

## ARTICLE III. - LEGISLATIVE

## Section 3.01. - Creation powers and composition of city council.

There shall be a city council with all the legislative powers of the city vested therein. The city council may by ordinance or resolution prescribe the manner in which any power of the city shall be exercised. The city council shall consist of five (5) members, elected at large by the qualified voters of the city.

## Section 3.02. - Qualifications.

A candidate for city council shall be a qualified elector who is a bona fide resident of the City of Edgewood for at least one year prior to the date of qualifying to run for City office and registered to vote.

(Ord. No. 2006-02, § 1 (Exh. A), 1-17-2006)

## Section 3.03. - Judge of election and qualification of members.

The city council shall be the judge of the election and qualification of its own members, subject to review by the appropriate county or state courts.

## Section 3.04. - Election and terms.

The regular election of the city elected officials shall be held in the manner provided in Article VI of this Charter, and the term of office for each elected official shall be for three (3) years.

(Ord. No. 396, § 1, 7-5-1994; Ord. No. 2001-01, § 1(Exh.A), 1-9-2001; Ord. No. 2016-11, § 2, 11-15-2016)

## Section 3.05. - When term to begin.

The term of office of any persons elected at any general election held in the city shall commence and begin at the next regularly scheduled council meeting following certification of the election.

(Ord. No. 1997-440, §§ 2, 4, 12-2-1997; Ord. No. 2000-01, § 1(Exh. A), 1-9-2001; Ord. No. 2006-02, § 1 (Exh. A), 1-17-2006)

Section 3.06. - Council members or mayor not to hold two elected offices; vacancies.

No person may hold two (2) elective offices, whether such offices are federal, state, county or municipal. Other restrictions on individuals qualifying for offices of council or mayor shall be in accordance with State law.

(Ord. No. 2001-01, § 1(Exh. A), 1-9-2001; Ord. No. 2006-02, § 1 (Exh. A), 1-17-2006)

**State Law reference**— Resign to run law, F.S. § 99.012.

Section 3.07. - Candidates for elected office.

Elected and appointed board members who run for other elected office shall comply with all applicable "resign to run" laws of the State of Florida. Unless resignation is otherwise required by State Law, current elected officials and appointed board members may retain their current offices upon qualifying for the elected office until the election is decided.

(Ord. No. 2001-01, § 1(Exh. A), 1-9-2001; Ord. No. 2006-02, § 1 (Exh. A), 1-17-2006; Ord. No. 2009-11, §§ 1, 2, 11-17-2009)

**State Law reference**— Code of ethics for public officers and employees, F.S. § 112.311 et seq.

Section 3.08. - Vacancies; forfeiture of office; filling of vacancies.

- A. *Vacancies*: The office of a council member shall become vacant upon his/her death, disability, resignation, or removal from office in any manner authorized by law or forfeiture of his/her office.
- B. *Forfeiture of office*: A council member shall forfeit his/her office if he/she:
  - 1. Lacks at any time during his/her term of office the qualification for the office prescribed by this Charter or by law.
  - 2. Violates any standard of conduct or code of ethics established by law or a misdemeanor of the first degree or a felony of any degree.
  - 3. Misses two (2) consecutive or four (4) regularly scheduled meetings in a calendar year, without being excused by the council.
- C. *Filling of vacancies*: A vacancy on the council shall be filled by the mayor recommending a qualified candidate, as provided in this Charter, from among the electors of the City of Edgewood. The proposed appointee shall be recommended

by the mayor within 30 days of the seat being vacated and confirmed by a majority vote of the council. In the event that the council does not confirm the mayor's recommendation within 30 days of the date the seat was vacated, the council shall by majority vote, appoint and confirm a candidate to fill the vacancy within 60 days of the date the seat was vacated. If the council cannot confirm a candidate within said 60-day time period due to a voting deadlock, the mayor shall be entitled to vote to break the tie existing at the end of said 60-day time period, but not during said 60-day time period. The vote shall occur at the next meeting after the meeting during which the deadlock occurred. After the seat has been filled, the newly appointed council member will hold office until the next regular election scheduled for that council seat.

D. *Extraordinary vacancies:* In the event that all members of the council are removed by death, disability, resignation, or forfeiture of office, the Governor shall appoint an interim council that shall call for a special election.

(Ord. No. 2001-01, § 1(Exh. A), 1-9-2001; Ord. No. 2006-02, § 1 (Exh. A), 1-17-2006; Ord. No. 2009-11, §§ 1, 2, 11-17-2009)

#### Section 3.09. - Appointments.

Subsequent to completing the required procedures of the State of Florida relating to newly elected officials, the swearing in ceremonies shall be held during the first meeting of the new term (or as soon thereafter as reasonably possible in the case of unavoidable absences or delays). A council president shall be then elected by members of the council and actions initiated to appoint appropriate officials of the City of Edgewood. City council may appoint members to the various boards and committees of the city in accordance with such procedures as the city council may adopt or utilize, which members shall serve at the pleasure of city council.

(Ord. No. 2006-02, § 1 (Exh. A), 1-17-2006; Ord. No. 2009-11, §§ 1, 2, 11-17-2009)

#### Section 3.10. - Procedures.

A. *Meetings.* The council shall hold regular meetings as often as necessary but at least once a month. The usual time and place of council meetings are on Tuesdays at the Edgewood City Hall. Special meetings may be held on the call of the mayor, the council president or a majority of the council members and, whenever practicable, upon no less than 12 hours' notice to each council member and the

public. Committee meetings of designated council members and the mayor may be held at the city hall at designated times unless circumstances dictate such meetings be held elsewhere. All meetings shall be open to the public.

- B. *Rules and journal*. The council shall determine its own rules and the council president shall set the order of business for each meeting.
- C. *Voting*. Voting, on ordinances and resolutions, shall be by roll call and shall be recorded in the minutes. A majority of the council shall constitute a quorum.

#### Section 3.11. - Compensation and expenses.

None of the council members shall receive a salary. All city public officials, either elected or appointed, shall receive reimbursement for their expenses incurred in the performance of their duties of office as provided by law. The city may pay the mayor a stipend not to exceed one thousand dollars (\$1,000) per month as approved by the city council in its sole discretion.

(Ord. No. 2006-02, § 1 (Exh. A), 1-17-2006; Ord. No. 2009-11, §§ 1, 2, 11-17-2009; Ord. No. 2016-11, § 2, 11-15-2016)

#### Section 3.12. - Areas of responsibility.

Upon the start of a new council session, the council president shall designate areas of responsibility (not already under the jurisdiction of the mayor) to be assigned to individual council members. Each council member shall assume responsibility for the assigned area and execute his/her other responsibilities within the broad guidelines established by the council. The council members shall render reports regarding other areas during regular or special meeting of the council.

(Ord. No. 2006-02, § 1 (Exh. A), 1-17-2006)

#### Section 3.13. - Ordinances and resolutions in general.

Ordinances may be enacted and resolutions may be adopted in accordance with any applicable requirements of State law.

- A. *Form*. Each ordinance or resolution shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be clearly stated in the title. No enactment shall be revised or

amended by reference to its title only. Ordinances or resolutions to revise or amend shall set out in full the revised or amended act, section, subsection, or paragraph of a section or subsection.

- B. *Procedures*. A proposed ordinance or resolution shall be advertised and adopted in accordance with state law.
- C. *Adoption*. For the adoption of an ordinance, a majority vote of the city council shall be required.
- D. *Effective Date*. Except as otherwise provided in this Charter, every adopted ordinance and resolution shall become effective upon adoption or as otherwise specified therein.

(Ord. of 10-18-1983, § 1; Ord. No. 2006-02, § 1 (Exh. A), 1-17-2006; Ord. No. 2016-11, § 2, 11-15-2016)

**State Law reference**— Ordinance adoption procedure, F.S. § 166.041.

#### Section 3.14. - Legislative action requiring an ordinance.

The following types of council actions shall be implemented by ordinance providing the ordinance does not conflict with the provisions expressed in this Charter amendment and does not violate state or federal statutes.

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city council shall be by ordinance which:

- A. Adopt or amend an administrative code or alter or abolish any city department, office or agency;
- B. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- C. [Reserved];
- D. Grant, renew or extend a franchise including the negotiation of rates;
- E. Authorize the borrowing of money;
- F. Approve union contracts;
- G. Adopt with or without amendment ordinances proposed under the initiative power;

- H. Amend or repeal any ordinance previously adopted, except as otherwise provided in Article VI with respect to repeal or ordinances reconsidered under the referendum power.

Acts other than those referred to in the preceding sentences may be done either by ordinance or by resolution in accordance with State law.

(Ord. No. 2006-02, § 1 (Exh. A), 1-17-2006)

### Section 3.15. - Emergency ordinances.

To meet a public emergency affecting life, health, property or the public peace, the council may adopt one (1) or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in subsection 5.06(b). An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least four (4) council members or three (3) council members and the mayor shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such time as it may specify. Every emergency ordinance, except one made pursuant to subsection 5.06(b), shall automatically stand repealed as of the sixty-first (61<sup>st</sup>) day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

### Section 3.16. - Budget adoption.

The council shall adopt the budget on or before the thirtieth day of September of each fiscal year in accordance with State law. An action by council adopting an annual budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated.

(Ord. No. 2006-02, § 1 (Exh. A), 1-17-2006)

**State Law reference**— Determination of millage and adoption of budget procedure, F.S. ch. 200.

Section 3.17. - Compliance with state law regarding open meetings and public records.

The City shall comply with all State Laws regarding open meetings and public records.

(Ord. No. 2009-11, §§ 1, 2, 11-17-2009)

**State Law reference**— Public meetings, F.S. § 286.011; public records, F.S. § 119.01 et seq.

Section 3.18. - Authentication, recording and disposition of Charter amendments, ordinances and resolutions.

- A. *Authentication.* The council president and the city clerk shall authenticate by their signature all ordinances and resolutions adopted by the council. In addition, when Charter amendments have been approved by the electors, the council president and the city clerk shall authenticate by their signatures the Charter amendment, such authentication to reflect the approval of the Charter amendment by the electorate.
- B. *Codification.* Upon adoption of this Charter and at least every year thereafter, the city clerk shall provide for the preparation of a general codification of all city ordinances and resolutions having the force and effect of law. The general codification shall be published promptly together with this Charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Florida and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as the Edgewood City Code. Copies of the Code shall be furnished to city officers upon request and shall be placed in the city hall for free public reference and made available for purchase by the public at a reasonable price fixed by the council.

(Ord. No. 2009-11, §§ 1, 2, 11-17-2009)

Section 3.19. - Reserved.

**Editor's note**— Ord. No. 2009-11, §§ 1, 2, adopted Nov. 17, 2009, deleted § 3.19, which was entitled "Creation of departments".

**Section 3.20. - Independent audit.**

The council shall provide for an independent annual audit of all city accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. The council may, without requiring competitive bids, designate such accountant or firm annually. If the state makes such an audit, the council may accept it as satisfying the requirements of this section.

**State Law reference—** Annual audit required, F.S. § 218.33.

**Section 3.21. - Charter review.**

A Charter Review Commission shall be organized by May 1, 2023 and at least every seven (7) years thereafter. The mayor and each member of the city council, other than the council president, shall appoint one (1) member to the Charter Review Commission. The council president shall appoint two (2) members to the Charter Review Commission. At least five (5) members of the Charter Review Commission shall be electors who are bona fide residents of the City of Edgewood. Up to two (2) members of the City Commission may be non-resident owners of non-residential property located within the City of Edgewood. In the event that any member of the city council or the mayor fails to appoint a member of the Charter Review Commission by the time required herein, the city council shall make appointment to any unfilled seats by majority vote at the city council's next regular meeting. Said Commission shall report its findings to the council by October 1 of each year of appointment.

(Ord. No. 2001-01, § 1(Exh. A), 1-9-2001; Ord. No. 2009-11, §§ 1, 2, 11-17-2009; Ord. No. 2016-11, § 2, 11-15-2016)

**ARTICLE IV. - EXECUTIVE AND ADMINISTRATION****Section 4.01. - Mayor.**

There shall be a mayor who shall be the chief executive officer and administrator of the city. He/she shall be responsible to the council for the day to day administration of the city. The mayor shall conform to city policy as established by council. The city council may overturn, by a majority vote, a decision of the mayor which is determined inconsistent with city policy. The city council by



a majority vote shall have the authority to modify or reassign the responsibilities and duties of the mayor, and shall have the authority to modify the actions of the mayor in his/her administration of city affairs.

(Ord. No. 2006-02, § 1 (Exh. A), 1-17-2006; Ord. No. 2009-11, §§ 1, 2, 11-17-2009)

#### Section 4.02. - Mayor; qualifications and terms of office.

The mayor shall be a qualified elector who is a bona fide resident of the City of Edgewood for at least one year prior to the date of qualifying to run for City office and registered to vote. If he/she shall cease to possess any such qualification during his/her term of office, he/she shall forfeit the office and the council shall remove him/her. He/she shall be elected for a term of three (3) years, which term shall begin upon the expiration of the predecessor official's term, and serve until his/her successor takes office.

(Ord. No. 2006-02, § 1 (Exh. A), 1-17-2006; Ord. No. 2016-11, § 2, 11-15-2016)

#### Section 4.03. - Acting mayor.

In case of death, disability, resignation or removal of the mayor, the council president shall serve as mayor until a successor is appointed. A vacancy in the office of mayor shall be filled by the council president recommending a qualified candidate, as provided in this Charter, from among the electors of the City of Edgewood. The proposed appointee shall be recommended by the council president within 30 days of the office of mayor being vacated and confirmed by a majority vote of the council. In the event that the council does not confirm the council president's recommendation within 30 days of the date the office was vacated, the council shall by majority vote, appoint and confirm a candidate to fill the vacancy within 60 days of the date the seat was vacated. After the seat has been filled, the newly appointed mayor will hold office until the next regular election scheduled for the office of mayor.

(Ord. No. 2001-01, § 1(Exh. A), 1-9-2001; Ord. No. 2006-02, § 1 (Exh. A), 1-17-2006; Ord. No. 2009-11, §§ 1, 2, 11-17-2009)

#### Section 4.04. - Powers and duties of the mayor.

The mayor shall:

A.

Perform duties as the chief executive and administrator of the City, and as such, shall be responsible to the council for the supervision of city operations as defined below:

- Police Department
  - City Hall
  - Contract Staff
- B. During emergency situations the mayor shall have the authority to coordinate action with county, state, and federal authorities as deemed necessary.
- C. Make recommendations for: (1) all salaried personnel when vacancies occur, (2) unfilled terms for elected offices, (3) consultants at the start of each new session, (4) members of boards and committees when terms expire or vacancies occur, (5) any other recommendations that may be required. Recommendations made by the mayor shall be considered and confirmed by the council for appointment.
- D. Attend all council meetings and shall have the right to take part in discussion but may not vote except as otherwise provided in this Charter.
- E. See that all laws, provisions of this Charter and acts of the council, subject to enforcement by him/her or officers subject to his/her direction and supervision, are faithfully executed.
- F. Submit to the council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year.
- G. Make other reports as the council may require concerning the operations of the city departments, offices and agencies subject to his/her direction and supervision.
- H. Keep the council fully advised as to the financial condition and future needs of the city and make such recommendations to the council concerning the affairs of the city.
- I. Sign contract(s) on behalf of the city pursuant to the provisions of appropriate ordinances.
- J. Perform such other duties as are specified in this Charter or may be required by the council.

- K. May approve expenditures on behalf of the city within defined limits established by ordinance.
- L. May approve ceremonial proclamations.

(Ord. No. 2006-02, § 1 (Exh. A), 1-17-2006; Ord. No. 2009-11, §§ 1, 2, 11-17-2009)

#### Section 4.05. - City clerk.

The city clerk shall be recommended by the mayor and appointed by the city council and shall serve at the pleasure of city council. The following are the major areas of responsibility of the city clerk:

- A. Custodian of municipal records in accordance with state law.
- B. Provide public notice of all meetings subject to Sunshine and State Law and keeps a journal of its proceeding.
- C. Administration of the daily functions of city hall.
  - ( ) Record, type and distribute minutes of meetings and agendas.
- D. Maintain city hall budget and expenditures within the approved annual budget.
- E. Provide reports, personnel actions, etc., to the council.
- F. Execute policies and directions issued by the council and expressed in resolutions, ordinances, the City Code of Ordinances and Charter.
- G. Perform other duties assigned by the mayor or council president.

The duties, hours, salary, etc., shall be established by the council who may also delegate the supervision of the city clerk to an elected official.

(Ord. of 10-18-1983, § 1; Ord. No. 2006-02, § 1 (Exh. A), 1-17-2006; Ord. No. 2009-11, §§ 1, 2, 11-17-2009)

#### Section 4.06. - Police chief.

The police chief shall be recommended by the mayor and appointed by the city council and shall serve at the pleasure of city council. The following are the major responsibilities of the police chief:

- A. Administration of the daily functions of the police department.

- B. Maintain the police department expenditures within the approved annual budget.
- C. Provide reports, personnel actions, etc., to the council.
- D. Execute policies and directions issued by the council and expressed in resolutions, ordinances, the City Code and Charter.
- E. Perform other duties assigned by the mayor or council president.

(Ord. No. 2006-02, § 1 (Exh. A), 1-17-2006; Ord. No. 2009-11, §§ 1, 2, 11-17-2009)

#### Section 4.07. - City administrator.

A city administrator may be recommended by the mayor and serving at the pleasure of the city council may be appointed. The city administrator shall be responsible for coordinating and integrating the administrative and executive functions of the city as directed by the mayor and consistent with the policy approved by the city council.

(Ord. No. 2016-11, § 2, 11-15-2016)

#### Section 4.08. - Fire protection.

The city council shall have the authority to negotiate and contract for the necessary fire protection for the City of Edgewood. An ad valorem tax to cover the cost of the contract with the fire district shall be levied on the property within the city.

(Ord. of 10-18-1983, § 1)

#### Section 4.09. - Planning and zoning board.

The mayor shall appoint members of the planning and zoning board subject to the confirmation by the council. The board shall consist of five (5) members each serving for a term of three (3) years in staggered sequence.

#### Section 4.10. - Reserved.

**Editor's note**— Ord. No. 2009-11, §§ 1, 2, adopted Nov. 17, 2009, deleted § 4.10, which was entitled "Building inspector" and derived from: Ord. No. 1997-440, §§ 2, 4, adopted Dec. 2, 1997; and Ord. No. 2006-02, § 1 (Exh. A), adopted Jan. 17, 2006.

#### Section 4.11. - Consultants.

Consultants for the city shall be appointed by the mayor subject to the confirmation by the council and shall serve at the pleasure of city council. All consultants shall be appointed on an annual basis. Consultants shall include but not be limited to the following:

- A. *Legal*. Legal consultants shall be an attorney (or firm) who shall provide legal advice to the council, represent the city in legal cases and provide legal services for the city as required.
- B. *Engineering*. The engineering consultant (or firm) shall provide such engineering services that the council shall request.
- C. *Accountant*. An accountant (or firm) shall be retained for annual audits and other related work as deemed necessary by the council.
- D. *Other*. As the circumstances require, the council may retain consultant services from a recognized authority or firm.

(Ord. No. 2006-02, § 1 (Exh. A), 1-17-2006)

#### Section 4.12. - Eminent domain.

The City of Edgewood shall exercise its right of eminent domain as provided for in F.S. §§ 166.401 and 166.411. A public hearing relative to any contemplated eminent domain action shall be held and any such actions shall be implemented as an ordinance for the City of Edgewood.

#### Section 4.13. - Personnel system.

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

**Cross reference—** Ch. 2, Art. III, Appointed Officers and Employees.

### ARTICLE V. - FINANCIAL PROCEDURES

#### Section 5.01. - Fiscal year.

The fiscal year of the city shall begin on the first day of October and end on the last day of September or as modified by the Florida State Legislature.

(Ord. No. 2009-11, §§ 1, 2, 11-17-2009)

**State Law reference**— Fiscal year, F.S. §§ 166.241, 218.33.

Section 5.02. - Submission of budget and budget message.

At least 60 days prior to the start of the fiscal year, the mayor shall propose a budget message.

(Ord. No. 2009-11, §§ 1, 2, 11-17-2009)

Section 5.03. - Budget message.

The message shall explain the budget both in fiscal terms and in terms of the work programs designed to achieve the city's mission for its citizens. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such other material as deemed desirable.

(Ord. No. 2009-11, §§ 1, 2, 11-17-2009)

Section 5.04. - Budget.

The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the council may require. The organization of the budget shall show the breakdown of an anticipated revenues and budgeted expenditures by the categories used by the city in its accounting format with necessary annotations for clarification. The budget shall be so arranged as to show comparative figures for actual and estimated revenues and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- A. Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices and departments in terms of their respective work programs, and the method of financing such expenditures.
- B.

Proposed capital expenditures during the ensuing fiscal year detailed by offices and departments and the proposed method of financing each such capital expenditure.

The total expenditures shall not exceed the total of estimated revenues.

(Ord. No. 2009-11, §§ 1, 2, 11-17-2009)

#### Section 5.05. - Council actions.

A. *Notice and hearing.* Prior to adoption of the budget, the council shall announce and hold a special meeting at the city hall at which time the budget will be presented and discussions can be held with Edgewood citizens.

[B. *Reserved.*]

(Ord. No. 2009-11, §§ 1, 2, 11-17-2009)

**State Law reference**— Determination of millage and budget adoption procedure, F.S. ch. 200.

#### Section 5.06. - Amendments after adoption.

A. *Supplemental appropriations.* If during the fiscal year the mayor certifies that there are available for appropriation revenues in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

B. *Emergency appropriations.* To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriation. Such appropriations may be made by emergency ordinance in accordance with the provisions of section 3.15. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

C. *Reduction of appropriations.* If at any time during the fiscal year it appears probable to the mayor or any council member that the revenues available will be insufficient to meet the amount appropriated, he/she shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action

taken by him/her and his/her recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by resolution reduce one or more appropriations.

- D. *Transfer of appropriations.* At any time during the fiscal year the council may by resolution transfer part or all of any unencumbered appropriation balance among unbudgeted items and budgeted items within a department or office and the council may by resolution transfer part or all of any unencumbered appropriation balance from one department or office to another.

(Ord. No. 2006-02, § 1 (Exh. A), 1-17-2006; Ord. No. 2009-11, §§ 1, 2, 11-17-2009)

#### Section 5.07. - Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if two (2) years pass without any disbursement from or encumbrance of the appropriation.

(Ord. No. 2009-11, §§ 1, 2, 11-17-2009)

#### Section 5.08. - Management of budget.

The mayor is responsible for the management of the budget. The management of the budget identified for specific departments or programs shall be delegated to the individual responsible for such department or program. The following are the major departments and the individual responsible for the budget administration:

- A. Police chief—Responsible for police department budget.
- B. City clerk—Responsible for city hall budget.

The management of specific budgets shall maintain expenditures within the annual budget figure. If circumstances occur which indicate that any expenditures exceed a budgeted line item by more than \$500, the mayor shall give written notice to the council advising of the situation with complete explanations as soon as such expenditures are apparent.



(Ord. No. 2009-11, §§ 1, 2, 11-17-2009)

Section 5.09. - Unrestricted reserves.

Unrestricted reserves shall not exceed 75% of gross annual revenues.

(Ord. No. 2009-11, §§ 1, 2, 11-17-2009)

Section 5.10. - Purchasing.

The mayor shall be the purchasing agent for the city, by whom all purchases of supplies shall be made, and he/she shall approve all vouchers for the payment of same. In the capacity of purchasing agent, he/she shall also conduct the sales of personal property which the council may authorize to be sold as having become unnecessary or unfit for the city's use. All purchases and sales shall conform to such regulations as the city council may from time to time prescribe, but in any case if any amount in excess of \$10,000.00 is involved, at least two (2) competitive bids shall be invited.

(Ord. No. 2001-01, § 1(Exh. A), 1-9-2001; Ord. No. 2006-02, § 1 (Exh. A), 1-17-2006; Ord. No. 2009-11, §§ 1, 2, 11-17-2009)

**Editor's note**— Formerly numbered § 5.09, due to Ord. No. 2009-11, adopted Nov. 17, 2009 adding a new § 5.09, this section has now been renumbered as § 5.10, as set out herein.