

CHARTER  
OF  
BONIFAY, FLORIDA

ADOPTED BY REFERENDUM  
JANUARY 15, 1991

ARTICLE 1 - CREATION AND POWERS

s1.01 - Creation and Powers

The City of Bonifay is hereby created which shall have all governmental, corporate and proprietary powers to enable it to conduct municipal services, and may exercise any power for municipal purposes except as otherwise provided by law.

ARTICLE II - CORPORATE LIMITS

s2.01 - Description of Corporate Limits

The following area shall constitute the corporate limits of the City of  
Bonifay:

## ARTICLE III - LEGISLATIVE

### s3.01 - City Council

There shall be a city council, with all legislative powers of the city vested therein, consisting of six (6) members and the mayor, who shall be electors of the city, elected by the electors of the city.

### s3.02 - Qualifications of Council Member

Any qualified elector who has been a resident of the City for a period of two (2) consecutive years shall be eligible to hold the office of city council member. The council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of the office. Notice that a council member charged with conduct constituting grounds for forfeiture of the office shall be published in one (1) or more newspapers of general circulation published in the city at least two (2) weeks in advance of a public hearing.

### s3.03 - Term of Council Member

Council members shall be elected for a term of two (2) years, and the term shall begin on the date of the first regular council meeting following the annual election.

### s3.04 - Compensation of Council Members

The Council shall determine the annual salary of council members by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of council members elected at the next regular city election, provided such election follows the adoption of the ordinance by at least ninety (90) days.

### s3.05 - Vice-Mayor

The council shall elect from among its members a vice-mayor. Election of the vice-mayor shall be done annually at the first regular council meeting after the annual election. The vice-mayor shall act as mayor during the absence or disability of the mayor.

### s3.06 - Vacancies; Forfeiture of Office; Filling of Vacancies

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

(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 any qualification for the office prescribed by this charter or by law; or (2) violates any standard of conduct or code of ethics established by law for public officials, such violation to be determined by a majority vote of the remaining members of the council; or (3) fails to attend council meetings as required by ordinance passed by the council, such failure to be determined by a majority vote of the remaining members of the council.

(c) Filling of Vacancies. A vacancy on the council shall be filled as follows: (1) If there is less than one year remaining on the vacated council member's term, the city council, by a majority vote of its remaining members, shall choose a successor to serve the remainder of the term. (2) If there is one year or more remaining on the vacated term, the city council, by a majority vote of its remaining members, shall choose a successor to serve until the next annual election, at which time a person shall be elected to serve the remaining one year of the term. The period described in (1) and (2) above shall be calculated from the date the vacancy begins through the end of the term. It is the intent of this charter that no special election shall be held to fill a vacancy on the city council.

(d) Extraordinary Vacancies. In the event that all members of the council are removed by death, disability, or forfeiture of office, the governor shall appoint an interim council that shall call a special election.

#### s3.07 - Procedure

(a) Meetings. The council shall meet regularly at least twice in every month at the City Hall, except in an emergency another location may be selected. Special meetings may be held on the call of the mayor or a majority of the members, and upon no less than twenty-four (24) hours notice to each member and the public.

(b) Rules and Journal. The council shall determine its own rules and the mayor 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 journal. A majority of the council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council, except as otherwise provided in the preceding sentence and in s3.06, shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present.

(d) Personnel. The council, by ordinance, shall adopt a set of personnel policies and procedures covering all phases of employing, managing, and terminating the employment of city employees.

#### s3.08 - City Clerk

The council shall appoint a city clerk. The city clerk shall give notice of council meetings to its members and the public and shall keep a journal of its proceedings, which shall be a public record. The city clerk shall supervise the department of administration.

#### s3.09 - Chief of Police

The council shall appoint a chief of police. The chief of police shall see that all laws, provisions of this charter, and acts of the council subject to enforcement by him or by officers subject to his supervision are faithfully executed.

### s3.10 - City Attorney

The council shall hire an attorney to serve for a period of one year who shall be the chief legal advisor to the council and all departments of city government. The procedure for hiring the attorney shall include the solicitation of written proposals from local from local attorneys.

### s3.11 - Departments

The council shall, by ordinance, create such departments as it deems necessary for the efficient performance of municipal government functions and to provide efficient municipal services.

## ARTICLE IV - EXECUTIVE

### s4.01 - Mayor

There shall be a mayor who shall be responsible to the electorate for the administration of all city affairs placed in his/her charge by or under this charter or by ordinance duly passed by the council.

### s4.02 - Qualifications, Term of Office, Compensation

(a) Qualifications - The mayor shall be an elector of the city and shall have resided in the city for at least two (2) years prior to the date on which he/she qualified to run for the office of mayor. The mayor shall live inside the city limits while serving as mayor. If he/she shall cease to possess any such qualifications during his/her term of office, he/she shall forfeit the office and the council shall remove him/her.

(b) Term - The mayor shall be elected for a term of two (2) years, and the term shall begin on the date of the first regular council meeting following the annual election.

(c) Compensation - The Council shall determine the annual salary of the mayor by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the term of mayor elected at the next election, provided such election follows the adoption of such ordinance by at least ninety (90) days.

### s4.03 - Vice-Mayor

During the absence or disability of the mayor, the vice-mayor, elected by the council, shall perform the duties of the office of mayor.

### s4.04 - Vacancy, or Forfeiture of Office

In the event the mayor dies, resigns, becomes permanently disabled, ceases to be qualified, forfeits the office, or is removed from office as provided by this charter or by law, the vice-mayor, as elected by the council, shall become interim mayor with the full powers and duties of mayor as provided by this charter or other law. The vice-mayor shall serve until the next annual election, at which time a new mayor shall be elected for a two-year term.

The mayor shall forfeit the office if he/she: (1) lacks at any time during his/her term of office any qualifications for the office prescribed by this charter or by law; or (2) violates any standard of conduct or code of ethics established by law for public officials, such violation to be determined by a majority vote of the remaining members of the council; or (3) fails to attend council meetings as required by ordinance passed by the council, such failure to be determined by a majority vote of the remaining members of the council.

#### s4.05 - Powers and Duties of the Mayor

The mayor:

(a) shall be recognized as head of city government for all ceremonial purposes, by the governor for purposes of military law, for service of process, execution of contracts, deeds and other documents, and as the city official designated to represent the city in all agreements with other governmental entities or certification to other governmental entities.

(b) shall prepare an agenda for council meetings, shall preside at council meetings, and shall have a vote.

(c) shall prepare, with the assistance of the city clerk, an annual budget for the city and submit it to the council for adoption.

(d) shall direct and supervise the city clerk and chief of police.

(e) shall, after conferring with the appropriate department head, make personnel recommendations to the council. Such recommendations will include hiring, firing, establishing or elimination positions, and setting rates of pay. The mayor shall also make recommendations to the council on personnel policies and procedures as required by s3.07 (d) of this charter.

(f) shall submit to the council, and publish in a newspaper of general circulation published in the county, a complete report on the finances and administrative activities of the city as of the end of each fiscal year.

### ARTICLE V - QUALIFICATIONS AND ELECTIONS

#### s5.01 - Annual Election

The annual city election shall be held on the fourth (4th) Tuesday in March of every year.

#### s5.02 - Nonpartisan Elections

All qualifying and elections for the offices of council member and mayor shall be conducted on a nonpartisan basis without regard for or designation of political party affiliation of any nominee or any nomination petition or ballot.

#### s5.03 - Qualifications

Candidates for the offices of council member and mayor shall qualify for such office by the filing of a written notice of candidacy with the city clerk at such time and in such manner as may be prescribed by ordinance. At the time of filing, the candidate shall pay a qualifying fee of five percent (5%) of the annual salary to the city clerk.

#### s5.04 - Form of Ballots

The council, by ordinance, shall prescribe the form of the ballot, including the method for listing candidates in the annual city election and any other city election. A charter amendment to be voted on by the city shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described amendment be adopted?" Immediately below such question shall appear, in the following order, the words, "for approval" and then the words "against approval" with a sufficient blank space thereafter for the placing of the symbol "X" to indicate the voter's choice, or with a lever opposite "for approval" or "against approval" if voting machines are used.

#### s5.05 - Elections

(a) Multiple Candidates - When more than two (2) persons qualify as candidates for the office of mayor or council member, the person receiving the highest number of votes shall be declared the winner. There shall not be a run-off election, in the event the two or more candidates receive the same number of votes, and that number is high, the council, by a coin toss, shall determine the winner.

(b) Single Candidate - In the event not more than one (1) person qualifies as a candidate for mayor or council member for any designated seat, that candidate shall not be listed on the ballot. Each such candidate is deemed to have voted for himself or herself.

#### s5.06 - Council Seats

(a) Number - There shall be six council seats to be numbered as follows:

Seat Number 1 - That seat is currently held by Councilman Joe Middlebrooks.

Seat Number 2 - That seat is currently held by Vice-Mayor Tommy Carroll.

Seat Number 3 - That seat is currently held by Councilman Roger Brooks.

Seat Number 4 - That seat is currently held by Councilman Rusty Williams.

Seat Number 5 - That seat is currently held by Councilwoman Janie Brown.

Seat Number 6 - That seat is currently held by Councilman James Sellers.

(b) Designation of Seat - Any qualified elector living anywhere within the city limits may choose to run for any council seat that will be vacant at the next annual election. Said elector must designate his/her choice of a seat when filing the written notice of candidacy as required by Section 5.03 of this charter.

#### s5.07 - Voting at Large

Candidates for all council seats and the office of mayor shall run in the city at large, and voting for each candidate shall be by qualified electors from the city at large.



#### s5.08 - Holding Two Positions

No person may hold two positions, either elective or appointive, in the city government at the same time.

#### s5.09 - Resign to Run

Any person holding the position of council member from a designated seat, or mayor, who desires to run for some other post, whether council member or mayor, must resign his/her existing position before qualifying for the new one.

### ARTICLE VI - MISC. PROVISIONS

#### s6.04 - Actions Requiring an Ordinance

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

- (a) Establish, alter or abolish any city department or agency;
- (b) Establish a rule or regulation, the violation of which carries a penalty;
- (c) Levy taxes authorized by general law;
- (d) Grant, renew or extend a franchise;
- (e) Set service or user charges for municipal services, or grant administrative authority for such charges;
- (f) Authorize the borrowing of money not inconsistent with the limitations established in the Constitution and general law of the state;
- (g) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the city;
- (h) Amend or repeal any ordinance previously adopted, except as otherwise provided herein.

#### s6.02 - 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. However, such ordinances may not levy taxes; grant, renew or extend a franchise; set service or user charges for any municipal services; or authorize the borrowing of money except as provided under the emergency appropriations provisions of this charter.

- (a) Form - An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble 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.

(b) Procedure - 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 two-thirds (2/3) of the council members present shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances.

(c) Effective Date - Emergency ordinances shall become effective upon adoption or on such other date as may be specified in the ordinance.

(d) Repeal - Every emergency ordinance except emergency appropriations shall automatically stand repealed as of the sixty-first (61st) day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance under regular procedures, or if the emergency still exists, in the manner specified in this section. 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.

(e) Emergency Appropriations - The council may make emergency appropriations in the manner provided in this section. To the extent that there are no available un-appropriated 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. However, 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.

#### s6.03 - Budget Adoption

The Council shall, by ordinance, adopt the budget on or before the thirtieth (30th) day of September of each year. If it fails to adopt the budget by this date, the council, by resolution, may direct that the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year for a period of fifteen (15) days with all items in it prorated accordingly, until such time as the council adopts a budget for the ensuing fiscal year. An ordinance adopting an annual budget shall constitute appropriation of the amounts specified therein as expenditures from the funds indicated.

#### s6.04 - Appropriation Amendments During the Fiscal Year

(a) Supplemental Appropriations - If during the fiscal year revenues in excess of those estimated in the budget are available for appropriation, the council, by ordinance, may make supplemental appropriations for the year up to the amount of such excess.

(b) Reduction of Appropriations - If at any time during the fiscal year it appears probable to the mayor 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 ordinance, reduce one (1) or more appropriations.

(c) Limitations: Effective Date - No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

s6.05 Authentication, Recording and Disposition of Charter Amendments,  
Ordinances and Resolutions

(a) Authentication - The mayor and the city clerk shall authenticate by their signatures all ordinances and resolutions adopted by the council. In addition, when charter amendments have been approved by the electors, the mayor 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) Recording - The city clerk shall keep properly indexed books in which shall be recorded, in full, all ordinances and resolutions passed by the council. Ordinances shall, at the direction of the council, be periodically codified. The city clerk shall also maintain the city charter in current form and shall enter all charter amendments and send a copy of the revised charter incorporating amendments to the Secretary of State's Office.

(c) Printing - The council shall, by ordinance, establish procedures for making all resolutions, ordinances, technical codes adopted by reference, and this charter available to the people of the city for public inspection and available for purchase at a reasonable price.

s6.06 - Charter Amendment

This charter may be amended in two (2) ways:

(a) Initiation by Ordinance - The council may, by ordinance, propose amendments to any part or all of this charter, except Article II prescribing boundaries. Upon passage of the initiating ordinance, the council shall place the proposed amendment to a vote of the electors at the next annual election called for such purpose. Amendment of Article II resulting from annexation done in accordance with general law shall be by ordinance of the council and shall not be subject to a vote of the electors except as provided by general law.

(b) Initiation by Petition - The electors of the city may propose amendments to this charter by petition signed by at least ten percent (10%) of the total number of qualified voters registered to vote in the last regular city election.

(1) Form and Content - All papers of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the proposed charter amendment.

(2) Affidavit of Circulator - Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the proposed charter amendment.

(3) Certification of Petition - Upon certification of the petition by the city clerk, such certification to include the validity of the names on the petition as qualified voters registered to vote in the last regular city election, the council shall place the proposed amendment to a vote of the electors at the next annual election held not less than sixty (60) days after certification, or at a special election called for such purpose.

#### ARTICLE VII - TRANSITION SCHEDULE

##### s7.01 - Ordinances Preserved

All ordinances in effect upon the adoption of this charter, to the extent not inconsistent with it, shall remain in force until repealed or changed as provided herein.

##### s7.02 - Rights of Officers and Employees

Nothing in this charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are city officers or employees at the time of adoption. Elected officers shall continue to hold their offices and discharge the duties thereof until their successors are elected.

##### s7.03 - Pending Matters

All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the city shall continue except as modified pursuant to the provisions of this charter.

##### s7.04 - Schedule

(a) First Election - The first annual election under this charter shall be held on the fourth (4th) Tuesday in March, 1991. At the first election, council members from seats number 1,3 and 5 shall be elected for a two-year term and the council member from seat number 6 shall be elected for a one-year term. Thereafter, council members from seats 1,3 and 5 shall be elected every odd year.

(b) Second Election - The second annual election under this charter shall be held on the fourth (4th) Tuesday in March, 1992. At the second election, council members from seats number 2,4 and 6 shall be elected for two-year terms and a mayor shall be elected for a two-year term. Thereafter, council members from seats 2,4 and 6 shall be elected every even year.

(c) Time of Taking Full Effect - This charter shall be in full effect for all purposes on and after the date and time of the first (1st) meeting of the city council following the annual election in 1991.

(d) Initial salary of the Mayor and Council - The mayor shall receive an annual salary in the amount of \$\_\_\_\_\_ and members of the council shall receive an annual salary of \$\_\_\_\_\_ until such are changed by the council in accordance with provisions of this charter.

\*Note--The Annual Salary for the Mayor and each Council member, as establish by the City Council as per the Charter is \$3,600.00. That is 300.00 per month minus Federal Withholding Taxes. (This note is added for clarification purposes and is not part of the Charter.)

This charter was prepared and presented to the Bonifay City Council by the following  
Citizens Committee:

Orren Smith, Chairman  
Rev. R. E. Hudson  
Don Sallas  
Elizabeth Barefoot  
Medea Callahan  
Annie Mae Smith  
Junior Hightower  
Alice Sellers  
Albert Harris  
Joyce Hatcher  
Glenn Rich

## AMENDMENTS TO THE CITY CHARTER

### Amendment 1-Establish Council Membership Number

There shall be a City Council, with all legislative powers of the City vested therein, consisting of  
× six (6) members and the Mayor be deleted and replaced with "there shall be a City Council, with all legislative powers of the City vested therein, consisting of four (4) members and the Mayor."

\*Added by popular vote of the Electors at the Annual City Election, March 23, 2010

### Amendment 2-Place of Residence of Council Members

The Council Member shall live inside the City Limits while serving as Council Member.

\*Added by popular vote of the Electors at the Annual City Election, March 23, 2010

### Amendment 3-Term Limitations

"No person may qualify, nor may appear on the ballot for the office of council member, if that person, by the end of the current term of office will have served (or, but for resignation, would have served) in that office for four (4) consecutive years immediately prior to the term for which he is attempting to qualify.

Any other qualified elector who has been a resident of the city for a period of two (2) consecutive years immediately prior to qualifying shall be eligible to hold the office of city council member. The council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of the office. Grounds for forfeiture shall include, but not limited to, conviction of the member of a felony in any jurisdiction in the United States, or In is conviction for any dishonest act in any jurisdiction in the United States

Notice that a council member charged with conduct constituting grounds for forfeiture of the office shall be published in one (1) or more newspapers in general circulation in the city at least two (2) weeks in advance of a public hearing on the forfeiture issue."

\*Added by popular vote of the Electors at the Annual City Election, March 23, 2010

#### Amendment 4- Repeal Amendment that Limits Council Member Terms

That any and all amendments to the City Charter establishing term limitations for Council Members be repealed and that all references to term limitations of Council Members be those placed in the City Charter in January 1991 by the citizens of the City of Bonifay.

That the effective date of this proposed amendment shall be one minute past the next annual election date.

That this proposed amendment shall supersede any amendment offered at the same annual election on the subject of City Council Member term limitations.

That this proposed amendment will be titled "Repeal Amendment that limits Council Member terms."

\*Added by popular vote of the Electors at the Annual City Election, March 22, 2011

#### Amendment 5-Election of Police Chief

"There shall be a chief of police who shall be elected in the same manner as council members. The term of office shall be four (4) years, with the term commencing on the second (2<sup>nd</sup>) Tuesday following the election, and ending at midnight the night of Monday immediately preceding the second Tuesday following the next election for chief.

In the event of a vacancy in the office of chief, the position shall be filled by a majority vote of the council for the remainder of the term. In the event the vacancy occurs during or after the normal time to qualify to run for the office, the council shall schedule a special election for chief and shall fill the office by majority vote until midnight of the day of the vote in the said special election.

The chief of police shall see that all laws, provision of this charter, and acts of the council subject to enforcement by him or by his officers subject to his supervision are faithfully executed.

In order to serve as chief of police, a person must meet the requirements for a full-time law enforcement officer as set forth in tire then current Florida Statutes, and must be an elector in Holmes County, Florida.

This section shall be effective upon being approved by a majority of those qualified electors voting on the matter at a regular or special election. The first regular election for chief of police shall be at the regular 2011 election."

\*Added by popular vote of the Electors at the Annual City Election, March 23, 2010

#### Amendment 6-Repeal Amendment that Calls for the Election of the Police Chief

That any and all amendments to the City Charter establishing the election of a Chief of Police be repealed and that all references to Chief of Police be those placed in the City Charter in January 1991 by the citizens of the City of Bonifay.

That the effective date of this proposed amendment shall be one minute past the next annual election date. That this proposed amendment shall supersede any amendment offered at the same annual election on the subject of Elected Chief of Police.

That this proposed amendment will be titled "Repeal Amendment that calls for an elected Police Chief."

\*Added by popular vote of the Electors at the Annual City Election, March 22, 2011