

Florida Association of City Clerks Manual

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Update Report: 2003-2013

By Kelly Koos, MMC

The Florida Association of City Clerks has grown to 558 members. 389 of those members are Certified Municipal Clerks (CMCs) and 115 of those members are Master Municipal Clerks (MMCs). As of this writing, Florida is second only to California in certifications for all of the International Institute of Municipal Clerks (IIMC).

Florida League of Cities (FLC) provides the Executive Director for the Florida Association of City Clerks. FLC staff serves as staff for FACC. They compile and publish the agenda packets and maintain FACC's website. Many documents are now published only on the website as opposed to hard copy.

Membership in FACC continues to provide an array of benefits in addition to the educational sessions. The Fall and Summer Academies provide an opportunity for clerks to come together and learn about best practices within Florida cities. FACC sponsors a discussion forum on Google where clerks can get quick advice from their colleagues concerning all matters of municipal government. FACC continues to publish the City Desk three times a year to keep clerks informed on what is happening around the State. FACC is working to overhaul the Clerk's Manual. This manual addresses all aspects of the City Clerk profession including elections, records management, agenda formats, governing legislation, sample ordinances, resolutions, proclamations, etc. The manual will be published on the FACC website in 2013.

FACC continues to offer scholarships for the Summer Academy, the Fall Academy and IIMC's Annual Conference. In addition, Municipal Codes' MCCi now offers three scholarships each year based on a city's records program. These scholarships allow clerks to take advantage of additional educational opportunities.

FACC continues to have an active role in the International Institute of Municipal Clerks. Several clerks serve on various committees and our own Lisa Burns Small served as the Region III Director from 2009-2011.

In 2003, FACC began to re-establish the mentoring program. That program continues to flourish as new clerks are connected to more experienced clerks for guidance and knowledge.

Around 2006 FACC began receiving MMC credit for classes offered at the FACC Annual Conference. In 2010, FACC converted their Annual Conference to a Summer Academy in an effort to maintain those educational opportunities for the Florida clerks.

FACC formed a strategic planning committee in 2010. This committee was established to give FACC direction for the future. In 2011, that committee morphed into the Strategic Planning Session. This session is held in the odd years at the Summer Academy. ALL clerks are invited to attend and offer comments on the direction they feel FACC should move in the future. Many outside influences are shaping FACC such as IIMC educational requirements and the economy in Florida.

In 2009, FACC began hosting webinars with the assistance of the Center for Florida Local Government Excellence (CFLGE). The agreement between the two parties calls for CFLGE to facilitate 4 webinars a year on topics selected by the IOG and the FACC Professional Education Committee. These webinars are approved by IIMC for MMC credit towards certification. Yet another way FACC is providing quality education to Florida clerks.

By 2010, FACC's reserve fund was getting low as a result of poor attendance at the academies. FACC attributed the low attendance to the poor economy and municipal budgets. To help stabilize FACC's finances, the Board hired a professional fundraiser and the Sponsor and Exhibitor's committee was abolished. The professional fundraiser has made it possible once again for FACC to publish the membership directory on an annual basis. Clerks are encouraged to provide a current photo to be included in the annual directory.

In 2011, FACC held its first Athenian Dialogue at the Summer Academy. Attendance was good and the clerks requested additional opportunities. The Athenian Dialogue is a discussion where participants explore leadership principles and practice, drawing on the insights contained in a book that all participants have read. Dialogues are conversations in which clerks share their experience and understanding as it relates to the ideas of the author and the relevance of those ideas to their public leadership role.

The business affairs of the association continue to be conducted by an elected board consisting of 4 officers and 6 district directors representing geographically designated districts of the state. In 2011, the Board completely revised the By-Laws and Committee Duties & Responsibilities. These two documents are now published on FACC's website. To encourage and stimulate participation, district directors are encouraged to provide copies of the agenda packets to their district membership for questions and comments.

Chapter I: Introduction

This handbook provides an approach to the manifold functions of the city clerk in Florida. The material which follows is primarily of a general nature pertaining to all municipalities. Procedures, duties, responsibilities and actions will vary from city to city, depending on its size, city charters and established policies.

A city 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 city clerk often serves as the public information officer and media contact for the city government.

Cities are creatures of the state Legislature. The city clerk needs to be familiar with the services of the secretary of state and attorney general in Tallahassee, and the principal nearby 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 city clerks.

The Florida Statutes prescribe the basic functions and duties of city clerks in general law cities. Many Florida cities have charters by special law or by "Home Rule" adoption, and clerks in these cities customarily have the same duties. However, individual charter provisions regarding clerks may differ widely from city to city. Also, city clerks perform such additional duties as may be prescribed by ordinance, or by direction of the city council or the city manager.

A professional code for city clerks has been drawn up by the International Institute of Municipal Clerks as follows:

Code of the Municipal Clerk

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.
4. To be ever mindful of their neutrality and impartiality, rendering service to all.
5. To record that which is true and preserve that which is entrusted to them as if it were their own.
6. To strive constantly to improve the administration of the affairs of their office consistent with applicable law.

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 city ordinances and aid the city council and the city manager in conducting city 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 persons in the organizations concerned with municipal affairs. Some of the organizations which provide services and data to the municipal clerk are listed below.

International

**International Institute of Municipal Clerks, 8331 Utica Avenue,
Suite 200, Rancho Cucamonga, CA 91730.**

The IIMC has a program for professional certification of municipal clerks (CMC). The mission of the IIMC is to prepare its membership to meet the challenge of the diverse roles of the municipal clerk by providing services and continuing professional development opportunities to benefit members and the government entities they serve. IIMC sponsors continuing education programs at its annual conference and through university-based institute programs. IIMC also offers networking opportunities among its membership and professional certification through the Master Municipal Clerk Academy. IIMC also offers research and information through its monthly news digest, Web site and resource center.

National

**National Civic League, 1445 Market Street, #300,
Denver, CO 80202-1728.**

The NCL is an established civic research organization which developed the Model City Charter, Model State Constitution, and Model Civil Service Law. Experts in city government problems, the NCL provides research services, publications, and an annual conference.

State

**The John Scott Dailey Florida Institute of Government, Executive
Office, Florida State University, Woodcrest Office Park, 325 John
Knox Road, Building 300, Suite 301EC, Tallahassee, FL 32303.**

**Florida Association of City Clerks, c/o Florida League of Cities,
P.O. Box 1757, Tallahassee, FL 32302-1757, phone (850) 222-9684.**

The FACC is the professional association for Florida city clerks. The FACC developed this handbook (in cooperation with Florida Atlantic University and a Federal Intergovernmental Personnel Act Grant), which is amended yearly by FACC Manual Revisions Committee. The FACC holds annual conferences and training sessions in cooperation with the Florida Institute of Government with scholarship programs available. Their quarterly publication, *City Desk*, contains helpful articles and information of value to the municipal clerk.

**Florida Atlantic University, Division of Continuing Education,
777 Glades Road, P.O. Box 3091, Boca Raton, FL 33431.**

The FAU holds many regular and special courses as well as short courses for municipal and other officials.

Florida League of Cities, P.O. Box 1757, Tallahassee, FL 32802-1757.

The FLC is the state association for Florida cities. It provides research and advisory services to Florida cities, monthly publications and biweekly bulletins (*Datagram*), annual compendium of legislation affecting Florida cities, annual wage surveys, and an annual statewide municipal conference.

State Agencies

Florida Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Furnishes advisory legal opinions on city charters and other municipal legal matters.

Florida Commission on Ethics, P.O. Drawer 15709, 2822 Remington Green Circle, Suite 101, Tallahassee, FL 32317-5709. (32308)

Receives complaints of violations of the Code of Ethics and prescribes forms for financial disclosure and possible conflicts of interest.

Florida Department of Management Services, (A) Division of Human Resources Management, 4050 Esplanade, Suite 380, Tallahassee, FL 32399-0950; (B) Division of Retirement, 2639 N. Monroe Street, Building C, Tallahassee, FL 32399-1560, phone (850) 488-4742, SC 278-4742.

Provides information on personnel, civil service and retirement matters.

Florida Secretary of State, Department of State, Division of Elections, Room 100, 107 W. Gaines Street, Tallahassee, FL 32399-0250.

Responsible for the election law administration.

Public Employee Relations Commission, 4505 Esplanade Way, Tallahassee, FL 32399-0950.

Assists and administers certain matters involving collective bargaining and labor relations for public employees and agencies.

Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, phone 1-(800) 342-3552.

Literature may be obtained by contacting the Office of the Executive Director at (850) 413-6055, or the Division of Consumer Affairs at (850) 413-6100. In addition to publishing an annual report, provides publications on utility regulations, rates and speakers.

Bureau of Preparedness and Response, 2575 Shumard Oak Boulevard, Tallahassee, FL 32399-2100.

Literature is available to assist in developing a local disaster preparedness plan. Call (850) 413-9859. Literature may also be received through your local emergency services director.

Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100.

Information on local flood plain managers and insurance coordinators, call (850) 413-9900. Literature can also be received through your local county director.

Florida Department of Equal Opportunity

107 East Madison Street

Caldwell Building

Tallahassee, Florida 32399-4120, phone (850) 245-7105

Administers the growth management laws and assists local governments in meeting their comprehensive planning responsibilities. The Community Planning and Development division specifically works to assist local governments with comprehensive planning.

The Bureau of State Planning, phone (850) 488-4925.

Administers the Areas of Critical State Concern (ACSC) and Developments of Regional Impact (DRI) programs. There are 11 regional planning councils located throughout the State of Florida which are responsible for reviewing local government comprehensive plan amendments and for carrying out reviews of DRI and providing reports and recommendations to the local governments involved.

Chapter II: The Office of the City 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 city and town in the nation, regardless of size or form of government, usually has a clerk or equivalent position.

In Florida, the city clerk is an important and exacting position in municipal government. The clerk is expected to know virtually everything about the operation of the city 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 city clerk is an appointed or an elected one depends on the local regulation usually found in the city charter or special law.

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

Many city 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, executive director of the National League of Cities in an article, "The Professional Qualities of the City Clerk," asserted that the desirable background training listed for a city clerk ranges from a high school education to study in specialized areas, or a college degree. The specialized areas of study suggested 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 might be added a basic understanding of modern public administration, public relations and computer science. Many clerks are now expected to be proficient in social media and laptop/tablet computers. In a typical city in Florida, the job description sheet for the city clerk might read, in part, as follows:

Requirements of Work

- CMC or MMC Certification preferred
- Graduation from a standard high school, preferably supplemented by college-level course work in business, records management or public administration and extensive experience in government.
- Thorough knowledge of the ordinances, policies and procedures of the city.
- Thorough knowledge of legal requirements, rules of order and procedures of city 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 council, takes 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 clerical subordinates.
- Thorough knowledge of election process, procedures, laws, rules and regulations.
- Ability to establish and maintain effective working relationships with city officials, employees and the general public.
- Thorough knowledge of the city's charter.
- Residency in City (often required)

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 city clerk's administrative duties are as follows:

- 1) Provide notary services.
- 2) Issue licenses and permits.
- 3) Furnish data to public information 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) Prepares and maintains records index system, oversees records management, retention and destruction in accordance with state regulations.
- 8) Conduct business with other city, county, state and federal agencies as directed by the governing body.
- 9) Coordinates voter's registration activities with county and state election officials.
- 10) Provide notification to municipal departments of expiration dates on various matters.
- 11) Maintain and updates city code.
- 12) Attest official contracts and documents.
- 13) Serves as parliamentarian.

- 14) Conducts city elections.
- 15) Board and Committee liaison
- 16) Lobbyist Registration
- 17) Staffing Mayor and Commissioners/Council members

Statutory Duties

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

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

As 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 council and/or the city manager.
- 3) Prepare meeting agendas. (Often now computerized)
- 4) Process, record, file and advertise ordinances, resolutions and notices.
- 5) Process, record, file and advertise bids for municipal equipment and supplies.
- 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 city records and files.

As 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 city code.

As Election Official:

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

- 1) Register voters when that is not a county function.
- 2) Certify vacancies existing on the local level.
- 3) Maintain receipt of any and all petitions, initiative or otherwise.
- 4) Exercise quasi-judicial authority in determining the validity of petitions according to city code or state statutes.
- 5) Provide layout of local ballot for all elections.
- 6) Furnish material for local elections.
- 7) Select polling places – (this is a function of the county supervisor of elections where there is a single registration system).
- 8) Maintain receipt of election results.
- 9) Issue payment 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 statute and ordinance, 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.

Chief among these duties established by custom is the obligation of the municipal clerk, as the clerk of the governing body, to provide that body with information and background material on matters engaging its attention. This is a responsibility which is often shared with the city manager's office. Whether the city clerk holds an independent appointed position, or works under the direct supervision of a city manager, it must be emphasized that the clerk has an obligation to serve faithfully the administrative authority of the city 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 city 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 field of activity 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 familiarize himself/herself with all of the requirements of this office, statutory and otherwise.

Chapter III: Public Relations and Communications

"The most important links between city government and the public which it serves are public relations and effective communication."

Communication, whether by telephone, correspondence, or face-to-face at city hall, must be accurate, prompt and courteous. We also communicate on the Internet by e-mail and have the advantage of reviewing municipal Web pages.

The office of the city 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 good equipment in working order are necessities.

Let's take a look at the "public" in public relations from the standpoint of the office of the city clerk. The "public" no longer consists of just the caller at the other end of the line, but has expanded to include many "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, housewives, 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. There is also the internal public: the mayor, city manager, city council or commission, city attorney, department heads, and staff. The "public" has expanded, and so has the need for increased **good** public relations.

Most persons are friendly and courteous in requesting their needed information; some are not. Often, members of the public do not really understand complex city matters. Some require special care and handling, but all members of the public, outside and internal, are entitled to polite, helpful **service**.

Thus, for a city clerk good public relations are essential. Whatever a city does affects someone or a group. The city clerk must respond, in an impartial and courteous manner, with actions that are in the public interest. Public relations are like the image an individual builds for himself over the years of his life. It consists of reputation, personality, appearance, intelligence, knowledge, ability, pride and self-confidence. It is based on relations and attitudes toward other persons, and is always founded on good manners and good 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 do much to build a confidence in government as an efficient, responsible civic entity. Good "government" public relations help to offset the normal public resistance to such necessary restrictions as traffic regulations, zoning rules, licensing laws and taxes.

Citizen Information Office

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

1. General Attitudes

Due to the close working relationships with a variety of individuals, the office of the city clerk is constantly under close scrutiny. It is vital that persons working in the office promote the highest type of public relations, yet protect the city's interests and rights. Courteous and expeditious treatment in handling in-person, telephone, and written inquiries from the public can contribute greatly to the reaction the average citizen has to city government. Employees should be alert, prompt, courteous, neat, clean and appropriately dressed; their office area, desks and equipment should be neat and orderly.

2. Providing Information – Avoiding Errors

- a. Verbal Requests** – If a person verbally requests that you respond in writing, it is a good policy to request his/her request in writing. However, state law prohibits you from requiring that requests be made in writing. This practice eliminates misunderstandings; you will provide what is asked for, and both the requester and your staff will be more efficiently and effectively served.
- b. Surveys** – The office of the city 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** – It is important that no information be given out unless you are absolutely sure of the facts, and have ensured that statutorily exempted information is redacted.
- d. Special Policies** – Some cities 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 a lot of time, avoid misunderstandings, and go a long way toward keeping good public relations.

3. Handling Citizen Complaints

"The Buck Stops Here" should be the motto of each city clerk. A continuing and broadly-based public information program can go far toward eliminating the feeling, "You can't fight city hall," or that city government lacks interest in the solution of various problems in the city. The procedure followed by the city employee handling the complaint can win a friend for the city no matter how irate the citizen may have been when he first contacted the office.

Employees who are "quick tempered" have no place at the public counter. If a belligerent citizen should express a feeling that records are being withheld, be pleasant and seat that person at a desk or table within your view without delay so that he/she may read or copy as desired. Most records are public and the public is increasingly aware of this.

The following information will be helpful in handling irate or upset people:

- a. Let the person talk it out. Listen – it is an art. This applies to face-to-face and telephone situations. Very often, the caller just needs to "get it off his chest" or use you as a sounding board. L-I-S-T-E-N.
- b. Don't make excuses. Don't excuse yourself or the actions of others in the city, but let the person know you are sorry he has not received the service he needs. Often, a person may have been transferred several times and is livid by the time he reaches you. Let him know you are sorry this happened, let him speak and handle the needs immediately if you can. If it is something that cannot be done or responded to immediately, offer to call back after you obtain the information or answer required.
- c. Offer to do what you can to solve the situation and assure the person of the city's good will. Let the caller know that you appreciate having the matter brought to the city's attention.
- d. Diplomacy and tact can leave the person with a good feeling, even if you cannot solve the problem or provide the answer immediately.
- e. Refer to Chapter VII on Office Management: Departmental and City Matters, for additional information on handling communications.
- f. **Identify yourself** when calling or answering a call. Give your name and organization, thus eliminating the necessity of having the other party ask. Not only does this save time and increase efficiency of operation, but it also has a positive influence. The importance of communicating in a pleasant manner with a satisfactory conclusion cannot be overemphasized.

Proclamations

It is often the city clerk’s responsibility to propose proclamations recognizing noteworthy events and activities. Please see sample below.

Resolution of Appreciation, Commendation, and Expression of Sympathy

Nothing is more appreciated by a citizen and his/her family after giving of his/her energy, knowledge and talents to the growth and development of the city than recognition for this 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 city clerk, is a suggested form of recognition. A typical sample is attached. Also attached is a sample of a resolution of condolence in the form of an expression of sympathy on the death of a respected citizen.

In summing up the city clerk’s responsibility in public relations, remember that the city clerk should maintain a positive, calm attitude that will elicit a positive response from others. The city clerk is a public employee, and should provide the required services with sincerity and pleasantness. Keep a positive attitude, and those around you will respond in like manner.

Proclamation

Municipal Clerks’ Week

_____ through _____ , _____

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 bodies 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.

DATED this ____ day of _____, ____.

Mayor

Attest: _____

City of

**Commendation
(Certificate of Appreciation)**

Whereas: has submitted his resignation as a member of the Engineering Contractor’s 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 city 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

Whereas: Almighty God in His infinite wisdom has taken from us, a long-time resident of this area; and

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 City Commission of the City of _____, Florida, do express their sympathy in the death of _____.

DATED this ____ day of _____, _____.

	Mayor	
_____	_____	_____
Commissioner	Commissioner	
_____	_____	_____
Commissioner	Commissioner	

Chapter IV: Council Meeting – General Procedure

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

Use of Assistant

Although the city clerk is often considered the “clerk of the council” and is thereby expected to attend all city council meetings, in many cities, the deputy clerk may accompany him/her to all meetings for the purpose of taking the minutes. At the discretion of the city clerk, the deputy clerk may attend meetings in lieu of the city clerk.

Four Classes of Meetings

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

Regular meetings are usually called for in the city charter or local ordinance. They are held at stated intervals throughout the year and can be planned for in advance. The bulk of the city council business is conducted at regular meetings, and records need to be accurate and complete. A portion of a regular meeting may be dedicated for 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 council.

Emergency meetings are a form of a special meeting and often come on short notice. Special and emergency meetings are a test of the city clerk’s ability to respond quickly and serve efficiently.

Workshops are meetings of the whole or part of a city council, or city board, at which extended discussion, debate and inquiry may take place, but at which 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 somewhat 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.

Meeting Notice

Where councils and boards have regularly established meeting times, routine notice has to be given to the members and to the public. However, for special meetings, additional workshops and hearings, the city clerk often has a special responsibility to see that the proper persons are notified, that notice of the meeting is posted in the city hall and other appropriate places, posted on the city's official Web site, and that the requirement for newspaper advertising is met. All notices of meetings and hearings must advise that a record is required to appeal (Florida Statutes 286.0105).

It is a good practice for the clerk to include notice to local newspapers, television, and to radio news editors for all special meetings, additional workshops and hearings. If the city has a local cable city hall news channel, the city clerk should also place meeting notices on cable. This service will be appreciated and can help to disseminate information and encourage citizen interest and participation in city 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 in some cases, 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 shown on the city's Web page should be updated regularly.

Preparation of Council Rooms

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

1. Be sure custodian has properly cleaned room and set up fresh ice water (if permitted).
2. Be sure name plates are in proper order.
3. Set out pads and sharpened pencils at each council member's place. (Or, take extra pens and pencils for use upon request.)
4. Check microphones and sound system.
5. Set up audio recording system..
6. Distribute any last-minute material, not available when the agenda was distributed.
7. Set up visual aids if needed.
8. Assemble city clerk's material.
9. See that state statutes and code of ordinances are available for reference.
10. See that the speaker's podium is in place.
11. Place supply of agendas for public use in a convenient location.

12. Place supply of "appearance request/lobbyist registration" 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 captions of ordinances, or read ordinances and resolutions in full.
5. Read city council correspondence.
6. Repeat motions upon request.
7. Record the vote for ordinances, resolutions, and as otherwise directed.
8. Record names of citizens speaking at meetings.
9. Accept documents as may be presented at the meeting.
10. Perform other duties as assigned by council and/or the city manager.

A record of scheduled events for future council meetings and a calendar should be maintained and be handy 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 city council are prescribed in general by state law and the city charter. It is well for cities to adopt rules of the council (rules of order) which furnish the basic procedure and are a means of controlling meetings. It does not matter greatly whether certain items are considered early or late in a meeting as long as the rules are practical, will act for the convenience of the council and the citizens, and the customary proprieties and legalities are observed.

Rules of order need not be long. At a minimum, they should provide for regular and special meetings, including time and place; include a definition of what makes a quorum; and 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 city clerk. There are optional methods according to local rules of order. A system which allows different

members of council to cast the first vote may be preferable so that the same member is not “put on the spot” when voting at every meeting.

Recess

Recesses, for a specified period of time, are generally called by the presiding officer with the concurrence of the rest of the council members. Recesses are not a device the city council may employ to avoid the Florida “Sunshine Law,” and a city 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 proper ways at meetings. Sometimes the citizen will ask questions, or give information or express an opinion, but in each case, the citizens care enough to participate and should be treated with respect. The city clerk should strive to make the citizen participation as convenient as possible in both seating and speaking arrangements. The good public-relations aspect of these efforts is obvious.

Attention also needs to be given to providing adequate facilities to the press, radio and television. The clerk should make a conscious effort to develop and maintain good relations with the news media.

Motions

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

After the Meeting

In addition to preparing and distributing the minutes in accordance with the laws or policies established in your city, the city clerk usually has the responsibility of preparing the outgoing communications as a result of the council meetings. These will generally fall into two categories: (1) letters that must be written to citizens advising the result of items on the council agenda, and (2) those memos or directives which must go to the various city departments or to the city manager as a result of council action.

When processing council minutes, be sure to place all hold-over items immediately in the pending jacket so that the city clerk will be “on top” of the next agenda requirements.

Meeting Calendar and/or Bulletin Board

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

Dissemination of such a calendar is by prominent display. Bulletin boards are often located in the city hall lobby and used to publicly announce said meetings. 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 some cities, the city clerk maintains a “community calendar” as a public service. This can cover meetings and events scheduled over the next few months. The kinds of events listed may include

council, board and commission meetings, educational meetings, cultural events of citywide interest (especially when sponsored by the city or a public agency) and meetings of other governmental bodies.

Dissemination of such calendar can be by press release to the media, by mailing to a list of interested citizens, by including the calendar in other city 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 Web site.

Chapter V: Council Agenda

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

The agenda for your council meeting should follow a format for use in the city for which it is designed. There are many variations. The agenda format suggested in this chapter includes the items likely to come before a city council, and the order of placement is at the discretion of 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 city clerks prepare council meeting agendas; however, in cities with a city manager or administrator, the city clerk may meet with this individual to confer about or develop agendas. In council-manager cities, it is customary for all agenda items to come through the city manager’s office; often the manager and clerk work together in developing meeting agendas. In non-manager cities, the city clerk is usually responsible for agendas, and often works with the mayor in this activity; various department heads will also be consulted.

Reminder and Follow-up System

An important function of the city clerk’s office is to maintain adequate records to assure that persons are notified and matters are placed on the agenda before expiration dates so that items do not become past due. All matters which are continued or have a renewal date must be handled efficiently to avoid slip-ups regarding deadlines. One procedure in this regard is the city council agenda pending file, in which all new correspondence, continued matters and items needing renewal are placed. Also, when processing council minutes, be sure to place all hold-over items immediately in the agenda pending file so you are “on top” of the next agenda requirements.

There is a deadline for receiving new items to be placed on the agenda; this deadline is established by individual cities. Some city clerks show a draft of the agenda, along with attachments such as

appropriate correspondence or other exhibit material, to the city manager and/or city attorney before finalizing.

In some cities, the city 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, city council members, city manager, city attorney, city clerk, department heads, press, public reading file, and others according to the policies and procedures established in your city.

Agenda Exhibits

The city clerk should exercise his/her own judgment in the distribution of supplemental agenda material. Let the citizens know that all supplemental information is available in your office for their perusal, and if requested, provide copies of the materials to the citizens and news media at copying costs. All information is public, and when requests for information are made, it is not the clerk's prerogative to determine whether that information is needed or not, but to assure that the requesters receive the correct information.

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

Once the agenda is distributed, revisions should take place at the meeting. Revised agendas have a tendency to confuse the citizens.

Posting Agendas

Agendas should be posted in a convenient location, i.e., city hall lobby, libraries, post office, city clerk's office, and any location where citizens congregate or visit. If your city has a local cable city hall news channel, the city clerk may wish to place the agenda items on cable. Also the agenda may be placed on the city's Web site.

Agenda Format

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

1. Regular Council Meeting

- a. Call to order
- b. Pledge of allegiance
- c. Invocation
- d. Roll call
- e. Proclamations and presentations
- f. Approval of minutes of previous meeting(s) (Consent Agenda)
- g. Open discussion (any topic citizens)
- h. Discussion on agenda items

- i. Public hearings
- j. City Manager's report
- k. Reports from committees or departments
- l. Petitions and communications
- m. Old/Unfinished business
- n. New business
- o. Adjournment

2. 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 your code of ordinances chapter/section or whatever dictates your meetings) 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.

3. Workshop Meeting Agenda

Workshop agendas are substantially the same as a regular meeting agenda. A number of cities have workshop sessions to discuss details of proposed agenda items prior to a regular meeting. A workshop meeting may be scheduled at the convenience or direction of the mayor, city council and/or the city manager.

The Sunshine Law is applicable to all functions of city council, whether formal or informal, which 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 cities do not discuss on first reading)
- c. Approval of payment of contract, maps, reports, bids, agreements

Council has the prerogative to remove an item from the consent agenda for discussion or tabling purposes. In order to maintain good public relations and citizens' confidence, it is wise to strongly protect the right to discuss any item.

Chapter VI: Council Minutes

City clerks in general law cities are specifically required to keep a record, journal or minutes of the council meetings [Florida Statutes 286.011(2)]. Cities governed by charters are subject to the same requirements.

Purpose of Council Minutes

A most 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 basic law of the organization. In the case of Florida municipal corporations, these rules are found in the city charter and the Florida Statutes.

An accurate, sufficiently clear record of all proceedings must be kept to demonstrate that the city 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. If there are late arrivals, indicate such by their name; note early departures at that point 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/appeals, together with the reasons given by the chair for ruling; and
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

Based on *Roberts Rules of Order* (RRO), the minutes need only record the motions adopted by council. The motion has no legal significance until it is either approved or denied by council. The minutes need not reflect the comments made by council members unless expressly requested. Many city clerks, however, will find that the city 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 your 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 minutes be approved by the council, 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 meetings minutes that it:

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

And add to the top margin of the meeting minutes amended, that:

"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 or not 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 city 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 the 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 particular ordinance or resolution.

Public Requests

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

When citizens speak at public hearings, note their name and address and whether they are for or against an item. If their comments are significant to the subject and council action, describe 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, if any; and the disposition made by 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 need 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 as to the subject, author, and date of the document; the number of signatures on the petition; and the action taken by council.

Debates and Discussions

A council member has every right to express reasons for approving or objecting to any matter appearing before council. As a general rule, no reference to council members' remarks are made in the minutes except where a council member specifically requests his remarks be included in the minutes or when precedent established in your city 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. There are others who take a contrary view and support the keeping of a complete stenographic or taped account of all meetings. Each city must choose for itself.

It is recommended that if a city clerk believes the subject matter warrants additional information, be brief and eliminate derogatory portions. It is the clerk's responsibility to prepare accurate and professional minutes, not derogatory minutes.

Arguments and Debates at Hearings

Arguments and debates conducted for or against propositions submitted to a city 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 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 in an agenda pending file to be included on the appropriate agenda.

Summary of Minutes

A summary of council actions, created and distributed immediately following a meeting, includes the agenda item and action only. This expedites information to department heads, citizens and the press. A summary eliminates many phone calls to the city clerk's office.

Indexing

It is recommended that the city clerk maintain a comprehensive general index of the proceedings of the city 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 city clerk or mayor are then kept chronologically in books bearing appropriate titles and devoted exclusively to such purpose. There are various ways to keep minutes, whether chronologically in bound books, loose-leaf binders, or kept in binders for a certain period of time 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 city's "front office" and keeper of the municipality's records, the city clerk must constantly be alert for ways to expedite the way he or she conducts business and creates, stores, distributes and retrieves information, particularly in light of 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 view towards eliminating, combining and simplifying steps. For such a review to be effective, the clerk must have knowledge of 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, 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 surveys 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 your organization, to conduct their own research and duplicate only what is necessary.

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

Rather than distribute 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 circulating time involved.

The internal distribution of memorandums and reports can be simplified by the use of 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. Efficient form design can greatly 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 entirely.

Indexing, Filing and Managing Your Records

One aspect of managing paper work is the installation of a filing system which facilitates the accurate finding of information in a minimum amount of time. There are various sizes and types of file cabinets available, and various management handbooks if the clerk has questions as to proper file maintenance. 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 which best meets their individual needs. Strict adherence to model systems does not always provide the flexibility that is required. The manner in which you sort your files, label file folders and maintain a check-out system are all determined by past practice and personal preference. If you have implemented a paperless system, 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 city 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 city 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 files 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.

The alphabetic system is the one found in the dictionary or telephone directory. 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 which 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 city 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 city 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 area, and provisions should be made to protect them against fire. All transfer files should be properly 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 city 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.

Suspense Files

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 your e-mail system, if available to schedule reminders for follow-up items.

Some cities find that as much as two or three months advance notice should be given when dealing with contracts, agreements, lease expirations and insurance policies in order 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 record of documents sent to the recorder
6. City council chamber reservations
7. Reservations for informational tours of city facilities

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

Office Reproduction Techniques

The proper use of copying and duplicating equipment can do much to simplify and expedite many office operations. The copy machine has become a vital office component, and there are a large number of models which perform various processes on the market.

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 which can accommodate rigid materials will be required. The ability of the copier to make transparencies is another important factor to consider. 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 own material for originals, thereby checking the machine's performance, versatility, special handling of paper, cost of accessories and supplies, and any special electrical requirements. The availability of prompt maintenance service is another important factor. Copy cost is affected by waste and overproduction, so control over the use of the copier in office management should also be considered.

Handling of Mail

The handling of mail in even a small office can be improved through the use of stamp affixers, postage meters, letter openers, folding machines, and addressing equipment. Inexpensive stamp affixers are available which moisten and apply stamps; some can also be used to open and seal envelopes. Postage meters should be investigated as a means of speeding up the handling of mail and controlling the use of postage. Automatic letter openers can be very helpful in handling peak mail periods; they are inexpensive and useful where mail volumes are great. The clerk who must mail large volumes of folded material should investigate the purchase of a folding machine to save time and money. If the volume of mail is high, it might be advantageous to check with the post office on the possibility of a bulk mail permit. Mailing costs may also be reduced by the use of presorting.

The clerk can expedite the distribution of volume materials by making use of a number of addressing techniques. Wherever possible, window envelopes should be used; address labels can be used where there is a small volume of work. Sheets of self-adhesive addressing labels are available for preparation on a typewriter, copy machine and computer.

Written Communications and Inquiries

Petitions

The city 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 city manager or mayor for 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 City Matters

The city clerk's office routinely handles many communications which are inquiries of a general nature about the city, its government, procedures, and past actions of city council. Where feasible, copies of the city's 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 city clerk's office is unable to supply information of a technical nature, an inquiry should be routed for answering to the department involved. **Never** give out information unless you are absolutely sure of your facts, particularly if your department is not involved. If the inquiry is of more than a routine nature, the city clerk may wish to write the sender a letter informing the party that he/she has placed the letter in the hands of a special department for a direct answer at an early date, and then see that the particular department gets the inquiry and a copy of the letter sent to the inquirer.

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, ICMA annual conferences, FACC conferences and institutes, 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 it is most important for the municipal clerk to keep abreast of new systems and administrative techniques.

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

All matters coming before a city council such as ordinances and resolutions should be processed by the city clerk's office to assure that they conform to the state statutes and the city's charter unless such

service is provided by the city attorney. Some sample forms are provided in this chapter; however, consult your city charter and code of ordinances to assure 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

Section 166.041 of the Florida Statutes sets forth a uniform procedure for the adoption and enactment of municipal ordinances and resolutions. A municipality may specify additional requirements by future ordinance or charter amendments, but may not **lessen** the requirements.

1. Each ordinance or resolution shall be introduced in writing, and 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. The affirmative vote of the majority of a quorum present shall be necessary to enact any ordinance or adopt any resolution, except a two-thirds vote is necessary to pass 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 therein.
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; the ordinances 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 two separate days and shall be noticed once in a newspaper of general circulation in the municipality at least 10 days prior to adoption. 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, with a two-thirds vote, may 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 originated by the governing body which rezone specific parcels of private real property or which substantially change permitted use categories in zoning districts shall be enacted using the procedure outlined in Section 166.041(3)(c).

Sample Procedure for Regular Ordinances

1. An ordinance may be initiated by any member of the city council. After it is drafted, it may be placed on the council agenda for introduction, or it may be published first and placed on the council agenda for action.

2. In publishing ordinances for public hearing, a standard form may be used and the blanks filled in. In most cases, it is sufficient to publish by title only, but a few words of explanation may sometimes be substituted and/or included.
3. Following a public hearing, and upon the enactment of an ordinance, some charters require that it be published again, showing thereon the enactment date, and 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 the new or "ratifying" ordinance to continue it is treated as a regular ordinance.
5. The ordinances are forwarded to the newspaper for publication.
6. Following the enactment of the ordinance, it is signed by the mayor, attested by the city clerk, sealed and ready for retention according to the procedures adopted in your city. One method 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 adopting date and vote is logged. The current trend is to utilize digital document imaging for the purposes of maintaining the record copy and/or index files.

Sample Procedure for Special Ordinances

Abandonment Ordinances

The principal kinds of abandonments are abandonment of easements, rights of way, and streets and alleys. These abandonment matters must be published in all respects as noted above under regular ordinances and, also notices sent to all owners immediately adjacent to the site contained in the proposal, as well as the property owner involved and the franchised utility companies operating within the city.

Notices are to be sent no less than 10 days preceding the public hearing date. A standard form may be used and sent by regular mail; a small map may also be attached to better identify the area to be abandoned.

Rezoning Ordinances

Procedures for adoption of rezoning ordinances please refer to Florida Statutes, Chapter 166.

Notice of Zoning (Permitted Use) Change

The (name of governmental unit) 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 map clearly indicating 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, and the city clerk should consult that chapter as necessary.

Municipal Improvement Project

Other resolutions published would be the second resolution regarding a municipal improvement project which in effect sets the date for public hearing on that certain project. However, the resolution itself is not published, but rather a notice of the proposed public hearing. It is not necessary to publish the entire assessment roll.

When an assessment project is first initiated, a good system is to start a file folder placing therein all pertinent resolutions, ordinances, notices to public, owners' lists', etc. Records of proceedings are kept on a tally sheet, which is always kept in the office of the city clerk for easy access until such time as a given project is completed. Upon completion, the entire folder may be transferred from an active file to a storage file. The notice sent to the property owners regarding their assessments should advise the front foot charge, the unit charge, where applicable, and other pertinent data.

Election Resolution

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

Publications

From time to time other city departments may send the clerk items for publication such as notice of bids, public hearings, etc. These are usually published twice and although there is no set procedure, dates are coordinated with the date for receiving the bids, trying to give the bidders as much time as possible to pick up forms and get them back. It is well to space the publications by the week, although this is not mandatory. These are also logged in the same manner as ordinances and resolutions.

Logging Publications

A helpful procedure is to maintain a publication log, "record of notices for publication," in a folder for ready reference. The log would contain such information as the date sent to the paper, the publication dates, proof of publication and cost.

Codification

As a rule, resolutions are not codified; however, they may be codified if a city so desires, depending on the subject matter. All ordinances requiring codification for incorporation into the code of ordinances should be so noted therein. If questions arise as to whether or not a particular ordinance is to be codified, check with the city attorney. It is the practice in some cities to certify all ordinances submitted for codification.

Those 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
- Rezoning
- Budgets

If the city has a regular method of coding ordinances, at the end of every three months, copies of all ordinances to be codified are forwarded to the appropriate agency or company which has the contract to maintain the city code. Always be sure the entire ordinance is sent. It will take about six weeks to receive completed supplements.

Samples – Notices/Checklist
NOTICE OF PUBLIC HEARING

A **public hearing** will be held on the following proposed ordinance at 7:30 p.m. on _____, _____, in the Council Chambers at City Hall _____, at which time the City Council will consider its adoption into law. The ordinance in its entirety may be inspected at the Office of the City Clerk during regular working hours. All interested parties may appear at the meeting and be heard with respect to this proposed ordinance.

A standard ordinance publication form may be substantially as follows:

ORDINANCE NO. 2012

PROHIBITING DISORDERLY CONDUCT, VIOLENT AND TUMULTUOUS CONDUCT, FIGHTING, INTOXICATION, ETC. AND GENERAL DISTURBING OF THE PEACE AND PROVIDING A PENALTY.

If a person decides to appeal any decision made by the above City Council with respect to any matter considered at such hearing, he will need a record of the proceedings, and for such purpose 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.

 City Clerk

Publish: July 30, _____
Furnish proof of publication.

NOTICE OF ADOPTION OF ORDINANCE

The following Ordinance No. ____ was adopted and passed into law on _____, _____, at a regular meeting of the City Council of the City of _____. Copies of this ordinance are available for purchase or inspection during regular working hours.

Again, it is sufficient to give the ordinance number, and a brief description. The title itself is also sufficient so long as it is self-explanatory.

Note: In the case where a resolution is adopted and published either in part or in full, this same form can be used by striking the word ordinance and inserting the word resolution.

City Clerk

Publish: July 30, _____
Furnish proof of publication.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of _____, will hold a **public hearing** on the day of _____, _____, on all matters concerning the possible adoption of Ordinance No. _____, providing for the abandonment/rezoning of the property as noted in the map and part of the ordinance set out below. Call to order will be at 7:30 p.m.

At this hearing, all interested parties will have an opportunity to be heard with regard to this ordinance. The ordinance and related materials may be inspected at the Office of the City Clerk during regular working hours.

Persons who wish to appeal any decision made by the above City Council with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose 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 based.

If you have any questions regarding this matter, please refer them to the engineering/planning-zoning department, _____, Florida.

City Clerk

Dated: _____

Zoning Reclassification
Application No. _____

ZONING RECLASSIFICATION OFFICE CHECKLIST

All applications for a zoning reclassification will be obtained from, and returned to, the Director of Community Development. Applicant must submit three (3) copies of the application, and all applications must comply with Section 25.590(b) of the City of Temple Terrace Code of Ordinances.

Filing fees and other applicable fees must accompany the application. A filing fee of \$250 is required for all applications.

If the proposed application pertains to a permitted use change or rezoning of property, and affects more than 5 percent of the total land area of the city, a deposit of \$1,000 must accompany the application, in addition to the \$250 filing fee, as a partial payment of legal advertisements required. The balance of advertising costs shall be paid by the applicant upon receipt of invoice from the city.

If the proposed application also requires an amendment to the Comprehensive Land Use Plan and/or Map, and affects more than 5 percent of the total land area of the city, an additional deposit of \$1,000 must accompany the application, as a partial payment for the legal advertisements required. The balance of advertising costs shall be paid by the applicant upon receipt of invoice from the city.

Applicant _____

Map Amendment _____ Text Amendment _____

Does application affect more than 5 percent of the total land area of the city?

Does application require an amendment to the Comprehensive Land Use Plan and/or Land Use Map?

If so, does amendment to the Comprehensive Land Use Plan and/or Map affect more than 5 percent of the total land area of the city?

Total Fees Required _____ Paid – Receipt No. _____

**Zoning Reclassification Office Checklist
Page Two**

Date

- ___ 1. Application received with applicable fees.
- ___ 2. Director of community development assigns number and reviews application to ensure compliance with Section 25.590(b), Temple Terrace Code of Ordinances. Application cannot be processed further until director of community development completes the review.
- ___ 3. Within five (5) working days of acceptance of the application, the director of community development shall transmit two (2) copies of the application, along with a list of property owners within two hundred (200') feet of the property involved in the application, if applicable, to the city clerk.
- ___ 4. Upon receipt of the application, the city clerk shall:
 - ___ a. Transmit two (2) copies of the application to the Hillsborough County City-County Planning Commission for review and comment.
 - ___ b. Draft a rezoning ordinance and forward same to city attorney for review and approval, along with a copy of the rezoning application.

- c. Cause property to be posted (for map amendment) in accordance with Section 25.590(b)(5) of the Code. Date property to be posted.
- d. Set date(s) for public hearing(s).
- e. Notify city manager, applicant and Hillsborough County City-County Planning Commission of date(s) of public hearing(s).
- f. Publish notice of public hearing(s) in accordance with applicable Florida Statutes, or in accordance with Section 25.590(c)(1) of the code, whichever is applicable. Publication date(s).

Zoning Reclassification Office Checklist
Page Three

Date

- 5. Recommendation received from Hillsborough County City-County Planning Commission.
- 6. Ordinance returned from city attorney.
- 7. Public hearing(s) held: _____
- 8. City Council Action: _____
- 9. Ordinance adopted. Ordinance No. _____
- 10. Zoning map corrected, if applicable.

Chapter IX: Public Records Management

State law and city ordinances empower the city clerk to be the legal custodian of municipal records, interpret records to encompass recorded information of various types, and mandate that a procedure for legal and systematic disposal of records be implemented.

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 director of the Bureau of Archives and Records

Management, Department of State (Bureau), and specifically provides a system for the scheduling and disposal of public records. The act also authorizes the bureau to establish and coordinate standards, procedures and techniques for efficient and economical record making and keeping.

Records and Information Management

Records Management's primary concern is the efficient, effective and economical management of information. The guiding principle of Records Management is to insure that information is available when and where it is needed, in an organized and efficient manner, and in a well-maintained environment.

Records Management is more than retention schedules and the disposition of records; records management also encompasses all the record-keeping requirements that allow an organization to establish and maintain control over information flow and administrative operations so that the agencies can remain accountable to the public and agency staff can make timely and informed decisions. In addition to ensuring document accessibility, public records management seeks to control and manage records through the entirety of their life cycle, from their creation to their final disposition, in an efficient cost-effective manner. In addition, human resources, training, agency policy and legal requirements must be considered.

Every agency employee is responsible for managing agency records. Anyone who creates a document using a word processing application, enters information into a database, files a document in a folder, records observations in a lab notebook, or does anything else that fulfills an agency function is a records custodian, and is responsible for ensuring the safety, timely availability, and proper disposition of the records in their custody. Records consist of everything that documents the business of your office, no matter what medium is used to record such information, including paper, photographs, sound recordings, microfilm, maps, as well as email and other electronic records. If materials document agency business, they are considered to be records, and their disposition can be determined by referring to the General Records Schedules (GRS) which can be found on the Florida Department of State, Division of Library and Information Services webpage or by consulting the city clerk, who is also the Records Management Liaison Officer (RMLO).

In today's litigious society Records Management is more important than ever but unfortunately is still overlooked and under-funded at all levels of government. In court an astute attorney can discredit an agency in the eyes of a judge or jury by attacking the way the agency handles its records. The fact that the records may refute or support a particular position is obscured by the attack on how the agency accounts for and handles those records. The agency's legal position in the litigation may be influenced by how well or how poorly they comply with accepted records management practices.

The Bureau of Archives and Records Management

The State Archives of Florida is the central repository for the archives of Florida's state government. It is mandated by law to collect, preserve, and to make available for research the historically significant records of the state, as well as private manuscripts, local government records, photographs, and other materials that compliment the official state records, and is responsible for developing and distributing records retention schedules that pertain to municipalities. The General Records Schedule GS1-SL is the most commonly applied; however, depending on the services provided by a municipality, other schedules may be utilized such as law enforcement, library, fire, public utilities and elections. The bureau also provides information regarding filing systems, archiving, and alternatives for storage such as microfilm or electronic imaging. These publications can be ordered from the bureau or printed from

the Web site <http://dlis.dos.state.fl.us/barm>. They include titles such as: *The Basics of Records Management*, *Public Records Storage Guidelines for Records Centers and Archives*, and *Electronic Records and Records Management Practices*.

Permanent and short-term records, whether in hard copy, microfilm, or electronic, should be retained in a secure location. In determining a storage location the city clerk should consider issues such as accessibility, security and protection of records. See the bureau's publication *Records Storage Center* for further information.

Microfilming and various types of electronic storage must meet certain standards. It should be noted that since microfilming will not improve the quality of vital records, documents in poor or illegible condition often cannot be filmed at all. Whether the records are bound or in loose-leaf form will also affect the types of equipment used in filming. It may be more economical to store records that have a retention period of seven to ten years, depending on the amount of storage space available. (See the bureau's publications on microfilm and electronic media security storage.)

The city clerk should ensure that training is provided to staff in all departments who will be involved with records management at each level. Only by clearly communicating the legal requirements that a municipality must meet and the cooperation that is needed from each department, can a records-management program be run effectively.

It is a good procedure to appoint one employee in the city clerk's office to establish a records-control program. This individual should receive sufficient training/materials to understand the overall program, and have the motivation to recommend the implementation opportunities for improvement, and the responsibility to organize and carry out an approved program.

Records Retention Program

The city clerk should institute a records retention program, the details of which will depend on the size of the municipality and the resources available. It is important to obtain support from the city manager and city council, as there will be time and expense involved, as well as the need for cooperation from all departments. The program should include the establishment of a records retention schedule and the formulation of policy and procedures that address retrieval and distribution of documents, requests for research, and the storage and disposition of documents. In addition, the policy of the city toward e-mail and e-mail storage should be reviewed.

Retention and scheduling of intermediate files are not feasible due to their transitory nature, and do not require submission of Form LS5E 105R-2001 "Records Retention Schedule."

Each records retention schedule is analyzed by the division in the context of an agency's statutory functions and authorities. Florida Statutes, administrative rules, operating procedures, applicable federal regulations and other such sources shall be researched to assist in the determination of a record's value.

In addition, the records retention schedule is reviewed to determine whether the records merit further retention by the State of Florida's State Archives. This determination is based upon whether the records have significant legal, fiscal, administrative or historical information value to merit such further retention. The main objectives of this determination are to preserve those records pertaining to the operation of government and to protect the rights and interests of the citizens of the state.

In the event that records are of archival value, an indication is made on the records retention schedule that such historical records are to be transferred to the Florida State Archives as part of the retention requirements.

Local government records having archival value may be loaned to local historical records repositories for preservation provided they are maintained under the provisions of Chapter 119, Florida Statutes.

The division, with information submitted on Form LS5E 105R-2001, "Records Retention Schedule," and its own research into the legal, fiscal, historical and administrative value of the record series, shall create an official "Records Retention Schedule." Once approved by the division, the records retention schedule becomes the official retention for the record series of the submitting agency.

Notwithstanding an approved records retention schedule or general records schedule, prior to disposition of any public record, an agency must ensure that the retention requirements for the record have been satisfied. The minimum requirements for each agency are to identify the schedule, item number, and the inclusive dates of the records that are to be disposed of per Section 92.29, Florida Statutes. Photographic reproductions or reproductions through electronic record-keeping systems may substitute for the original or paper copy. Knowledge of disposal eligibility is the responsibility of the agency.

Each agency shall submit to the division, once a year, a signed statement attesting to the agency's compliance with records-disposition laws, rules and procedures.

Any record series identified, by either a general records schedule or approved records retention schedule, as having archival value cannot be destroyed without the approval of the division. The division shall compile an annual summary of agency records disposition activities to inform the governor and the Legislature of the statewide records disposition actions.

1. Establishing a Records Retention Schedule.

A schedule describing the records and setting a retention period is required for each record. This determines officially the length of time that the record series must be retained to meet administrative, legal, fiscal and historical need. The offices of the Attorney General and the Auditor General participate in the determination of legal and fiscal values. The agency has the option of two different procedures for establishing standards through general records schedules and individual records schedules.

a. General Records Schedules are issued by the Department of State, Bureau of Archives and Records Management to establish disposition standards for records common to several or all agencies of the State of Florida. The records covered by these schedules pertain to personnel; fiscal, accounting and procurement matters; and other functions. The authorizations and recommendations contained in a general records schedule eliminates the need for submission of a "Records Retention Schedule," Form LS5E 105R7-01; however, any agency desiring a lesser retention period than that stated in a General Records Schedule must apply for the establishment of an individual agency retention schedule.

b. Individual Records Schedules are established when an agency submits a "Records Retention Schedule," Form LS5E 105R7-01, to the Bureau of Archives and Records Management and receives approval by the bureau. Once an official retention value has been established for a record series, records in the series are eligible for disposal action when they have met the retention

requirements; the schedule remains effective until there is a change in series content or other factors are introduced which would affect the initial approved retention period.

2. Scheduling Records for Disposal.

Complete procedures for scheduling and for final disposal are presented in a publication titled, "Basics of Records Management." These procedures and two forms used (Form 105, Records Retention Schedule, and Records Disposition Statement) are available from the Bureau of Archives and Records Management.

Notwithstanding an approved records retention schedule or general records schedule, prior to disposition of any public record, an agency must ensure that the retention requirements for the record have been satisfied. The minimum requirements for each agency is to identify the schedule, item number and the inclusive dates of the records that are to be disposed of per section 92.29, Florida Statutes, photographic reproductions or reproductions through electronic record-keeping systems may substitute for the original or paper copy. Knowledge of the disposal eligibility is the responsibility of the agency.

Each agency shall submit to the division, once a year, a signed statement attesting to the agency's compliance with records disposition laws, rules and procedures. The division shall compile an annual summary of agency records disposition activities to inform the governor and the Legislature of the statewide records disposition actions.

If an agency decides to keep a document or record series beyond the retention date, this should be documented along with justification.

3. E-mail

The city clerk should review the email policy to be adopted by the city administration and city attorney. E-mail is considered to be a format for the transmission of a message; not a document in and of itself. The content of the e-mail will determine its retention. The legal issues surrounding e-mail are subject to attorney general opinion, state statute and case law. The city clerk should stay informed as to the status of each and make recommendations by considering information from each source.

An agency that adopts e-mail archiving while continuing a print and file policy for official e-mail records could unintentionally undermine records management compliance as users may assume that the e-mail application has replaced the e-mail print and file policy; therefore, an agency should provide clear guidance if print and file should be done in addition to e-mail archiving.

If an e-mail archiving application is adopted as the only means of storing e-mail messages, agencies must use e-mail archiving technologies in conjunction with additional controls such as records management policies and procedures, business rules, and other conditions necessary to ensure compliance with records management requirements. Any agency that adopts e-mail archiving applications as its means of official recordkeeping must create policies, provide adequate user training, and take steps to identify and manage the limitations in current e-mail archiving applications in order to ensure that records are kept according to public records laws and rules.

4. Records Having Archival Value

Any record series identified, by either a general records schedule or approved records retention schedule, as having archival value cannot be destroyed without the approval of the division. In the event that records are of archival value, and indication is made on the records retention schedule, then such historical records are to be transferred to the Florida State Archives as part of the retention requirements. Local government records having archival value may be loaned to local historical records repositories for preservation provided they are maintained under the provisions of chapter 119, Florida Statutes.

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

The city clerk's office generally performs a number of miscellaneous duties such as processing applications and preparing agenda memos for appointments by the City Commission, certifications, the administration of oaths, auctions, employee elections, and board and committee support. Some of these procedures must be done in accordance with state statutes, while others can be flexible and carried out in accordance with policies established in your city.

Boards and Committees

In every city there will be a number of boards and committees active in city affairs; some may be organized for a temporary purpose, while others are permanent and function alongside the regular city government. Most permanent boards and committees require the services of personnel from various city departments; however, many committees and boards will require secretarial and office services from the office of the city clerk. The 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 city clerk should be aware that board and committee support may require an irregular work schedule involving evening meetings. Whether the clerk attends such meetings, or directs a staff member to attend, such issues as "flex" scheduling, overtime pay or compensatory time must be considered.

The city clerk may find it helpful to keep a list of all appointed or elected boards, with the members' dates of appointment and length of their terms. In this way, the clerk can keep track of the expiration of terms so that the members may be contacted as to their interest in serving an additional term, if allowed, or the clerk can follow the appropriate procedure to solicit new applicants so that seats on the boards are not left vacant.

In many cities, the city clerk sends a packet of informational material to new board members with an explanation of appointment procedures, oath of office, expiration dates, meeting schedules, financial

disclosure regulations and other pertinent material. Some cities also send a "Certificate of Appointment."

It is an appropriate custom for the city clerk to arrange a "Certificate of Appreciation" for members of boards and commissions who have completed their terms of office or who have reached certain landmark dates such as five or 10 years of service. (See exhibit following Chapter III.) Appropriate cover letters are written and sent with the certificates.

Certification

The city clerk is often required to certify a municipal document, and the use of a simple form for this purpose is most efficient. A short form certification statement stamped directly on a document, then dated, signed, and sealed may be used rather than typing individual certification forms. (See end of chapter for sample.) Some cities charge a fee for this service.

Employee Elections and Referendums

In accordance with the city charter, ordinances, resolutions, and various work contracts, the city clerk may be called upon to conduct various elections, such as an employee to a board, or a referendum among employees regarding a labor union contract.

In such cases, the city clerk should be familiar with the details of the city charter, ordinances, resolutions and any applicable regulations of the state Public Employees Relations Commission (PERC) in Tallahassee, which concerns itself with labor relations and public service unions. The assistance of the city attorney may be needed at certain points in the process.

Although such elections will be conducted in accordance with the laws and policies established in your city, certain elements need to be considered: an accurate list of all employees who are eligible to vote, the giving of proper notice, preparing ballots, setting up election periods keeping shift schedules in mind, assuring secrecy of the ballot and security of the count, tallying the ballots, notifying the successful candidates and posting and publishing results of a referendum.

Oaths

Upon assuming office in most cities, council members and board members are sworn into office by the city clerk. In some cases the mayor may do this, but the clerk prepares and maintains the records.

A file is kept of all oaths taken by incumbent officials; these are in addition to oaths taken by candidates seeking seats on the city 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 City 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.

Since allowing someone to work who has not taken the oath is a second degree misdemeanor, it would be wise for the clerk to assure that this oath has been taken by all persons under his/her jurisdiction. (See Florida Statutes 876.05 through 876.10.)

Auctions – Abandoned, Surplus, Unclaimed Property

In the course of any given period, a city will acquire various items of worn out, obsolete, unclaimed and abandoned property. The city charter, or various ordinances, will cover the disposition thereof. Florida Statutes 705.103 outlines the procedure for abandoned or lost property which must be followed by the law enforcement agency prior to that property being auctioned.

The items to be auctioned are usually accumulated by the police department, the public works department and the parks and recreation departments, although smaller amounts may come from other departments. The city clerk may coordinate matters with all city 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 such as "Govdeals" will run an on-line auction for your city. The city code of ordinances should spell out the procedures for such auctions.

Some of the steps involved in an auction are:

1. Prepare a list of property from the city departments well in advance of the auction.
2. Publish auction notices and lists.
3. Arrange for city employees to assist.
4. Arrange for property to be exhibited and displayed prior to sale.
5. Arrange for assistance and procedures in making change, clearing checks and collecting money.
6. Get a trained auctioneer, if not yourself or other city employee.
7. Make a full report following the auction, with an accounting of all funds, to the city manager or council.

SAMPLE FORM FOR CERTIFICATION

State of Florida
County of _____

I, the undersigned, duly appointed City Clerk of the City of _____ ,
Florida, **hereby certify** that the attached is a true and correct copy of Ordinance No. 747, as shown in
the records of the city on file in the office of the city clerk.

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

(Corporate Seal)

Name
City Clerk
City of _____
Florida

Chapter XI: Elections

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

The Division of Elections, Department of State, in Tallahassee can supply the most recent issue of the Florida Election Code. The Election Code consists of Chapters 97 through 106, Florida Statutes. The Division of Elections will supply all manuals and forms needed to administer an election. This includes the most current accounting procedures for candidates; and candidate qualifying forms (including loyalty oath, appointment of treasurer and depository, notice of candidacy, financial disclosure and treasurer's reports). These forms can also be downloaded and printed from the Division of Election's Web site: www.election.dos.state.fl.us.

The Division of Elections periodically issues advisory opinions relative to various provisions of the Election Code. You are urged to write to the following for a free subscription of those written opinions:

Department of Legal Affairs
Office of the Attorney General
P.O. Box 1489
Tallahassee, FL 32302

For a free subscription of the Digest of Advisory Opinions, write to:

State of Florida Commission on Ethics
P.O. Drawer 15709
Tallahassee, FL 32317-5709

Municipal elections in Florida are held to nominate and elect mayors, city council members, city commissioners and, in a few cases, other city officials. The city charter sets forth the officials to be selected, and the times the primary, general and runoff elections (if any) are to be held. Municipal elections are also held to submit referendum measures to the electorate, including charter amendments, bond issues, annexation of territory, recall of elected officials, citizen referenda and initiatives.

Note should be taken that the Florida Election Code may be amended annually by the Legislature, and the city clerk should be familiar with all legislation governing elections.

Election Procedures

The following pages contain a suggested outline of election procedures for cities whose elections are held in November in conjunction with county, state and national elections, and where the county supervisor of elections is primarily responsible for conducting such elections with the assistance of the city clerk. To avoid duplication of effort and to meet legal deadlines, the city clerk should work closely with the supervisor of elections.

When municipal elections are **not** held in conjunction with county, state and national elections, and when the city clerk is responsible for conducting the election, the city's charter and/or code should provide for the conduct of such elections.

Election Dates

Dates for the primary (if required), general and special elections are established by city charter or code.

Qualifying for Candidates

The qualifying period for candidates should be as established in the city's charter or code. If no such provision exists, the **qualifying** period is established in accordance with Florida Statutes, Chapter 99.

The city clerk is usually the qualifying officer for the city election, even though the election is held in conjunction with a county, state or national election, and under the direction of the supervisor of elections. The city clerk administers the loyalty oath; accepts the qualifying fee (if applicable) and the election assessment fee; the appointment of treasurer and depository forms, etc.

Council/Commission Orientations

When a candidate files to run for city council he/she should be given the forms for filing, financial disclosure forms, a contact sheet with the address and phone number of the ethics commissions, supervisor of elections information and the key dates for filings and reports.

Once a candidate is elected to office a tour of city hall should be set, several briefing sessions with key city staff members should be set up (city clerk, city manager, city attorney, finance director, etc.). Create a notebook for the new candidate that includes the city charter and an organizational chart of the city.

Voting Precincts

The county supervisor of elections establishes election precincts and designates their numbers, boundaries and locations. While the city 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

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 is authorized by the state Elections Code. Only voting equipment approved by the 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 and systems and for conducting the logic and accuracy test of the automatic tabulating equipment.

Voter Registration

The city uses the county supervisor of elections registration records, which by state law are the registration records for every municipal election (Florida Statutes 98.041 and 98.091.) Persons must be registered to vote 29 days prior to an election in order to be eligible to vote in said election. Refer to Florida Statutes 97.055.

Suggested Calendar

Advanced planning is essential for conducting a smooth election. Whether the city clerk is responsible for all or part of an election, a “to do” calendar is recommended. Although this calendar begins in July, many clerks may prefer to start several months earlier. The following is suggested, assuming a **November** election. (*Note: Many municipal elections in Florida are held in the spring.*):

July

Review the election laws, remind the supervisor of elections of the election date and establish the qualifying date for candidates.

August

1. Prepare press releases regarding the election, qualifying period, and the availability of candidate information packets.
2. Order an ample supply of candidate handbooks and election laws from the Division of Elections in Tallahassee. You can also download and print these publications from their Web site: www.election.dos.state.fl.us.
3. Prepare a calendar of campaign treasurer’s report due dates.
4. Keep in mind that candidates can begin accepting campaign contributions and spending campaign funds **before** qualifying begins **if** they appoint a campaign treasurer and designate a campaign depository. A packet of information should be prepared during the month of August to assist candidates in their candidacy. The packet should contain at least the following:
 - a. A copy of the election laws (obtained from the Division of Elections).
 - b. A copy of the candidates handbook (obtained from the Division of Elections).
 - c. Copies of the candidates oath (loyalty oath); forms for appointing a campaign treasurer and designating a campaign depository.
 - d. Copies of the treasurer’s report forms and report due dates.
 - e. Information relative to any city laws regarding solicitation and signs.
 - f. Other information specific to your city’s election laws.
5. Be sure your staff is familiar with the above materials so they will be able to assist candidates in your absence.

September

1. As soon as qualifying closes, notify the supervisor of elections of those qualified.
2. Prepare the ballot language and have the language approved, by resolution, by the city council/city commission; forward a copy of that resolution to the supervisor of elections and to the Department of State.
3. Forward election assessments collected, if applicable, to the state. (See Florida Statutes 99.093.)
4. Publish list of candidates in local newspapers. A less expensive alternative might be to post the list in city hall and, if available, place the list on the city’s Web site and government access cable television channel. The clerk may wish to have copies of the list available for citizens, the press and/or organizations to pick up, and the local newspapers may publish the list of candidates as a matter of public interest at no cost.
5. Assist the supervisor of elections in publicizing voter registration and voter registration deadlines.

November

Although supervisor of elections is responsible for advertising the ballot, it is recommended that the city clerk obtain a copy of the ballot from the supervisor of elections, which will be applicable to all the city voters, and publish same, particularly if the ballot contains local issues.

After the election is certified by the county canvassing board, the certification should be submitted to the city council for acceptance. Some cities complete this process via resolution. In addition, audits of election machines are now required in Florida.

February

Accept and file the final campaign treasurer's reports.

Chapter XII: Technology

Computers are a must to assist the city clerk in their everyday functions. The availability of information is boundless whether the city clerk chooses to seek it on the information superhighway of the Internet, social media, via CD/DIV or memory stick, fax, teleconferencing, hard copy or other means. Municipal clerks need to be aware of available technology and always be challenged to use applications. The ultimate goal of applying technology is to provide better service to co-workers, the citizens, allowing customers to help themselves, increasing productivity and reducing mundane elements of a job.

Prior to implementing technology, an important step that needs to be taken into consideration is to identify the future goals and accomplishments to be achieved. The long-term financial impact to your municipality must also be taken into consideration.

Talk to and visit other municipalities who have implemented technologies that your municipality may be interested in implementing. Navigate Internet sites to see what is available. Only implement what makes sense to your municipality.

A management plan for achieving goals should be adopted and should start with a listing of goals to be achieved. The plan would also need to include the following:

- establishment of an electronic communications network
- a commitment to the maintenance of computer hardware and software at an appropriate level
- a commitment of staffing levels
- minimization of the level and amount of technical support that is needed to operate the system
- creation of a secure system
- provision for input by the users
- storage and retrieval of electronic information/records
- establishment of system requirements such as the need to share such records by Internet/Intranet, workflow requirements and creation of audit trails
- implement a records conversion schedule when systems are changed

Basic Elements

The basic elements of a computer system are the hardware and the software. There are countless types of computers available (laptops, network, personal computers, iPads, tablets, , etc.), it depends on your needs and how much your budget allows for. The software available today is endless. There is software specifically designed for agendas, minutes, business tax receipts, records management, , budget and finance, permitting, human resources, cemetery data, etc.

The Internet allows for timely communication through e-mail. It also offers access to municipal Web pages and is a valuable resource tool.

There are countless types of computers available, at varying costs and with varying capabilities. If you are purchasing a personal computer for your office, some of the elements to consider when making a choice are the length and coverage of the guarantee, availability of service, technical support availability, training programs, speed of the central processing unit, the amount of memory on the hard disk and whether additional memory can be added and at what cost.

Acquisition

It would be appropriate to contact other city clerks in your area who are using their systems and arrange to visit with each of them and see the systems demonstrated. Ask questions about their research, organizations that could provide information on the subject and any cost comparisons they made. Find out how they like their system; how it is working for them, the pros and cons.

Follow any procedure required by your city in terms of preparing the necessary information and presenting it to the proper authority. If a bid package is required, contact other city clerks and request specifications (much of the leg work has been done by other cities) and using all the information you have acquired, determine what will be included in your request for proposal. The actual purchase of your system will require that you proceed according to the policies, procedures and requirements in your city as to approvals and budget adjustments.

Depending on the size of your staff and the complexity of your system, various amounts and types of training will be necessary. This should be included in any budgetary considerations and timetables before your system is operational.

Decisions will need to be made as to whether the programs will be purchased along with the hardware, built-in, or written in-house after the acquisition; this will depend on your city's experience and capabilities with data processing. Many software vendors offer web-hosting as well, meaning your data is stored on a website instead of your city having to purchase a data storage server.

If you are designing programs in-house, work on one program at a time. Use the information and forms gathered from other cities as a basis for discussion with the data processing manager to help you determine what to include in the program. Discuss the information you want to be able to retrieve from the system, and whether the system will have the capability to expand as necessary.

System Applications

Various computer system applications are available, such as:

1. Business Tax Receipts
2. Department budget – accounting. Although this is a function of the finance department, you may monitor your department accounts in cooperation with the finance department
3. Time validation system – monitors items such as project bonds, site plans, model/sales permits, sign permits, contracts, agreements and leases, including respective renewal/expiration dates and a notification system
4. Zoning

System applications available for the work PC, or which you can create, include:

1. Commission/council agendas
2. Follow-up report forms

3. Shells of ordinances and resolutions that are frequently used, containing blank spaces for fill-in information
4. Commission/council minutes
5. Board agendas and minutes
6. Standard correspondence
7. Affidavit forms
8. Lien forms (imposing and satisfying)
9. Monthly calendar of events, meetings, etc.
10. Proclamations
11. Advertisements
12. Bid forms
13. Various lists – city government telephone extensions, board and committee membership lists, including names, addresses, home telephone numbers, terms of office
14. Precinct and polling places – detailed information including name and number of responsible party; poll worker applicants including names, addresses and phone numbers
15. Indices of all types:
 - a. Commission/council minutes
 - b. Ordinances not codified
 - c. Resolutions by subject
 - d. Community development projects, including all approvals received, legislation relating thereto, legal documents on file including recording dates, if applicable (such as easements, covenants, etc.) cash and paper bonds on file
 - e. Canal reservation releases (cross reference to project, if applicable)
 - f. Parking waivers; parking permits
 - g. Microfilming/records management program – including records on film, roll number, inactive records inventory, destruction schedules, retention scheduling
 - h. Code of ordinances
 - i. General file and file check-out system
 - j. Contracts, agreements and leases (cross reference time validation system) deeds, easements

Tips for implementing new technology:

1. Consider digitizing information at the front-end of the business process.
2. Document imaging should be used cautiously since it requires computer resources and many staff hours.
3. Reengineer major business processes on a regular basis.
4. Standardize forms and create them electronically thus capturing information electronically.
5. Integrate databases when possible and when it makes sense.

Any number of applications may be incorporated into your data processing system, and new applications are constantly being developed. As you use your system, you will discover more and more ways to make your work more efficient and effective. Data processing and information technology are constantly and ever-changing, and the possibilities are endless.

The city clerk should be aware of technology efforts undertaken by the city and input to the implementation of systems should be offered to ensure that information meets retention requirements.

Implement state statutes and Florida Administrative Code Chapter 1B-26.003 electronic recordkeeping requirements when implementing new technology.

Chapter XIII: TRIM Bill (Truth in Millage)

Ad valorem means “according to value” and is the same as “property tax.” Truth in Millage (TRIM) is legislation enacted by the Florida Legislature in 1980 which requires two public hearings for open discussion of millage rates and budgets of taxing authorities. The first substantive issue discussed by the governing body of the taxing authority is the percentage increase in millage over the rolled-back rate necessary to fund the budget, if any, and the specific purposes for which ad valorem tax revenues are being increased. The general public is allowed to speak and ask questions prior to adoption of any measures by the governing body. The millage rate is adopted first and the budget is adopted second.

Instructions for Ad Valorem Taxes

Florida Statutes Chapter 200 offers guidelines for determination of millage rates to taxing authorities that impose taxes.

The State of Florida Department of Revenue publishes a free “Manual of Instructions for TRIM Compliance.” This manual contains instructions for each taxing authority to use in calculating the millage rate. The manual also describes how to prepare the forms and meet the deadlines of TRIM. The manual should be read in conjunction with the department’s rules, Chapter 12 D-17 Florida Administrative Code. The manual is available on the Department of Revenue Web site or by calling the Department of Revenue, Property Tax Program at (850) 617-8914 or fax (850) 717-6570. The mailing address for the Property Tax Administration is:

TRIM Compliance Section
P.O. Box 3000
Tallahassee, FL 32315-3000

In addition, each municipality’s code/charter may also offer requirements on the adoption method and advertisement of millage rates.

For your information, the most common infractions/violations identified during the TRIM process are:

- Late Certification of Compliance
- Tax levy(s) incorrect in notice of proposed tax increase advertisement
- Advertisements not adjacent
- Ad valorem proceeds not shown or incorrect in budget summary advertisement
- TRIM advertisement not the required size
- Percent of increase over rolled-back rate not stated or not correct in resolution/ordinance adopting the final millage rate(s)
 - Incorrect verbiage in advertisements

Chapter XIV: 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 you need 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 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 which 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.

Marriage Ceremonies

If you officiate at weddings, be sure that the couple has a valid 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.

Following are several ceremonies as well as a love poem you may wish to use. The ceremonies have evolved to suit various preferences: a traditional ceremony, a religious ceremony and a short ceremony.

Love

There is no difficulty that enough love will not conquer; No disease that enough love will not heal; No door that enough will not open; No gulf that enough love will not bridge; No wall that enough love will not throw down; No sin that enough love will not redeem.

It makes no difference how deeply seated may be the trouble, how hopeless the outlook, how muddled the tangle, how great the mistake; a sufficient realization of love will dissolve it all. If only you could love enough, you would be the happiest and most powerful being in the world.

– Emmet Fox

Samples of Marriage Ceremonies

Short Ceremony

Friends. . . We have assembled here today to bear witness and to share in the joy and happiness of this day which is one of the most memorable and happy days in the lives of _____ and _____.

For Those Who Love

Time is...

*... too slow for those who wait,
... too swift for those who fear,
... too long for those who grieve,
... too short for those who rejoice;
But, for those who love, time is not.*

Marriage is the joining together of two individual lives. Two diverse personalities come together, with love, trust, and respect and pledge to grow and change together throughout all their days. Marriage enriches the lives of both involved, survives both the good and the bad, and makes both better persons from the experience. Marriage teaches flexibility, patience, understanding, and a sense of humor. It is a celebration of life in its highest degree, and expression of commitment, and of enduring love.

_____ and _____, please join right hands.

Do you _____ wish _____ to be your lawfully wedded wife? Do you promise to be faithful, honest and helpful in good times and in bad? Do you desire to share your life with her, work and play, love and laugh together from this time until the sunset of your days?
(Response – I do.)

Do you _____ wish _____ to be your lawfully wedded husband? Do you promise to be faithful, honest, and helpful in good times and in bad? Do you desire to share your life with him, work and play, love and laugh together, from this time until the sunset of your days?
(Response – I do.)

_____ place the ring on _____'s finger and repeat after me: With this ring, I marry you, with love and promise for our future together.

_____ place the ring on _____'s finger and repeat after me: With this ring, I marry you, with love and promise for our future together.

Inasmuch as _____ and _____ have this day consented together in holy wedlock and have given and pledged their love each to the other in the presence of this company, by virtue of the authority in me vested under the laws of the State of Florida, I now pronounce you husband and wife.

You may kiss your bride.

Traditional Ceremony

Friends. . . We have gathered here today to bear witness and to share in the joy and happiness of this day which is one of the most memorable and happy days in the lives of _____ and _____.

For Those Who Love

Time is...

... too slow for those who wait,

... too swift for those who fear,

... too long for those who grieve,

... too short for those who rejoice;

But, for those who love, time is not.

Marriage signifies a joining together of two individual lives. And yet, with this joining, comes a freedom in which each partner gives strength and understanding to the other. With mutual growth and trust, the pair is better able to form a richer unity. The need to grow and to develop individual strengths brings with it an eagerness to share new discoveries and gives to both people a continuing enthusiasm for living.

Thus, each partner enables the other to grow, discover, and live, through the freedom that is offered.

_____ and _____ please join hands.

We are here to celebrate with _____ and _____ on the first day of their new life together as husband and wife. Let us rejoice in their love, in their discovery of one another, for in a world of uncertainty they have made a place for love and joy.

_____ do you take this woman to be your lawful wedded wife, to live together in the holy estate of matrimony; to love, honor and comfort her, and to keep her in sickness and in health, forsaking all others, keep you only unto her, so long as you both shall live?

(Response – I do.)

_____ do you take this man to be your lawful wedded husband, to live together in the holy estate of matrimony; to love, honor and comfort him, and to keep him in sickness and in health, forsaking all others, keep you only unto him, so long as you both shall live?

(Response – I do.)

The circle is considered the most perfect symbol. The sun, the moon and the earth are all circles, but they are not perfect; they are irregular and they have flaws. So, too, there is no such thing as a "perfect" marriage. Two imperfect people bring to marriage their flaws and their faults, as well as their virtues and their gifts.

As you exchange these two perfect symbols now, recognize that your marriage will not be perfect; that there will be flaws. Also know that by accepting these flaws and trying to overcome them, you will be working toward a more perfect relationship.

_____, place the ring on _____'s finger, and repeat after me:

_____, this ring is a token of my love for you and a pledge of my faithfulness to you. I love you, and with this ring, I thee wed.

_____, place the ring on _____'s finger, and repeat after me:

_____, this ring is a token of my love for you and a pledge of my faithfulness to you. I love you, and with this ring, I thee wed.

Inasmuch as _____ and _____ have this day consented together in holy wedlock, and have given and pledged their truth each to the other in the presence of this company, by virtue of the authority in me vested under the laws of the State of Florida, I now pronounce you husband and wife.

Spiritual Ceremony

My dear _____ and _____, we have assembled here to bear witness and to share in the joy and happiness of this day which is one of the most memorable and happy days of your lives.

As you enter into this marriage, we who are witnesses recognize that we are witnessing a great act of faith. Two people stand here and solemnly declare, of all the billions of faces on this earth, I have chosen just one to accompany me all the days of my life. You further declare that in the person holding your hand lies all of your dreams and all of your hopes for happiness and for fulfillment each and every day of your life.

My dear _____ and _____, as you exchange your marriage vows on this joyous occasion, you take with you the prayers and best wishes of all your family and friends. All of us join in wishing for you a love that will give you joy and zest for life, a happy home, and the manifold blessing of health, happiness, and the fulfillment of your hopes and dreams.

Now, as you stand here in the presence of the Almighty, I ask you the following...

_____ do you of your own free will and consent take _____ to be your wife, for better or for worse, for richer, for poorer, in sickness and in health, and do you promise to love, honor, cherish and comfort her for all the days of your life? (*I do.*)

_____ do you of your own free will and consent take _____ to be your husband, for better or for worse, for richer, for poorer, in sickness and in health, and do you promise to love, honor, cherish and comfort him for all the days of your life? (*I do.*)

We are taught that we should never enter upon any great or important undertaking without asking for divine blessing, and so I would offer a prayer to the Almighty at this time:

Our God and God of our fathers, unto thee we lift our souls in praise. As all creation reflects thy glory, even so man, fashioned in thine image, reveals thy majesty. Within his heart, didst thou implant the ennobling impulses of love, peace and happiness foreverance, and we ask that these be granted in abundance to this couple.

_____ and _____, the rings which you are about to place on your partner's finger are just symbols, but very important symbols of love and devotion.

And so now, _____, please place the ring upon the finger of your bride as a token of wedlock and repeat after me...Be thou consecrated unto me with this ring, as my wife, in the sight of God. I love you and with this ring I thee wed.

_____, place the ring upon the finger of your groom as a token of wedlock and repeat after me...Be thou consecrated unto me with this ring, as my husband, in the sight of God. I love you and with this ring I thee wed.

As these rings symbolize your marriage bond, may their meaning truly be in your hearts and bind you ever closer together by devotion and by faithfulness to one another.

And now that you have spoken the words and performed the rites which unite your lives, I do hereby, in conformity with the laws of the State of Florida and the authority vested in me by the State of Florida, declare your marriage vows to be valid and binding. I now pronounce you, and _____, to be husband and wife in the eyes of the Almighty and of all mankind.

May our Heavenly Father be nigh unto you and shelter you beneath his wings against all the problems of life and may he bless you with long life, with health, and with happiness.

You may kiss the bride.

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

This chapter presents only a summary of Florida ethics laws. For a more detailed understanding of Florida's ethics laws, refer to the "Sunshine Amendment," which is Article II, Section 8, of the Florida Constitution. The Code of Ethics for Public Officers and Employees is contained in Part III, Chapter 112, Florida Statutes. A concise and helpful publication titled, "Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees," is published annually by the Florida Commission on Ethics, P.O. Box 6, Tallahassee, FL 32302-0006, (850) 488-7864.

Our state constitution was revised in 1968 to require that a code of ethics for all state employees and non-judicial officers prohibiting conflict between public duty and private interests be prescribed by law. In 1976, the "Sunshine Amendment" was adopted, providing additional constitutional guarantees concerning ethics in government.

The Code of Ethics for Public Officers and Employees, Chapter 112 (Part III) of the Florida Statutes, was adopted to maintain the respect of people in their government and to ensure that public officials conduct themselves independently and impartially, and not use their offices for private gain.

Commission on Ethics

The nine-member Commission on Ethics was created by the Legislature in 1974 “to serve as guardian of the standards of conduct” for state and local public officials. (Criminal penalties resulting from violations of the code were eliminated in favor of administrative enforcement.) Five members are appointed by the governor, two members by the president of the Senate, and two members by the speaker of the House of Representatives. The term of office is two years, with a chairman selected from among the members to serve a one-year term.

In addition to receiving and investigating complaints filed by any citizen against a public officer or employee, the commission:

1. Prescribes forms for financial disclosure.
2. Renders advisory opinions upon request to any public officer or employee as to the applicability of the Code of Ethics in a given context.
3. Prepares mailing lists of public officials subject to disclosure laws for use by secretary of state and supervisor of elections.
4. May make recommendations to disciplinary officials when violations occur.
5. Administers the Executive Branch Lobbyist Registration Law.
6. May file suit to void contracts.

The Ethics Laws

The ethics laws generally consist of two types of provisions: those prohibiting certain conduct and those requiring certain disclosures. The standards of conduct (detailed in Florida Statutes 112.313) generally apply to all state and local public officers and employees, including members of advisory bodies.

Types of Conduct Prohibited

1. Soliciting or accepting gifts, loans, rewards, promises of employment, favors or service based on any understanding that one’s action would be influenced by such gift.
2. Accepting compensation or things of value which is or should be known to influence the official action.
3. Doing business with one’s own agency; i.e., purchasing or renting, in an official capacity, goods or services from a business entity in which one owns a material interest. **Note:** there are exceptions denoted in Florida Statutes 112.313(12).
4. Holding employment or contracts posing recurring conflict between one’s private interests and public duties. **Note:** there are exceptions denoted in Florida Statutes 112.313(12).
5. Using or attempting to use public position to obtain special privileges or benefits for self or others.
6. Disclosing or using information not available to the public for personal benefit or benefit of others.
7. Serving as a member of the governing body which employs one while simultaneously continuing as an employee of that body.
8. Serving as a member of a state licensing board for the profession or occupation currently holding a position in.
9. A legislator personally representing another person or entity for compensation during term of office.
10. There are post-employment restrictions for certain public officers.

Florida Statutes 112.3143(3)(a) prohibits a county, municipality or other local public officer from voting in his official capacity upon any measure which would inure to his special private gain. If the conflict is unknown or not disclosed prior to the meeting, the appointed official must orally disclose the conflict at the meeting when the conflict becomes known. Also, a written memorandum of voting conflict must be filed with the meeting's recording officer within 15 days of the disclosure being made.

Disclosures

Because conflicts of interest may occur when public officials are in a position to make decisions which affect their personal financial interest, public officers and employees, as well as candidates who run for public office, are required to publicly disclose their financial interests.

The secretary of state and each supervisor of elections will mail Forms 1, 6, 7 or 10 to each person required to file disclosure with his or her office – all state officers, local officers, candidates for state or local elective office and specified state employees – not later than June 1 of each year. The lists of such persons are provided by the Commission on Ethics, which compiles such lists based on information provided by individual agencies of government. Any person needing FORMS 2, 3A, 4A, 8A, 8B, 9, 30 and 50 may obtain them upon request from a supervisor of elections or from the secretary of state, Division of Elections.

New appointees and employees whose positions require disclosure are required to file initially within 30 days of appointment or employment. All public officials and candidates do not file the same degree of disclosure at the same time or at the same place. Sections 112.3144 and 112.3145 of the Florida Statutes provide detailed information on the procedures for disclosure of financial interests.

In addition to filing Form 1 and Form 10, you may be required to file one or more of the special purpose forms listed below, depending on your particular position, business activities or interests. It is your duty to obtain and file any of these forms. A brief description of the various disclosure forms, prescribed by the Commission on Ethics, follows.

Disclosure Forms

Form 1 – Statement of Financial Interests:

Limited financial disclosure, reporting a person's sources and types of financial interests. No dollar values are required to be listed. Candidates for publicly elected state or local office must file Form 1 at the same time they file their qualifying papers. State and local officers and specified state employees are required to file disclosure by July 1 of each year. Each local officer files this form with the supervisor of elections in the county in which he permanently resides. All persons who have been required to file either the full financial disclosure (Form 6) or the limited financial disclosure (Form 1) must file a final disclosure statement within 60 days of leaving their public office or employment position, with the statement covering the period between January 1 and their last day of office or employment. The agency head of each person who must file a final disclosure statement is required to notify such persons and may designate someone to be responsible for the notification requirements. Persons who do not file their annual disclosure form (either Form 6 or Form 1) by September 1 will be subject to automatic fines of \$25 for each day late, up to a cap of \$1,500. The Ethics Commission will hear appeals and have the power to waive fines under limited circumstances.

Gift Disclosure Forms – Filed with Ethics Commission rather than the secretary of state.

Form 2 – Quarterly Client Disclosure:

Required of elected constitutional officers, state officers, local officers, and specified state employees by January 15, April 15, July 15 and October 15 following any calendar quarter during which a reportable representation was made. This form is used to disclose the names of clients represented by the reporting person or a partner or associate before agencies at the reporting person's level of government. Local officers file with the supervisor of elections of the county in which they permanently reside. Elected constitutional officers, state officers and specified state employees file with the secretary of state.

Form 3 – Disclosure of Specified Business Interests:

Required of public officers and public employees prior to or at the time of submission of a bid for public business which otherwise would violate Sections 112.313(3), (7) or (12)(b).

Form 4a – Disclosure of Business

Transaction, Relationship, or Interest:

Required of public officers and employees to disclose certain business transactions, relationships, or interest which otherwise would violate the above sections.

Form 5 – Request for Other Concurrent Employment:

Not applicable to municipalities.

Form 6 – Full and Public Disclosure of Financial Interests:

Required of elected constitutional officers and candidates for such office; members of the Florida Black Business Investment Board; members of the Florida Seed Capita Board; members of the Prepaid Postsecondary Educational Expense Board; the mayor and members of the City Council of Jacksonville and candidates for these offices; the Duval County superintendent of schools; and judges of compensation claims. This is a detailed disclosure of assets, liabilities, and sources of income over \$1,000 and their values, as well as net worth. Officials may opt to file their most recent federal income tax return in lieu of listing sources of income. Incumbent officials must file annually by July 1 with the secretary of state; candidates must file at the time of qualification with the officer before whom he qualifies.

Form 7 – Gift Disclosure for Elected Officers:

Required of **elected** state, county district and municipal officers not later than July 1 to disclose gifts received in the current year under an agreement made before January 1 of the current year. The name and address of persons giving gifts to the reporting official (other than campaign contributions) having a value in excess of \$25 and to whom such gifts were distributed, if applicable, must be disclosed. Elected state officers file this form with the secretary of state; elected county and municipal officers file with their respective supervisor of elections.

Form 8b – Memorandum of Voting Conflict for County, Municipal and Other Local Public Officers:

Required to be filed within 15 days of abstention by each local officer who must abstain from voting on a measure which would inure to his special private gain or the special gain of a relative, business associate, or one by whom he is retained or employed. Each appointed local official who seeks to influence the decision on such a measure prior to the meeting must file the form before undertaking that action.

Form 9 – Quarterly Gift Disclosure:

Required of local officers, state officers, specified state employees and state procurement employees to report gifts over \$100 in value. The form should be filed by the end of the calendar quarter following the calendar quarter in which the gift was received.

Form 10 – Annual Disclosure of Gifts from Government Agencies and Direct-support Organizations and Honorarium Event Related Expense:

Required of persons who are required to file Form 1 and Form 6 **except** judges and state “procurement employees.”

How to Request an Advisory Opinion

Any public officer, candidate for public office or public employee who is in doubt as to the applicability of the standards of conduct or disclosure law to himself or to one whom he has the power to hire or terminate, may request an advisory opinion from the staff of the Florida Commission on Ethics, P.O. Box 6, Tallahassee, FL 32302-0006, (850) 488-7864.

An advisory opinion will be issued by the commission, generally within six to eight weeks. All opinions of the commission are numbered, dated and published; they are binding on the conduct of the petitioner or the person with reference to whom the opinion was sought unless material facts were omitted or misstated in the request for the opinion. Published opinions will not bear the name of the petitioner unless he consents to the use of his name.

Opinions issued by the commission are duplicated and are available at cost upon request. Monthly digests of advisory opinions are available free of charge; interested persons may contact the commission office to be placed on the mailing list to receive the digests.

How to File a Complaint

It is your responsibility as a citizen, if you know of persons in government who have violated the standards of conduct or disclosure laws or have committed some other breach of public trust, to report these violations. The Commission on Ethics can conduct investigations only upon receipt of a sworn complaint; in some cases a written and signed complaint is accepted.

Should you desire assistance in obtaining or completing a complaint form (Form 50), you may receive either by contacting the Commission on Ethics office.

Complaints are confidential, unless the Commission receives a written waiver of confidentiality from the accused. Beginning October 1, 1993, all sworn statements alleging a violation of the Sunshine Amendment or the Code of Ethics must be filed with the Commission within five years of the alleged violation. The clock starts the day **AFTER** the violation is committed.

Having followed the procedural stages of investigation, when the commission concludes that a violation has been committed, it may recommend one or more of the following penalties to the proper disciplinary official or body: impeachment, removal from office or employment suspension, public censure, reprimand, demotion, reduction in salary level, forfeiture of a portion of the salary for no more than 12 months, a civil penalty not to exceed \$5,000, and restitution of any pecuniary benefits received.

Chapter XVI: Safety Regulations

Safety is a **personal responsibility**, contributes to efficient performance, and must be a part of the planning for every job. Observing the safety procedures established by your city will make operations safer, for every employee must be alert to the possibility of improvement. Accidents are caused and can be prevented. Unsafe conditions and unsafe procedures must be identified and reported, and all accidents should be reported, whether involving personal injury or property damage, using the procedures established by your city. The following general safety procedures are provided as a guideline; however, most cities have a safety program and manual for their employees.

1. Report all personal injuries, no matter how minor, to your immediate supervisor as soon as possible. Prompt reporting of accidents is a requirement under federal and state OSHA laws and the workers' compensation law.
2. Learn the right way to do your job, including the operation of any office machinery. Obey warning tags and signs. Remove jewelry such as rings and bracelets when operating mechanical equipment. Keep the blade of a paper cutter closed when not in use. Scissors, pencils, glass and staples can cause painful injuries.
3. Keep your work area neat and clean. Wipe up spills, pick up pencils. Keep an eye open for loose or rough floor covering. Don't overuse extension cords. Keep aisles and access ways free of obstructions.
4. Keep file, desk and table drawers closed when not in use. Never open more than one file drawer at a time. Don't overload the top drawer of unsecured file cabinets. Keep electrical equipment properly cleaned.
5. Maintain furniture in good condition – watch out for wobbly legs on chairs and tables. Be sure your chair is behind you before you sit down. Never use chairs, desks or other office furniture as a makeshift ladder. Do not lift heavy objects.
6. Avoid horseplay and practical jokes on the job.
7. Keep yourself in good physical condition to do your work. Don't drink alcoholic beverages on the job, or report to work under the influence of drugs, including alcohol.
8. Work at a speed consistent with safety. Don't run in halls or on stairways.
9. Be aware of fire routes and check the batteries in smoke alarms often.
10. Report hazardous conditions immediately to the appropriate personnel in your municipality in order to avoid potential accidents.
11. Promote the use and training of automated external defibrillator (AED) devices in your municipal buildings and the community.
12. Refrain from using cell phones while driving.

The best safety rule is common sense. The safe worker benefits himself, his family, his fellow workers, his city and the society in which he lives. Don't take chances. Do all you can to make your workplace safe and accident free.

Chapter XVII: Municipal Budgets

A budget is the fiscal plan for the municipality. It contains estimates of expected revenues for the implementation of the services and programs outlined in the appropriations (proposed expenditures) portion of the budget.

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 [Section 166.241(2), Florida Statutes]. The fiscal year is October 1 to September 30. [Section 166.241(1), Florida Statutes]
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 also have certain financial requirements outlined in their municipal charter.
5. A municipal budget must be adopted by ordinance.

While as city clerk you may not be responsible for preparing or even assisting with the preparation of the budget, you should be familiar with the basics of budgeting so that you may be in a position to submit a proposed budget for your department that meets all the requirements and guidelines for budget preparation.

Municipalities prepare budgets in all degree of detail. A basic calendar that could apply to any municipality (expanding or reducing according to your city'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 you might want to begin in April or May.
2. Estimate revenues your 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 tax, business tax receipts, permits, intergovernmental revenues, charges for city 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) which should then be compiled by the budget officer and presented to the legislative body for review and the balancing of the budget.
5. Present annual budget message to the legislative body. This is generally presented by the city 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.
6. The tentative budget must be posted on the municipality's official website at least 2 days before the budget hearing, held pursuant to s. 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.
7. Hold public hearings on the budget. Hearings should be designed to gather input, not only from the staff, but also for citizen input into 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 your charter may require others.
8. 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 procedures established therefore.

Chapter XVIII: Municipal Annexation

Chapter 171, Florida Statutes, titled Municipal Annexation or Contraction. The purposes of this act are to set forth procedures for adjusting the boundaries of municipalities through annexations or

contractions of corporate limits and to set forth criteria for determining when annexations or contractions may take place so as to: 1) ensure sound urban development and accommodation to 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.

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

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.

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.

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

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.

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 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 reasonably compact, and 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. An area developed for urban purposes is defined as any area which meets certain standards and in addition to the area developed for urban purposes, a municipal governing body may include in the area to be annexed any area which 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 which 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 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 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 prior to the election in a newspaper of general circulation in the area proposed to be excluded or in the municipality;
8. ballots or mechanical voting devices shall offer the choices "for deannexation" and "against deannexation," in that order;
9. a majority vote "for deannexation" shall cause the area proposed for exclusion to be so excluded upon the effective date set in the contraction ordinance and
10. a majority vote "against deannexation" 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 which 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. A party that has an exclusive franchise which 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.

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 XIX: Requirements of Florida’s Local Government Comprehensive Planning Act

Background

The Florida Legislature amended the Local Government Comprehensive Planning and Land Development Regulation Act (LGCPDRA – Florida Statutes 163.3161) in 1986 for the purpose of utilizing and strengthening the existing role, processes, and powers of local and state government in the establishment and implementation of comprehensive planning programs to guide and control future development.

In part, the act [Florida Statutes 163.3161(2)] states that it is necessary to adopt a plan “so that local governments can preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps and deal effectively with future problems that may result from the use and development of land within their jurisdictions. Through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; prevent the overcrowding of land and avoid adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions.”

Toward this end, the act requires that each unit of local government establish a “planning process,” and prepare, adopt, and implement a comprehensive plan. The planning process is required to be ongoing, based on effective public participation, and provide for the review and evaluation of the plan on a regular basis. The plan itself must be internally consistent and based upon reasonable economic assumptions. The LGCPDRA recognized that differing local circumstances will dictate a variety of approaches to planning for future growth.

The Legislature, through the LGCPDRA, gives the adopted comprehensive plan a legal stature, in that no public or private development shall be permitted except in conformity with adopted comprehensive plans. Local government must relate all development decisions to the plan; they should not approve any development programs or actions that would be inconsistent with it. The plan must be firm enough to provide adequate direction, yet flexible enough to deal with new problems and challenges.

Every comprehensive plan is required by the LGCPDRA to contain the following elements:

1. Future Land Use
2. Traffic Circulation

3. Infrastructure Element, i.e., Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge
4. Recreation and Open Space
5. Housing
6. Conservation
7. Coastal Management (*Only for those units of local government identified in Section 380.24, Florida Statutes. Local governments that are not required to prepare coastal management elements under Section 163.3178, Florida Statutes, are encouraged to adopt hazard mitigation/post-disaster redevelopment plans.*)
8. Intergovernmental Coordination
9. Capital Improvements

These elements may be combined to meet local circumstances, and local jurisdictions may also adopt a variety of optional elements.

Plan Review

Chapter 163, Part II, Florida Statutes, authorized the state land planning agency, otherwise known as the Department of Economic Opportunity (DEO), to adopt, by rule, minimum criteria for the review of local government comprehensive plans and determinations of compliance as required in the act.

The Legislature has recognized the importance of the review criteria of local plans and has defined the term "consistency." Consistency is determined based on whether the plan is "compatible with" and "furthers" the State Comprehensive Plan and the appropriate strategic regional policy plan. The term "compatible with" means that the local plan is not in conflict with these plans. The term "furthers" means to take action in the direction of realizing goals or policies of the state or regional plan.

Plan Adoption

The act specifies and outlines certain procedures for local plan and plan amendment adoption. These procedures include plan review and recommendation by the local planning agency; transmittal of proposed local plan or amendment; review and comment by the county, region and state; review and comment by the county, region or state or any other person; and the adoption of the local comprehensive plan or plan amendments by the city council/commission after due public notice and public hearings.

Any corrections, updates or modifications of current costs in the local plan are not considered plan amendments. Under normal circumstances, the process for adoption of a plan amendment is outlined in Sections 163.3184, 163.3187 and 163.3189, Florida Statutes.

Plan amendments must be adopted twice per year, and must follow the same adoption procedures as the local plan. Plan amendments may be made more often for "emergency" occurrences or threat, whether accidental or natural, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property or public funds.

Any plan amendment related to "small-scale" development activities may be approved without regard to statutory limits on frequency if the proposed amendment is a residential land use of 10 acres or less and a density of 10 units per acre or less or involves other land use categories, singularly or in combination with residential use of 10 acres or less and; 1) the cumulative effect does not exceed 60 acres annually; 2) the amendment does not involve the same property more than once a year; and 3)

the amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months. Public notice should substantially comply with the provisions in Section 163.3184(15)(c), Florida Statutes, in an advertisement in a newspaper of general circulation within the municipality's jurisdiction.

Small-scale plan amendments require only one adoption hearing and are not subject to the requirements of Section 163.3184(3)-(6), Florida Statutes. DEO will conduct an abbreviated review without written comments and issue a notice of intent to find the plan amendment in compliance or not in compliance within 90 days of receipt of the amendment.

The Department of Economic Opportunity has final review and approval authority over the local plan and plan amendments, but the content of the local plan and its amendment is decided entirely by the city council/commission. Upon receipt of an adopted plan or amendment, DEO reviews the plan or amendment to determine consistency with the minimum criteria for the review of local comprehensive plans and determinations of compliance, the State Comprehensive Plan; and Chapter 163, Part II, Florida Statutes. The municipality must also send a copy of the transmittal draft of its proposed plan amendment to the appropriate regional planning council and water management district, the Department of Environmental Protection, and the Department of Transportation. These agencies are to consider whether the amendment raises any planning issues of state or regional concern, such as those which implicate the State Comprehensive Plan or the strategic regional policy plan. They are not to assess any local implicated by the amendment, or any issues outside the scope of their own authority. These agencies are required to screen each proposed amendment within its expertise and alter DEO only in appropriate cases.

The Department of Economic Opportunity is required to initiate a full-fledged review and prepare an Objection, Recommendation and Comment Report (ORC) on the proposed amendment only if such a review is requested in writing by the regional planning council, an affected person, or the municipality. Such a request must be received by the DEO within 45 days from transmittal of the proposed amendment. Also, DEO may choose to initiate review and prepare an ORC report, but it must give notice to the municipality proposing the amendment, and any other person requesting the notice. The notice must be made within 30 days from transmittal. The municipality may proceed with adoption of the proposed amendment if DEO has not served notice within 30 days from transmittal that it intends to initiate a review and if a review is not requested in writing by a regional planning council or affected person within 45 days from transmittal.

The Department of Economic Opportunity must transmit copies of the proposed amendment within five days of determining that the review will be conducted. Those agencies then have 30 days to submit their comments to DEO. DEO has 30 days from receipt of those comments to compile an ORC report and send to the municipality. If a review is not conducted, then the compliance determination must be based solely upon the amendment as adopted. If a review is conducted, then the compliance determination must be based upon an issue raised by DEO in the ORC report or any changes made by the municipality to the amendment upon adoption. Under normal circumstances, a plan amendment does not become legally effective until a favorable compliance determination.

Compliance or Noncompliance

At any time following the issuance of a notice of intent to find a comprehensive plan or plan amendment not in compliance, DEO and the municipality may voluntarily enter into a compliance agreement to resolve one or more of the issues raised by DEO. Section 163.3184(16), Florida Statutes,

describes the procedures and responsibilities of municipalities choosing to enter into compliance agreements.

If the state issues a notice of intent to find the local comprehensive plan or plan amendment **not** in compliance, the notice is forwarded to the Division of Administrative Hearings, which shall conduct a proceeding under Section 120.57, Florida Statutes, in the county of and convenient to the affected municipality. The parties to the proceeding shall be DEO, the municipality, and any affected person who intervenes. No new issue may be alleged as a reason to find a plan or plan amendment not in compliance in an administrative pleading filed more than 21 days after publication of notice unless the party seeking that issue establishes good cause for not alleging the issue within that time period. Good cause shall not include excusable neglect. In the proceeding, the municipality's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct. The municipality's determination shall be sustained unless it is shown by a preponderance of the evidence that the comprehensive plan or plan amendment is not in compliance. The municipality's determination that elements of its plan are related to and consistent with each other shall be sustained if the determination is fairly debatable.

If the administrative commission, upon a hearing, finds that the local comprehensive plan is not in compliance, the commission shall specify remedial actions such as directing state agencies not to provide funds to increase capacity of roads, bridges, or water and sewer systems within the boundaries of those local governmental entities; eliminating eligibility for grants such as the Florida Small Cities Community Development Block Grant Program, the Florida Recreation Development Assistance Program, revenue sharing, and permits through various state agencies. Sanctions do not apply to plan amendments except plan amendments that amend a plan that has not been finally determined to be in compliance and as provided in Section 163.3189(2) or Section 163.3191(11), Florida Statutes.

Public Participation

It is the intent of the act that the public participate in the local comprehensive planning process to the fullest extent possible. Toward this end, local planning agencies and city councils/commissions are directed to adopt procedures designed to provide effective public participation in the local comprehensive planning process and to provide real property owners with notice of all official actions which will regulate the use of their property. The procedures must provide for broad dissemination of the proposals and alternatives, opportunity for written comments, public hearings, provision for open discussions, communications programs, information services and consideration of a response to public comments.

Implementation and "EARs"

The planning process does not end with the adoption of the entire local plan or plan amendment; implementation is required. Implementation can occur in a number of ways, such as the adoption of land development regulations, the allocation of public funds for capital improvements, and the creation of incentives and regulations to encourage private development within the context of the local plan. Land development regulations must be consistent with the local plan to ensure implementation.

Planning is an ongoing process. Local governments must periodically evaluate and appraise the effectiveness of their comprehensive plans. Plan modification may be appropriate when major development problems occur or when existing plans are not responsive to current conditions. The evaluation and appraisal report (EAR) is the principal process for updating local plans to reflect changes in state policy on planning and growth management. The first EAR must be prepared not later than

seven years after the adoption of the local plan, and every five years thereafter. A municipality with less than 2,500 residents must submit its first EAR no later than 12 years after adoption of its plan, and at least every 10 years thereafter. The schedule for EAR submission may be found on DEO's website at <http://www.floridajobs.org/community-planning-and-development/programs/comprehensive-planning/evaluation-and-appraisal-of-comprehensive-plans>. An EAR must present an assessment and evaluation of the success or failure of the local plan, suggest changes needed to update the local plan and must satisfy the specific requirements of Rule Chapter 73C-49, Florida Administrative Code, Florida Statutes, F.A.C.

The governing body must adopt the EAR with or without changes 90 days after receiving it from the local planning agency. The governing body must amend its local plan based upon the recommendations of the EAR. Amendments to the plan and the adoption of the EAR may be simultaneous, or within one year after the report is adopted. A 6-month extension for adoption may be granted by DEO. DEO will conduct a sufficiency review of each EAR to determine whether it has been submitted in a timely fashion and contains the prescribed components. The sufficiency review must be completed within 30 days. Sanctions may be imposed against any municipality that fails to implement its EAR through timely and sufficient amendments to its local plan except for reasons of excusable delay.

Relief for Small Cities

The Department of Economic Opportunity may enter into a written agreement with a municipality of fewer than 5,000 residents to focus planning resources on selected issues or elements when updating its local plan, if a request is included in its EAR. The future land use element, intergovernmental coordination element, conservation element, and capital improvements element cannot be excused. Any municipality that enters into an agreement must update and amend its local plan in full when the municipality exceeds the population criteria. The population is considered to be the most recent estimate determined by the Executive Office of the Governor.

Historical Information about the FACC Manual

This manual represents the completion of a proposal made in 1974 by the Florida Association of City Clerks (FACC).

Believing it to be of service to the city clerks and to local governments in Florida, the proposal was supported by a USCC Intergovernmental Personnel Act (IPA) Grant in 1975, and the project was completed in late 1977.

The research and compilation of the manual was carried out by Florida Atlantic University, Division of Continuing Education, with assistance from the Florida League of Cities and various committees of the FACC.

The manual is reviewed annually and revised as necessary by the FACC By-Laws/Manual Revisions Committee. It is intended to be used as a reference tool and not a legal document. The FACC does not intend to provide legal assistance or advice through this manual. City clerks should obtain legal assistance from their city attorneys, the Florida Statutes, the city's code and/or charter. The manual is the cooperative effort of many persons and several agencies. It is designed to be a practical guide for the city clerks in more than 400 cities of the State of Florida.

Research and consulting assistance for the study was furnished by the Florida League of Cities in Tallahassee. Thanks are due Mr. Ray Sittig, executive director emeritus, and Ms. Alice Whitson, former staff attorney of the League.

Many of the city clerks of Florida furnished help both at meetings of the clerks association and individually, in planning and reviewing part of the work. Mention should be made of the assistance from the following city clerks: Mr. Lavern Bechtel, Leesburg; Ms. Kay Borgemenke, Highland Beach; Ms. Ann Byland, Belle Isle; Mr. Bob Clark, Sunrise; Mr. Malcolm Crews, Avon Park; Ms. Janet Cason, Naples; Ms. Rosa Rotunda, Sanford; Mr. Ted Schlicting, Gulf Breeze.

The study was supported by a grant from the USCC Intergovernmental Personnel Act (IPA) and Mr. John Fields, IPA Grants Coordinator, Department of Administration, Tallahassee, who deserves special mention for his cooperation, patience and understanding as the problems of the manual were resolved.

The Division of Continuing Education, Florida Atlantic University in Boca Raton, provided direct administration of the study in cooperation with the Florida League of Cities, and the FACC. Dr. Rodney Lane, Dean of the Division, gave generously of his time and counsel throughout the long months required to put the report together. Professor William F. Larsen, College of Business and Public Administration, Florida Atlantic University, collected, compiled and edited the manual with the help of the persons and organizations noted above. Professor Larsen wishes to acknowledge the special assistance given by Mr. Jack Mathews, city clerk of Key West, and Ms. Marguerite Docen, city clerk of Fort Lauderdale. Mr. Mathews, until his retirement, was a tireless supporter, and Ms. Docen rendered yeoman service at all times, particularly in the preparation of the final draft.

The manual is now in the hands of city clerks throughout Florida. It is hoped that they will find it useful and accurate.

Two Decades of Progress: 1972-1992

By June H. Boglioli, CMC/AAE

In the early part of 1972, a Broward County city clerk encountered some unique problems in his office and sought assistance in solving them from neighboring clerks. Upon inquiry about a state organization of fellow professionals that could be of assistance, the clerk was dismayed to find that no such organization existed. This response prompted Robert Clark, CMC, (deceased) city clerk of Sunrise, to plant a seed that would blossom into the creation of a common forum for the profession. The Florida Association of City Clerks, Inc. was founded on October 26, 1972.

The objectives as adopted in the 1972 Constitution included:

- to discuss problems of mutual concern
- to increase the efficiency of the city clerk's function
- to cooperate with and assist all city administrators
- to strive for greater educational standards for city clerks, and
- to gather and disseminate information to improve procedures and the efficiency of the administration of municipal government.

The FACC held its first statewide meeting in Tallahassee in March 1974. The meeting was a resounding success in all areas. A significant and viable association had evolved.

As the association grew and prospered, the members became more aware of the varied duties associated with the job title – **city clerk**. In some cities, the city clerk was a very powerful and influential official involved in daily operations while in other cities, the clerk had full-time responsibilities maintaining the official records. It became apparent that the term "**city clerk**" is a title of diversity that encompasses authorities and duties ranging from serving as the official records custodian to investing and managing funds. The responsibilities of the position varied according to the size of the municipality and specific charter requirements.

In view of the varied functions performed by a city clerk, particularly with reference to the financial responsibilities, the annual conferences have been held in conjunction with the Florida Governmental Finance Officers Association since the inception of the FACC. These joint conferences provide a broader selection of educational sessions from which the city clerk may choose a combination deemed most beneficial to the particular job function.

The association continued to grow and prosper and in 1975 the leaders of the association responded to the necessity for preparation of a manual to address the varied duties and responsibilities of city clerks throughout the state. The FACC applied for and received a grant through the International Personnel Administration to be utilized for the publication of the *Florida City Clerks Manual*. This manual won the "Award of Excellence" for an outstanding publication by a state municipal clerks association from the International Institute of Municipal Clerks in 1979.

In 1986 the leaders of the FACC responded to a necessity to improve its programs and identify the educational needs of its members and applied for and received a STAR (Service Through the Application of Research) grant from the Florida Institute of Government. The results of this in depth study confirmed the need for quality, affordable continuing education. The FACC appealed to the Florida Institute of Government for assistance in developing a role-model program. The Institute of

Government enthusiastically responded and, with its numerous resources and technical expertise, worked jointly with the association's Education Committee. A resounding three-year curriculum was developed for the Career Development Institute which surpassed all expectations.

The FACC expanded its horizons for improvement of the annual conference programs, and requested further assistance from the Institute of Government in this regard. The IOG again responded and toward that end an on-going working relationship developed with the Florida Institute of Government.

Simultaneously, the Florida Association of City Clerks formed an alliance with the Florida League of Cities to generally perform the secretarial services and logistical coordination of the annual conferences and career development institutes. The continuing cohesion of these entities has greatly benefited the association, its members, the profession and its recognition in providing expanded, affordable, quality services.

As the association grew and benefited with experience, the FACC and Institute of Government enhanced the educational opportunities to all city clerks by initiating a program to move the Career Development Institute around the state. The institute is relocated every three years, thereby providing more convenience for participation by those clerks in the particular area. The program was also fashioned to permit entrance during any year.

Upon completion of the institute, each graduate authors a paper focusing on some aspect of the municipal clerk's profession. Five of these papers are selected by a peer committee, published by the Institute of Government and widely distributed. This compilation of paper contains a wealth of knowledge and insight into the organization, functions, and importance of the clerk's position in municipal government.

In further response to the particular needs of a large segment of the membership whereby clerks cannot warrant a one-week absence from the city due either to lack of staffing or funding, the FACC again working in conjunction with the Florida Institute of Government, established one-day programs throughout the course of the year with its mini-career development institutes. This alternate concept to the one-week program is spreading throughout the state and responds positively to the on-going problem faced by all cities of providing essential education and training while managing public resources in a downturn economy.

A city clerk may achieve the prestigious designation of "Certified Municipal Clerk" from the International Institute of Municipal Clerks. This award recognizes the professional competency in the execution of the office and is granted only after a clerk has met a combination of high standards regarding education, experience and service. Completion of the three-year career development institute and mini-institutes is the ultimate objective to a city clerk who desires to receive the CMC designation.

Update Report: 1993-2003

By Tammy Vock, CMC

The FACC proudly boasts 232 Certified Municipal Clerks and 88 members of the Advanced Academy of Education with 64 of these being active. Of the active AAE members, 36 hold the first sustaining membership, and 18 have entered the second sustaining membership; eight have attained the highest level of third sustaining membership. The total number of CMCs and AAEs ranks Florida as No. 2 among the U.S., Canada, and 12 other countries.

Membership in the Florida Association of City Clerks provides an array of benefits in addition to the educational programs, common forum and networking provided through its career development institutes and annual conferences. These benefits include the provision of the *City Clerks Manual* that addresses all facets of the position including elections, records management, agenda formats, governing legislation, sample ordinances, resolutions, proclamations, etc. This manual is updated annually to encompass recently enacted state and federal laws, the latest technological methods for information management and innovative procedures for performing the day-to-day operations.

The FACC publishes a quarterly newsletter, the *City Desk*, which keeps the membership abreast on the business affairs and projects of the association, current and proposed state and federal legislation, technical publications on methods to improve the efficiency and productivity of the office, and feature articles highlighting clerks throughout the state having received special honors and recognitions.

The FACC Scholarship Program was established in 1980 and has been expanded throughout the decade to provide financial assistance to qualifying clerks who wish to attend the Institute, FACC Annual Conference, and the International Institute of Municipal Clerks conferences. The FACC is proud to have several scholarship recipients graduate from the Career Development Institute.

The FACC has taken an active role in the International Institute of Municipal Clerks and evolved as a leader on the international level. FACC members have served on the IIMC Board of Directors, worked on numerous committees, and actively participated in regional meetings. The annual IIMC conference is attended by approximately 75 Florida clerks.

The importance of the vital and comprehensive services performed by the city clerk, the pillar of strength represented by this – the oldest of public offices, and the communication link provided by the clerk to assure informed citizenry participation in the operation of local government was formally recognized in the late 80s by the United States Congress. The first week of May was officially declared as “Municipal Clerks’ Week” in appreciation of the exemplary dedication which clerks throughout the nation exhibit. Many governors, including Florida’s, and countless municipalities annually recognize and celebrate this week. The IIMC Committee leading the way for this Presidential and Congressional declaration was chaired by a Florida clerk.

The business affairs of the association are conducted by an elected board, consisting of five officers and six directors representing geographically designated districts of the state. The By-Laws of the association are amended as necessary to respond to the growth, representation and needs of its membership. The success of the association is due to the responsible leadership, the efforts of 12 working committees and the dedication and involvement of the membership.

To encourage and stimulate participation, the duties and responsibilities of the Board of Directors and committees have been reduced to writing and distributed to the FACC membership. A membership directory is also annually updated and circulated.

The Florida Association of City Clerks has seen its membership grow from 75 members to approximately 505 members. The next decade promises to bring expanded services, continuing growth, exceptional tributes, and special recognitions to our association and the profession of city clerk.

Another plateau of excellence and symbol of professionalism for a "Certified Municipal Clerk" is that of acceptance into the "Master Municipal Clerk's Academy" (MMCA). The MMCA encourages municipal clerks to continue their professional growth and development. It honors and salutes continued high-level achievement beyond the attainment of the prestigious CMC award. There are four levels of membership in the academy: entry, first, second, and third levels. With the completion of all four academy levels, members are granted Master Municipal Clerk (MMC) status, symbolizing the commitment that each municipal clerk has made to lifelong professional learning and personal development. Once a municipal clerk has achieved the MMC status, the MMC designation would follow their name, rather than the CMC designation. Continued IIMC membership is required to retain CMC and recertified CMC status. Retired municipal clerks who have earned their MMC designation may continue to carry the designation as long as they maintain membership with IIMC. If a municipal clerk does not wish to pursue the MMC status, they may recertify their CMC status every four years.

Robert N. Clark Memorial Award

In an effort to commemorate the founder of the FACC and to recognize a Florida city clerk for having promoted and advanced the ideals and goals of the profession by actively participating in the improvement of municipal government in the state and local community, the "Robert N. Clark Memorial Award" was established in 1988. Recipients of this annual award are:

- 1988 – Muriel Rickard, CMC/AAE, City Clerk, Deerfield Beach
- 1989 – June Boglioli, CMC/AAE, City Clerk, Belle Glade
- 1990 – Janet Cason, CMC/AAE, City Clerk, Naples
- 1991 – Sandra Woodall, CMC/AAE, City Clerk, Dunedin
- 1992 – Zella M. Gaston, CMC/AAE, City Clerk, Melbourne
- 1993 – Donna R. Archer, CMC/AAE, City Clerk, Cocoa Beach
- 1994 – Frances Henriques, CMC, City Clerk, Tampa
- 1995 – Grace Chewning, CMC, City Clerk, Orlando
- 1996 – Virginia K. Walker, CMC/AAE, City Clerk, South Bay
- 1997 – Patricia A. Jones, CMC/AAE, City Clerk, Temple Terrace
- 1998 – Kathryn M. O'Halloran, CMC/AAE, City Clerk, Sebastian
- 1999 – Billy Robinson, CMC, City Clerk, Sarasota
- 2000 – Donna Williams, CMC, City Clerk, Maitland
- 2001 – Patrizia L. Arends, CMC, Town Clerk, Longboat Key
- 2002 – George H. Ireland, CMC, Assistant City Clerk, Niceville
- 2003 – Fay W. Craig, CMC, City Clerk, Edgewood
- 2004 – Gwen Azama-Edwards, MMC, City Clerk, Daytona Beach
- 2007 – Lori Stelzer, MMC, City Clerk, Venice
- 2008 - Barbara McDaniel, MMC, Assistant Town Clerk, Davie
- 2009 - Teresa Soroka, MMC, City Clerk, Aventura
- 2010 - Lisa (Burns) Small, MMC, City Clerk, Temple Terrace
- 2011 - Loredana Kalaghchy, MMC, City Clerk, Cocoa Beach