, canvasser and solicitor permits, as defined herein, shall present, at the time of filing their application for a city permit, a copy of their valid and current home solicitation sale permit issued by the clerk of the circuit court.

(d) *False information.* It shall be unlawful for any person to give any false or misleading information in connection with his application for a permit required by this chapter.

(Ord. No. 83-9, § 2, 4-4-83; Ord. No. 97-03, § 3, 1-6-97)

CHAPTER 23 – PENSIONS AND SOCIAL SECURITY

ARTICLE I. - FEDERAL SOCIAL SECURITY ACT

Sec. 23-8. City auditor and clerk designated as custodian of funds charged with maintaining records.

The city auditor and clerk of the city is hereby designated the custodian of all sums withheld from the compensation of officers and employees and of the appropriated funds for the contribution of the city, and city auditor and clerk of the city is hereby made withholding and reporting agent and charged with the duty of maintaining personnel records for the purposes of this article.

(Bk. 12, P. 413, § 8)

CHAPTER 26 STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES

ARTICLE IV. – CONSTRUCTION OAND REPAIRS OF SIDEWALKS AND STREETS

Sec. 26-19. Information to be shown in notice; service; when notice to be published in newspaper.

The notice required by section 26-18 hereof shall direct the abutting property owner to forthwith commence, and within 30 days after date of such notice complete, the construction, reconstruction or repair work. Such notice shall be mailed to the address of each such property owner, if the address be known to, or by reasonable diligence can be obtained by, the city auditor and clerk; if the address be unknown or cannot be obtained by reasonable diligence, or if such notice be returned unclaimed, then a copy of such notice directed to the owner shall be published in a newspaper of general circulation in the county once each week for two consecutive weeks (two publications being sufficient) directing the owner to forthwith commence, and within 30 days after the last publication of such notice complete, the construction, reconstruction or repair work.

ARTICLE V. – PUBLIC ART

DIVISION 1. – PUBLIC MURAL ART COMMITTEE

Sec. 26-62. Adoption of mural policy; review process.

- (a) Murals, for purposes of this division, are defined as paintings, images, graphics, mosaics, frescos, or other artwork attached or applied directly to the exterior of an exterior wall surface that are visible to passersby and which do not direct attention to organizations, businesses, products, commodities or services, or other similar interests or activities. Murals are public art, not billboards or signs, and reflect public or governmental speech. Murals may be proposed to the city without solicitation, or the city may engage in a request for proposals (RFP) or otherwise seek proposals for murals as works of art from artists or property owners.
- (b) Murals shall be evaluated by the public mural art committee based upon consideration of the following criteria and provisions:
- (1) A mural must exhibit exceptional design, material, and application standards, while incorporating high-quality materials that will enhance the overall development and appearance of the site at which it is to be located.
 - (2) The materials used in developing a mural may consist of, but are not limited to, paint and other artistic mediums such as tile or mosaic, original digital images and low-relief sculpture. Paint utilized shall be intended for exterior use and of sufficient quality which will not corrode or compromise the integrity of the material to which it is applied.
 - (3) All materials used in the creation of a mural must be appropriate for outdoor location and climate, with special considerations for longevity or quality presentation during a planned period of display.
 - (4) A mural's color scheme shall be complementary and harmonious with the exterior colors of the building or structure, and consistent with the chosen theme.
 - (5) The design, location and scale of the mural shall be in keeping with and enhance the building on which the mural is to be located as well as the local environment.

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- (6) Murals shall not cover or detract from architectural features. Eaves, cornices and other architectural features shall keep their character and remain painted to match the rest of similar architectural features on the building.
 - (7) Murals shall not have an adverse effect on adjacent properties or facing properties.
 - (8) A mural's overall features shall be designed to enhance the city's unique character and quality of life.
 - (9) There shall be no exterior lighting directed upon the mural.
 - (10) Murals generally should not cover doors or windows or other architectural elements of a building such as cornices and pilasters.
 - (11) A mural that has been applied to another surface to be hung on a building shall be installed in a manner which does not damage the building it is attached to.
 - (12) Murals hung on historic masonry structures shall attach via the mortar and not by drilling into the historic brick or attached by other method which has been demonstrated not to damage the masonry.
 - (13) Murals may be applied to a separate material designed for exterior applications upon city approval, but only if it is demonstrated to the city that such materials are removable without damage to the walls upon removal of the mural.
 - (14) Each mural shall be an original work of art and all intellectual property rights issues shall be resolved.
 - (15) A budget, and funding source(s), for each mural shall be considered during the approval process.
 - (16) The time frame for completion of the mural and the plan for unveiling once completed.
- (c) A mural shall be designed and installed under the supervision of a qualified artist/muralist or other qualified professional who has sufficient knowledge and experience in the design and execution of mural projects, as well as with the application of the selected medium. All mural proposals shall include the resume or statement qualifications of the artist proposed to supervise the work.
 - (d) The public mural art committee shall make all decisions regarding acquisition of murals as public works of art for display within the city, but shall seek community input and participation and, when the proposed location is within the city's historic district, the city's historic preservation board, with all such reviews occurring after a review by city staff. A review by the historic preservation board shall be a recommendation only and shall be for the purpose of historic preservation board providing recommendations and/or input which may serve to have the mural better fit with the historic ambiance of the district. The following shall apply to all decisions of the public mural art committee:
 - (1) Three of the five members shall constitute a quorum.
 - (2) All approvals shall require a simple majority of the members present and voting on a proposed mural.
 - (3) All decisions of the public mural art committee shall be reduced to a writing signed by the chairperson.
 - (4) Applications which are received for murals within the historic district shall first be scheduled for review by the city's historic preservation board, as more particularly provided for within this section.
 - (e) City staff or the proposing artist may seek review of decisions of the public mural art committee by the city commission by filing a request for review with the city clerk within ten days of the decision sought to be reviewed. The city commission shall review determinations in accordance with such processes and procedures as it deems appropriate.
 - (f) A mural selected for installation by the city shall remain in place without alterations for a minimum period of one year. Any future alteration is subject to approval by the city pursuant to the process set forth in this division.

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- (g) Murals may only be approved when submitted for review with an adequate and professionally prepared maintenance plan.
- (h) Written consent from the property owner of the property on which a mural is to be developed is required by means of a public art (mural) easement in a form approved by the city attorney. The said easement shall address the maintenance of the mural.
- (i) City funds may be used to implement the installation of a mural with the approval of an agreement by the city commission approving such funding in a form approved by the city attorney.
- (Ord. No. 2021-18, § 3, 4-19-21; Ord. No. 2024-09, § 1, 2-19-24)

CHAPTER 27 - TAXATION

ARTICLE IV. – ADDITIONAL HOMESTEAD EXEMPTION FOR SENIOR CITIZENS

Sec. 27-18. Notice requirements.

The city clerk shall, prior to December 1, 1999, provide a copy of the ordinance approving this article to the Volusia County Property Appraiser; and, in the event this article is subsequently repealed, notification of such repeal shall be provided to the Volusia County Property Appraiser no later than December 1 of the year prior to the year in which the homestead exemption provided herein expires.

CHAPTER 28 TRAFFIC AND PARKING CITATIONS

ARTICLE II. – PARKING

DIVISION 2. PARKING REGULATIONS AND PENALTIES

Sec. 28-8. Immobilization or towing of vehicles for parking violations, when authorized.

17. (a) Any police officer or parking enforcement officer is hereby authorized to attach a "Denver boot" or other nondestructive device that is capable of immobilizing a motor vehicle described as follows:
- (1) Any motor vehicle belonging to the registered owner of any motor vehicle which has, on at least four occasions, been found stopped, standing or parked on any street, alley or thoroughfare within the city in violation of a state law or city ordinance, for which violations the registered owner has failed or refused to pay the civil penalties indicated upon the citations or summonses issued by a police officer or parking enforcement officer of the city, or imposed by order of court;
- (2) The registered owner of a motor vehicle has been given notice by mail or otherwise that the provisions of this section will be enforced against any motor vehicle registered to that owner unless, not less than ten calendar days from the date the notice is sent, the owner has paid the civil penalties for each of the such outstanding or unpaid citations and summonses listed in the notice;

(3) The registered owner of the motor vehicle has failed or refused to respond to the notice described in subsection (a)(2) by paying all such civil penalties. Partial payments shall not prevent immobilization of the vehicle; and

(4) Certification of attempt to notify shall satisfy the requirements of subsection (a)(2).

18. (b) The city clerk-auditor shall maintain a current list of all motor vehicles to which an immobilization device may be attached pursuant to this section.

19. (c) The immobilization device shall be attached to the motor vehicle at any location within the city where the motor vehicle may be found, if the location is in a right-of-way or place where the public is invited to travel; except that no motor vehicle shall be immobilized within the traveled portion of any street or in any portion of any street when immobilization at such place would create a hazard to the public or to traffic.

20. (d) At the time that an immobilization device is attached to a motor vehicle, a notice shall be affixed to the windshield and to the left front window stating that the immobilizing device has been attached and cautioning the operator not to attempt to operate the motor vehicle or to attempt to remove the immobilization device. The notice shall inform the owner or operator of the motor vehicle the total amount of civil penalties assessed under the citations for which the motor vehicle is immobilized, plus the charge for removal of the immobilization device, and the location and manner by which the owner or operator must pay the civil penalties and removal charge and have the immobilization device removed from the motor vehicle.

21. (e) The immobilization device shall be removed from the motor vehicle upon payment of the civil penalties assessed under the citations for which the motor vehicle has been immobilized, plus the removal charge, and upon the authorization of the city clerk-auditor or his/her designee.

22. (f) The removal charge for the authorized removal of an immobilization device is hereby established in the amount established by resolution adopted by the city commission.

23. (g) In the alternative, or as an additional remedy if an immobilization device remains on a motor vehicle for more than 24 hours, any motor vehicle described in subsection (a) may be towed from any location where it may be found within the city, if the location is in a right-of-way or place where the public is invited to travel, and shall be impounded until the registered owner pays all outstanding civil penalties, the removal charge, and the costs of towing and impoundment.

24. (h) It is prohibited and unlawful for the owner or operator of a motor vehicle to remove, damage or otherwise tamper with an immobilization device placed on his/her vehicle.

(Ord. No. 2006-14, § 1, 3-20-06, effec. 4-17-06; Ord. No. 2020-16, § 2, 8-17-20)

ARTICLE IV. – GOLF CARTS

Sec. 28-11.05. Violations.

(a) Any person who violates the provisions of this article shall pay a fine of \$30.00 per violation upon the issuance of a citation by the city.

(b) Citations remaining unpaid after 90 days shall be forwarded to a collection agency. Collection fees that arise shall be added to the unpaid balance due to the city.

(c) Any person issued a city citation pursuant to this article or the owner of the golf cart shall answer the citation by either of the following means within 14 calendar days from the date the citation is issued:

(1) Payment of the fine indicated on the citation to the city pursuant to the instructions on the citation; or

(2) Requesting a hearing for the purpose of presenting evidence before a county court judge or hearing officer concerning the violation. Any person requesting a hearing shall execute and deliver to the city, at City Hall, a

form approved by the city or the county clerk indicating his/her willingness to appear at such hearing. Any person who requests a hearing will be summoned by the appropriate office to appear at a hearing before a county court judge or hearing officer. Any person who requests a hearing and does not appear in accordance with the summons shall be subject proceedings as authorized by law or to such other penalties as the adjudicating officer may, in his or her discretion, impose to require compliance with this article.

(d) An election to request a hearing constitutes a waiver of the right to pay the fine indicated on the citation and a county court judge or hearing officer, after holding the requested hearing, may impose a fine not to exceed \$100.00 plus court or administrative costs for each violation.

(e) If there has been no response to the citation, the city shall cause the owner of the golf cart listed on the citation to be notified of the issuance of said citation. Such notification shall be sent by regular U.S. mail. Mailing the notice shall constitute notification. The notification shall inform the golf cart owner of the date and location of the violation and the amount due to the city. If the owner of the golf cart has not paid the fine, after 30 days the city shall undertake to collect the amount due by any means authorized by law.

(f) The owner of a golf cart is responsible and liable for payment of any fine unless the owner furnishes clear and convincing evidence that the golf cart was, at the time of the violation, in the care, custody or control of another person. In such instances, the owner of the golf cart is required to, within a reasonable period of time as determined by the city, furnish the city with an affidavit setting forth the name, address and driver's license number of the person who leased, rented or otherwise had the care, custody or control of the golf cart. The affidavit submitted shall be admissible in a proceeding charging a violation and raises the rebuttable presumption that the person identified in the affidavit is responsible for payment of the fine. The owner of the golf cart is not responsible for a violation if the golf cart involved was, at the time of the violation, stolen, but in all other cases a rebuttable presumption shall exist that the owner is the violator and owes the fine to the city.

(Ord. No. 2010-21, § 1, 10-18-10; Ord. No. 2021-32, § 2, 10-18-21)

Editor's note(s)—(Additional chapter history continued from footnote on page 1 of this chapter)—The former Ch. 28 derived from: Ord. No. 2003-02, § 1, adopted March 17, 2003, added § 28-34.01, regarding bus parking; regulating and authorizing. Ord. No. 2002-30, adopted Aug. 5, 2002, amended the Code by amending § 28-35(c). Ord. No. 2000-30, adopted Aug. 21, 2001, and effec. Oct. 1, 2000, amended the Code as follows: §§ 1—3 repealed §§ 2-2—2-30; § 4 amended § 2-31; § 5 amended § 28-33(1), (2); § 6 amended 28-35(b); and § 7 added § 28-35.07. Ord. No. 99-28, adopted Sept. 20, 1999, amended §§ 28-35.05(a)(2) and 28-35.05(b). Ord. No. 99-3, adopted Feb. 15, 1999, repealed the existing § 28-2, and adopting in its stead a new § 28-2 regarding truck routes. Ord. No. 98-09, adopted May 4, 1998, repealed in its entirety art. III, div. 3, regarding annual parking permits, and by amending §§ 28-61, 28-63, 28-64, 28-66, and 28-71. Ord. No. 97-24, adopted June 16, 1997, but effective Aug. 1, 1997, added a new section regarding appeal of parking citations. Ord. No. 96-72, adopted Dec. 2, 1996, amended § 28-35(a) regarding disabled parking. Ord. No. 96-33, adopted June 17, 1996, added a new § 28-1(c). Ord. No. 95-48, adopted Sept. 5, 1995, amended § 28-34. Ord. No. 93-58, adopted July 19, 1993, amended § 28-51(c). Ord. No. 93-27, adopted March 1, 1993, repealed in its entirety § 28-60, concerning parking space requirements, to provide for consistency with the land development regulations which were adopted by the same ordinance.

The former § 28-60 was derived from Ord. No. 76-12. Ord. No. 91-49, adopted Sept. 16, 1991, amended § 28-33(2); amended §§ 28-35.3 and 28-35.4 in their entirety; added a new subsection (c) to § 28-35.6; renumbered §§ 28-35(1) and (2) as 28-35(a) and (b) and added a new subsection (c); and renumbered section 28-35.1(b) as section 28-35.1(c) and added a new subsection (b). Ord. No. 89-76, adopted Nov. 20, 1989, amended § 28-24(a). Ord. No. 89-51, adopted Oct. 2, 1989, repealed § 28.28 and § 28-35.1 and adopted new §§ 28.28 and 28-35.1.

CHAPTER 30 – UTILITIES

ARTICLE I. – IN GENERAL

Sec. 30-5. DeLand water and wastewater service area.

- (a) *Creation; purpose.* There is hereby created under authority of section 180.02, Florida Statutes, an area defined as the "DeLand water and wastewater service area" for the purpose of delivering to that area water and wastewater services and exercising within that area the powers provided for by the law.
- (b) *Legal description.* The legal description by metes and bounds of the land in Volusia County, Florida, included within the DeLand water and wastewater service area is on file with the city clerk and available for inspection and copying.
- (c) *City to be exclusive provider of service.* Pursuant to the powers granted under F.S. chapter 180, the City of DeLand shall be the exclusive provider of water and wastewater services within the DeLand water and wastewater service area. This provision is necessary to protect the health, safety and welfare of citizens within the DeLand water and wastewater service area by providing for the most efficient and cost effective water and wastewater services and by protecting the city's investment in its water and wastewater systems.
- (Ord. No. 91-13, § 2, 5-20-91)

CHAPTER 31 – VEHICLES FOR HIRE

ARTICLE I. – PRIVATE TRANSPORTATION

Sec. 31-11. Suspension or revocation of driver's permit; right of appeal.

- (a) Upon a finding of just cause, the police chief or his/her designee shall deny in the case of applications for new or renewed permits and suspend or revoke in the case of previously issued permits. Just cause shall include, but not be limited to, a finding of any of the following: The applicant or driver holding such permit has violated any of the provisions of this article; or has been convicted of a felony; or has been convicted of driving a vehicle for hire or other motor vehicle while under the influence of intoxicating liquor or narcotic drugs or any other drugs when affected to the extent that his normal faculties are impaired; or if such applicant or driver is suffering from a contagious or communicable disease, or a defect or impairment of vision or hearing or other physical impairment which would render him incapable of safely driving a motor vehicle; or if such person has been twice convicted of a motor vehicle violation within any period of 12 months. Before such permit shall be denied, suspended or revoked, notice of intention thereof shall be served upon the driver either by registered mail or personal service; provided; such notice shall not be necessary for a denial of an original permit. However, any such applicant or driver shall be given an opportunity to be heard by the police chief or his/her designee.
- (b) If the applicant or permit holder who has been convicted of a felony has had his or her civil rights restored, and provided at least three years have elapsed after release from prison for such offense, then the prior conviction of such felony shall not be the basis for denying such application or revoking such permit. If the applicant permit holder has been convicted of driving under the influence of intoxicating liquor or narcotic drugs or any other drug when affected to the extent that his normal faculties are impaired and three years have elapsed since such conviction, then such conviction shall not be the basis for denying such application or revoking such permit.

(c) Any applicant or driver whose permit is revoked or suspended by the police chief or his/her designee may appeal such decision to the city commission. Such appeal shall be taken by filing written notice thereof with the city commission in the office of the city clerk within ten days after the decision of the police chief or his/her designee. The city clerk shall forthwith transmit copies of the appeal to the city commission along with all papers constituting the record upon which the action appealed from is based. The city clerk shall place the appeal on the agenda of the next regularly scheduled city commission meeting.

(Ord. No. 2003-11, § 1, 5-19-03)

ARTICLE IV. – WRECKERS OR TOW CARS

Sec. 31-38. Same—Prerequisite to issuance.

Before a license as provided in section 31-37 may be issued to any applicant, such applicant must furnish the city auditor and clerk with evidence of the following:

- (a) That the applicant is the owner of the automobile wrecker or tow car to be licensed and that such vehicle is duly licensed in the name of the applicant, as an emergency vehicle, under the laws of the state.
- (b) That the applicant as owner of such vehicle is insured in an amount of not less than \$5,000.00 against damage to the property of any person; in an amount not less than \$25,000.00 for personal injury to any one person, and in the amount of not less than \$50,000.00 for personal injury to two or more persons, with an insurance company authorized to do business within the state.

(Ord. No. 61-17, § 31-38, 12-4-61)

ARTICLE VI. - AMBULANCES

Sec. 31-47. Application for certificate.

- (a) Each application for a certificate of public convenience and necessity to operate one or more ambulances as herein defined shall be in writing, verified by the applicant, and shall be filed with the city clerk in such form as shall be determined by the city clerk.
- (b) A statement from the chief of police of the City of DeLand shall be required stating that the applicant is of good moral character and fitness and possesses sufficient knowledge of the provisions of this article. It is hereby made the duty of said chief of police to make proper investigation to determine the moral character and fitness of the applicant, or applicant's employees.

(Ord. No. 69-5, § 6, 5-5-69)

Sec. 31-49. Contents, assignment, term of certificate.

- (a) Every certificate of public convenience and necessity issued under this article shall be signed by the mayor, attested by the city clerk, and shall contain, in addition to the name and address of the person entitled thereto, a statement of the class of transportation service authorized thereby, the number of ambulances which the applicant is permitted to operate, and such additional terms, conditions and provisions and limitations as the city may deem necessary or proper in the public interest.
- (b) No certificate of public convenience and necessity issued under the provisions of this section shall be assigned or transferred without the consent or approval of the city commission.

(c) Every certificate shall remain in full force and effect from the time of its issuance until revoked in whole or in part by the city commission, provided, however, that every certificate issued under the provisions hereof shall be subject to alteration, suspension or revocation by the city commission at any time for good cause shown and after 30 days written notice has been given to the holder of said certificate and said holder has been given an opportunity to be heard.

(Ord. No. 69-5, § 8, 5-5-69)

Sec. 31-51. Notice of modification, suspension or revocation of certificate.

Upon the revocation, modification or suspension of any certificate of public convenience and necessity by the city commission, the city clerk shall send written notice of such modification, suspension or revocation to the chief of police and the chief shall thereupon modify, suspend, or revoke any permit to provide for the changed conditions resulting from a modification, suspension or revocation of such certificate.

(Ord. No. 69-5, § 13, 5-5-69)

Sec. 31-52. Occupational licenses and permits.

Each owner and operator of ambulances pursuant to the aforesaid certificate of public convenience and necessity shall first obtain from the city clerk an occupational license in the sum of \$25.00 authorizing said owner or operator to do business in the City of DeLand, Florida, which shall be renewed annually on or before October first in each year.

(Ord. No. 69-5, § 9, 5-5-69)

Sec. 31-55. Insurance required.

Each licensee shall carry public liability and property damage insurance with solvent and responsible insurers, authorized to transact business in the State of Florida, to secure payment of any loss or damage resulting from any occurrence arising out of or caused by the operation or use of any licensees' ambulances. Each vehicle shall be insured for the sum of at least \$10,000.00 for the property damage and \$100,000.00 for injuries to or the death of any one person, and the sum of at least \$300,000.00 for injuries to or death of more than one person in any one accident. Every insurance policy issued shall provide for the payment and satisfaction of any final judgment entered against a licensee or any person driving any such vehicle. No license shall be issued until the applicant files a certificate with the city clerk as proof that the requirements of this section have been met.

(Ord. No. 69-5, § 4, 5-5-69)

CHAPTER 32 – WEIGHTS AND MEASURES

Sec. 32-6. Fees for inspection.

The inspector of weights and measures or his assistants shall in each instance, collect from the owner or agent of an inspected instrument which is used in the purchase or sale of merchandise the following fees:

(1) For each instrument of weight, of capacity not exceeding 25 pounds\$0.15

Of capacity over 25 pounds and less than 100 pounds0.25

Of capacity over 100 pounds and less than 600 pounds0.35

Of capacity over 6000.50

(2) For each instrument of measurement as follows:

For any yard stick\$0.05

For any dry or liquid measure not over one gallon0.05

For any dry or liquid measure with capacity over one gallon0.10

For any set of measures0.25

If more than two inspections shall be made within six months, such additional inspections shall be made without charge.

All fees so collected shall be paid over by the inspector to the city clerk weekly.

CHAPTER 33 – LAND DEVELOPMENT REGULATIONS

ARTICLE II. – PRIMARY USES

Sec. 33-16. Generally.

33-16.01. *Purpose.* The purpose of this article is to describe the specific permitted uses allowed in the various zoning districts created herein. These regulations are intended to allow development and use of property only in compliance with the goals, objectives, and policies of the city as expressed in the City of DeLand Comprehensive Plan.

33-16.02. *Zoning districts established; zoning map adopted.*

(a) *Districts designated.* In order to regulate and limit the height and size of buildings; to regulate and limit the intensity of the use of lot areas; to classify, regulate and restrict the location of trades and industries; and the location of buildings designed for specified industrial business, residential and other uses the city is hereby divided into districts known as:

R-R	Rural Residential
R-R1	Suburban Single-Family Residential
R-1AA	Single-Family Dwelling
R-1A	Single-Family Dwelling
R-1B	Single-Family Dwelling
R-1	Single-Family Dwelling
R-1C	Single-Family Dwelling
R-2	Two-Family Dwelling
R-8	Multiple-Family Dwelling
R-12	Multiple-Family Dwelling
R-16	Multiple-Family Dwelling

R-M	Residential-Mobile Home
P-1	Professional-Residential
E-1	Educational
BR	Business Retail
C-1	Neighborhood Commercial
C-2	General Commercial
C-2A	Downtown Commercial
C-2AC	Commercial Activity Core
C-3	Rail Spur Commercial
C-4	Wholesale Commercial
M-1	Industrial
PD	Planned Development

(b) *Boundaries established by zoning map; title of map, filing.* The boundaries of the district are shown upon the map accompanying this chapter and made a part hereof and entitled "Comprehensive Zoning Map of the City of DeLand, Florida," March 31, 1993. The zoning map and all the notations, references and other information shown thereon are a part of this chapter and have the same force and effect as if such information set forth on the map were all fully described and set out herein. This zoning map properly attested is on file in the office of the city clerk.

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(Supp. No. 14)

ARTICLE XI. – BOARDS AND COMMITTEES

Sec. 33-121. Planning board.

33-121.01. *Establishment.* The City of DeLand planning board as previously established by ordinance of the City of DeLand shall continue in existence subject to the provisions in this section.

33-121.02. *Membership.*

(a) *Number.* The planning board shall consist of seven members, who shall be residents of the City of DeLand, Florida, as now or hereinafter defined, appointed by the city commission of the city.

(b) *Terms.* The terms of the members shall be for four years. Board members may serve only two consecutive full terms on the board to which they are appointed. Once a member has completed his second consecutive full term, he will not be eligible for reappointment to that board unless there are no other qualified applicants. An individual must wait a minimum of one year before reapplying for membership on the board or any other boards. The members of the existing planning board, and their terms, shall not be affected by the adoption of this section.

1. *Expiration of terms.* At the expiration of the term assigned to any seat, the appointee in that seat shall continue to serve until the appointment of his or her successor and shall not affect the expiration date of the successor's term. The expiration date of the successor's term shall be determined by measuring the term of office forth at seat from the usual expiration date of the predecessor's term for that seat. When a position becomes vacant before the end of the term, the city commission shall appoint a substitute member to fill the vacancy for the duration of the unexpired term. Any person appointed to fill an unexpired term will be eligible for reappointment for two consecutive full terms in addition to the remainder of the unexpired term.

(c) *Vacancies.* Any vacancy in membership shall be filled for the unexpired term by the city commission, which shall also have the authority to remove any member for cause, or written charges, after a public hearing. An individual who misses three regularly scheduled meetings during any calendar year without good cause shall be deemed to have resigned from that board and is not eligible for reappointment to that or any other board for at least one year. In that event, the city clerk shall notify the individual that this position will be declared vacant by the commission at the next regularly scheduled commission meeting unless the individual demonstrates good cause for having been absent. In addition, the commission may terminate the appointment of any board member for cause including, but not limited to, excessive absences and conflicts of interest, upon giving notice and an opportunity to be heard. The commission shall take any and all action it deems appropriate in its sole discretion.

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(Supp. No. 14)

(d) *Compensation.* All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties.

Sec. 33-123. Historic preservation board.

33-123.01. *Establishment.* The historic preservation board is hereby established to implement the historic preservation provisions of this chapter.

33-123.02. *Board membership, officers, etc.*

(a) *Membership.*

1. The historic preservation board shall have seven members appointed by the city commission. One member of the board shall be a registered architect, if available. The remaining six appointments shall be made on the basis of civic pride, integrity, experience, and interest in the field of historic preservation. The city commission should, whenever possible, appoint a representative from each of the following areas of expertise:

- a. History.
- b. Real estate or real property appraisal.
- c. Urban planning.
- d. Engineering or building construction.

2. At least four of the seven members shall be residents of the City of DeLand. Three of the seven members may be nonresidents who own land in a Historic District.

3. Each member shall be appointed to a three-year term except that, initially, two members shall be appointed for a term of one year, three members shall be appointed for a term of two years, and two members shall be appointed for a term of three years. No person may serve more than two consecutive three-year terms. Persons disqualified by this provision may be reappointed after one year elapses after the expiration of the second term of service.

4. When a position becomes vacant before the end of the term, the city commission shall appoint a substitute member within 60 days to fill the vacancy for the duration of the vacated term. A member whose term expires may continue to serve until a successor is appointed and qualified.

5. An individual who misses three regularly scheduled meetings during any calendar year without good cause shall be deemed to have resigned from that board and is not eligible for reappointment to that or any other board for at least one year. In that event, the city clerk shall notify the individual that this position will be declared vacant by the commission at the next regularly scheduled commission meeting unless the individual demonstrates good cause for having been absent. In addition, the commission may terminate the appointment of any board member for cause including, but not limited to, excessive absences and conflicts of interest, upon giving notice and an opportunity to be heard. The commission shall take any and all action it deems appropriate in its sole discretion.

(b) *Officers.* The members of the board shall annually elect a chair and vice chair from among the members and may create and fill other offices, as the board deems necessary.

(c) *Subcommittees.*

(1) The board shall create whatever subcommittees it deems necessary to carry out the purposes of the board.

2. The chair of the board shall annually appoint the membership of each subcommittee from the members of the board.

(d) *Staffing.* The historic resource coordinator shall appoint a city employee to serve as secretary to the board, recorder and custodian of all board records.

(e) *Compensation.* Members shall not be compensated.

(f) *Funding.* The city commission shall appropriate funds to permit the historic preservation board to perform its prescribed functions.

(g) *Required meetings.* The board shall meet at least four times each year and minutes of each meeting shall be kept. Meetings will be conducted according to rules of procedure adopted by the board.

33-123.03. *General functions, powers and duties.*

(a) *Generally.* It shall be the general responsibility of the historic resource coordinator to take appropriate action to ensure that the historic preservation provisions of this chapter are implemented.

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(b) *Specifically.* It shall be the specific responsibility of the historic preservation board to:

1. Update the official inventory of cultural resources and submit to the city commission recommendations and documentation concerning the updating.
2. Develop programs to stimulate public interest in urban neighborhood conservation, to participate in the adaptation of existing codes, ordinances, procedures, and programs to reflect urban neighborhood conservation policies and goals.
3. Explore funding and grant sources and advise property owners concerning which might be available for identification, protection, enhancement, perpetuation, and use of historic, architectural, archeological, and cultural resources.
4. Cooperate with agencies of city, county, regional, state and federal governments in planning proposed and future projects to reflect historic preservation concerns and policies, and assist in the development of proposed and future land use plans.
5. Advise property owners and local governmental agencies concerning the proper protection, maintenance, enhancement, and preservation of cultural resources.
6. Advise the city commission concerning the effects of local governmental actions on cultural resources.
7. Review and recommend the designation of sites, buildings, structures, objects, and districts, both public and private, as historically or architecturally significant.
8. Approve or deny petitions for certificates of appropriateness required under the historic preservation regulations in this chapter.
9. Notify the historic resource coordinator who shall take appropriate action when it appears that there has not been compliance with the historic preservation regulations of this chapter.
10. Assist in developing a historic preservation element to be incorporated into the City of DeLand's Comprehensive Plan and, if necessary, make recommendations for amendments to historic preservation goals, objectives and policies in the plan.

(Ord. No. 2002-09, §§ 1, 2, 2-18-02)

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ARTICLE XII. – ADMINISTRATION AND ENFORCEMENT

Sec. 33-135. Procedure for text amendments and rezonings.

33-135.01. Amendments to text of chapter.

- (a) *Generally.* Amendments to the text of this chapter may be initiated by the city or upon application of any interested person. Persons who wish to initiate a change in the text of this chapter shall apply on a form provided by the planning department and shall pay an application fee set by resolution of the city commission.
- (b) *Review.* Generally, the planning board shall review proposed changes in this chapter, which shall make a recommendation to the city commission prior to final action adopting or not adopting the amendment. However, at the request of either the planning board or the city commission, or in the discretion of the city manager, proposed amendments may be taken directly to the city commission for action.

33-135.02. Rezoning property or changing use categories.

- (a) *Application for rezoning or use change; fee; contents.* Persons who wish to initiate consideration of an ordinance rezoning specific parcels of property or substantially changing permitted use categories within districts shall apply on a form provided by the planning department and shall pay an application fee set by resolution of the city commission. The application for rezoning or use change shall include a current survey of the property prepared by a licensed surveyor; a legal description of the property; the street address of the property, if an address has been assigned; a statement as to how the proposal is consistent with the DeLand Comprehensive Plan; and a notarized authorization from the owner, if the applicant is other than the owner or his agent.
- (b) *Report to planning board.* The planning department shall submit a written report containing its recommendations on each application to the planning board prior to the meeting of the planning board at which the application will be heard. A copy of the report shall be made available to the applicant.
- (c) *Hearing by planning board.* The planning board shall hold a public hearing on each application and shall forward its recommendations to the city commission.
- (d) *Decision by city commission.* The city commission shall hold two public hearings after due public notice on all recommendations for rezoning or district use changes from the planning board. It may accept, reject, modify, return or continue and seek additional information on those recommendations.
- (e) *Notice of ordinances.*

1. *Generally.* Notice of the proposed adoption of any ordinance rezoning property or substantially changing the permitted use categories within zoning districts shall be as provided below.

2. *Less than five percent affected.* In cases in which the proposed rezoning or change in permitted use involves less than five percent of the land area of the municipality, the city shall:

a. Notify by regular mail each property owner whose land may be rezoned and each property owner whose land is within 300 feet of the perimeter of the property to be rezoned and whose address is known by reference to the latest tax rolls. This notice shall state the substance of the proposed ordinance and state the time and place of the planning board hearing and city commission hearings on the ordinance. The notice shall be sent at least 30 days prior to the second city commission public hearing. A copy of the notice shall be kept available for inspection during regular business hours at the office of the clerk.

b. Post at least one sign for each 200 feet of road frontage along all roadways bordering the property or upon the determination by the planning director the distance between signs may be increased as long as sufficient notice is provided along any and all road frontages. The sign shall be 22 inches by 28 inches and shall be located within ten feet of the right-of-way and shall be visible from the right-of-way. The sign shall contain the following information:

(1) Existing zoning classification of the land.

(2) Proposed zoning classification of the land.

(3) Date and time of the planning board meeting.

(4) Date and time of the city commission meeting.

(5) Location of the foregoing meetings.

(6) The telephone number of the city department which can provide additional information concerning the proposed rezoning.

3. *Five percent or more affected.* In cases in which the proposed rezoning or change in permitted use involves five percent or more of the land area of the municipality, the city commission shall hold two advertised public hearings on the proposed ordinances. The first shall be held approximately seven days after the day the first advertisement is published. The second shall be held approximately two weeks after the first hearing and shall be advertised approximately five days prior to the hearing. The day, time and place of the second hearing shall be announced at the first. The advertisement shall be at least one-quarter page and shall not be placed in the legal

notice and classified advertisement portion of the paper. The notice shall have a headline of type no smaller than 18 point and shall appear in the following form:

NOTICE OF ZONING (PERMITTED USE) CHANGE

The City of DeLand proposes to rezone (change the permitted use of) the land within the area shown in the map in this advertisement. A public hearing on the rezoning (change in permitted use) will be held on and at 7:00 p.m. at city hall.

The advertisement shall contain a geographic location map clearly indicating the area covered by the proposed ordinance and including major street names as a means of identification of the area.

In place of publishing this advertisement, the city may notify by mail each property owner whose land may be rezoned, and each owner whose land is within 300 feet of the perimeter of the property proposed to be rezoned and whose address is known by reference to the latest tax rolls. This notice shall state the substance of the proposed ordinance and state the time and place of the planning board hearing and city commission hearings on the ordinance. The notice shall be sent at least 30 days prior to the second city commission public hearing. A copy of the notice shall be kept available for inspection during regular business hours at the office of the clerk. Notice of ordinances proposing other amendments to this chapter shall be published as provided by general law.

4. *Historic Overlay District—Less than ten acres.* For rezoning within the Historic Overlay District of a property or properties with a total of less than ten acres, the city shall notify the owners of all properties proposed for rezoning by certified letter, return receipt requested, as well as comply with the notification requirements set forth in section 33-135.02(e)(2) above.

5. *Historic Overlay District—Ten acres or more.* For rezoning within the Historic Overlay District of a property or properties with a total of ten acres or more, the city shall notify the owners of all properties proposed for rezoning by certified letter, return receipt requested, as well as comply with the notification requirements set forth in section 33-135.02(e)(3) above.

(f) *Factors to consider.* During the review of each application for rezoning or for changes in permitted uses, among the factors to be considered are the following:

1. Whether it is consistent with the Comprehensive Plan, and the land use, zoning patterns and character of the surrounding area.
2. The impact upon the environment or natural resources.

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3. The impact upon the economy of any affected area.
 4. The impact upon governmental services.
 5. Any changes in circumstances or conditions affecting the area since the original assignment of zoning.
 6. Any mistakes in the original classification.
 7. The effect upon the use or value of the affected area.
 8. The impact upon the public health, safety and welfare.

(g) *Rehearings on applications.* Neither the planning board nor the city commission shall entertain or have jurisdiction to consider any rezoning application voted on by the city commission within the previous 180 days and based upon the same material facts and issues relevant to the application as originally presented. A rehearing may be considered 90 days after a vote on a rezoning application if there is a material change in the facts or issues relevant to the application.

(Ord. No. 2013-11, § 2, 8-5-13)

ARTICLE XIII. – SUBDIVISION OF LAND

Sec. 33-146. Procedures for securing subdivision plat approval.

3. At the time of submission of the final plat, the subdivider shall pay to the DeLand City Clerk a fee as estimated by the city engineer and set by resolution of the city commission; however, in no event shall said fee be less than \$500.00. The fee is for the purpose of administration and inspection of site improvements.
3. At the time of recording of the final plat, the subdivider shall pay to the DeLand City Clerk a fee as estimated by the city engineer and set by resolution of the city commission; however, in no event shall said fee be less than \$500.00. The fee is for the purpose of administration and inspection of site improvements.