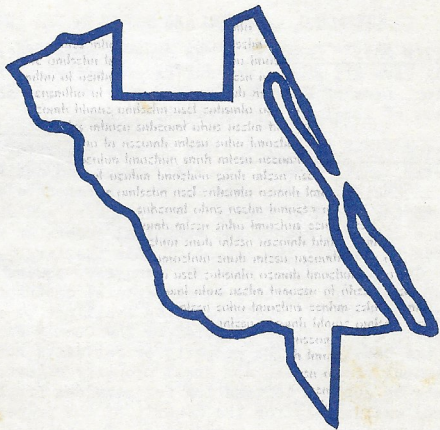


HOME RULE PROPOSED CHARTER



VOLUSIA COUNTY FLORIDA

PUBLISHED BY
THE VOLUSIA COUNTY CHARTER
AND STUDY COMMISSION
MAY 1970

ARTICLE I. CREATION OF THE GOVERNMENT.

SECTION 101. PURPOSE. We the people of Volusia County, State of Florida, in order to create a more responsible and efficient local government, do in accordance with the Constitution and Laws of the State of Florida, ordain and establish as our Charter and form of government this Charter of Volusia County, Florida.

SECTION 102. BODY CORPORATE AND POLITIC. Volusia County shall be a body corporate and politic and as such shall have all rights and powers of local self-government which are now, or hereafter may be, provided by the Constitution, Laws of Florida and this Charter.

SECTION 103. NAME AND BOUNDARIES. The corporate name shall be "The County of Volusia," hereafter referred to as the County, which shall be so designated in all actions and proceedings touching its rights, powers, properties and duties. Its seat and boundaries shall be those presently designated by law.

ARTICLE II. POWERS AND DUTIES OF THE COUNTY.

SECTION 201. GENERAL. The County, under this Charter, shall have all powers and duties prescribed by the Constitution, Laws of Florida and this Charter, and shall have all powers of local self-government.

SECTION 202. SPECIAL. The County, operating under this Charter, shall have all special powers and duties which are not inconsistent with this Charter, heretofore granted by law to the Board of County Commissioners, and shall have such additional county and municipal powers as may be required to fulfill the intent of this Charter.

(1) The County shall have all necessary powers to accomplish municipal purposes within special districts. Property situated within municipalities shall not be subject to taxation for services rendered by the County exclusively for the benefit of the property or residents not within municipal boundaries, nor shall property situated in the County be subject to taxation for services provided by the County exclusively for the benefit of the property or residents within municipal boundaries. To this end, the County Council, hereafter referred to as the Council, may by ordinance create districts for the purpose of levying ad valorem taxes and special assessments to pay for the furnishing of municipal services, and the tax imposed shall be within the limits of millage set for municipal purposes. Should such services be furnished within a municipality, the total millage levied by the municipality and the county district levy for this municipal purpose shall not exceed the maximum millage set by law for municipal purposes.

(2) The County shall have the power to fix the salaries of all officers and employees, except as otherwise provided by this Charter.

SECTION 202.1. TRANSFER OF POWERS. The Council shall by ordinance have the authority to assume and perform all functions and obligations now or hereinafter performed by any municipality, special district or agency whenever such municipality, special district or agency shall request the performance or transfer of the functions to the County.

SECTION 202.2. SECURITY OF CITIZENS' PROPERTY RIGHTS. In order to secure to the citizens of the County protection against unlawful taxes, improper use of public property or taxing power, and abuse of the environment, the County shall

have the duty to defend and enforce the following rights, and shall have the power to investigate violations of these rights within the County and by ordinance, or by civil or criminal legal action where appropriate, to prevent:

(1) **Imposition of Unlawful Taxes.** The County shall prevent the imposition of any tax within the County in excess of the limitations imposed by Article VII, Section 9, of the Florida Constitution or by the Laws of Florida.

(2) **Improper Use of Public Property or Taxing Power.** The County shall prevent the use of public property or taxing power for the benefit of private individuals, partnerships or corporations, in violation of the restrictions imposed by Article VII, Section 10, of the Florida Constitution, or by the Laws of Florida.

(3) **Abuse of the Environment.** The County shall prevent the development or use of land or the commission of other acts by persons, partnerships or corporations which will tend to destroy or have a substantially adverse effect on the environment of any established residential or business area within the County. Such destruction or adverse effects may include any or all of the following:

(a) Pollution of the air, land or water by foreign substances, including noxious liquids, gases or solid wastes.
(b) Pollution of the air, land or water by the creation of potentially harmful conditions therein, including the creation of unnecessarily injurious heat, noise or odor.

SECTION 203. DIVISION OF POWERS. This Charter hereby establishes the separation between legislative and administrative functions of this government. The establishment and adoption of policy shall be the responsibility of the Council and the execution of that policy shall be the responsibility of the County Manager.

SECTION 204. CONSTRUCTION. The powers granted by this Charter shall be construed liberally in favor of the Charter Government. The specified powers in this Charter shall not be construed as limiting, in any way, the general or specific power of the government, as stated in this Article. It is the intent of this Article to grant to the Charter Government full power and authority to exercise all governmental powers necessary for the effective operation and conduct of the affairs of the Charter Government.

ARTICLE III. LEGISLATIVE BRANCH - COUNTY COUNCIL.

SECTION 301. COMPOSITION. The Council shall be composed of seven (7) members. There shall be five (5) council districts. Each district shall elect one (1) council member and two (2) council members shall be elected at large except as provided by Article XV of this Charter.

SECTION 301.1. COUNCIL DISTRICTS. Initial districts shall be as designated in Article XV of this Charter. After every decennial census and prior to the next ensuing general election, the Council shall prepare a plan for the reapportionment of the five (5) districts to insure division into contiguous areas as nearly equal in population as possible. The Council shall review and adopt the reapportionment plan as an ordinance by a two-thirds (2/3) vote of the full Council. If the Council is unable to complete the reapportionment of the council districts within six (6) months after the official publication of the census, the County Attorney upon authorization of the Council or petition of twenty-five (25) electors of the County shall petition the circuit court having

jurisdiction in the County to make such reapportionment.

SECTION 302. QUALIFICATIONS. Except as provided by Article XV of this Charter, members of this Council shall be qualified electors of the County, and shall have been residents of the County for two (2) years immediately preceding the date on which they qualify to run for office. The five (5) members elected from districts shall have resided within the district from which they are elected for at least six (6) months prior to the date on which they qualify to run for office. Any such Council member who shall remove his residency from the district from which he is elected shall thereupon become disqualified to represent said district as Council member and his office of Council member shall be deemed vacant.

SECTION 303. TERMS OF OFFICE.

SECTION 303.1. DISTRICT COUNCIL MEMBERS. Each Council member elected from a district shall serve for two (2) years beginning on the first day of January after his election, and continuing after such term until his successor is elected and qualified. No Council member shall serve more than three (3) consecutive terms as a district Council member.

SECTION 303.2. AT LARGE COUNCIL MEMBERS. Except as provided by Article XV of this Charter, each Council member elected at large shall serve for four (4) years, beginning on the first day of January after his election, and continuing after such term until his successor is elected and qualified. No Council member shall serve more than two (2) consecutive terms as an at large Council member.

SECTION 304. COMPENSATION. Salaries of all Council members shall be four thousand and five hundred dollars (\$4,500) per year, and said salary shall constitute full compensation for all services and in-county expenses, except that out-of-county travel expenses, as permitted by law, shall be authorized provided that such out-of-county travel shall have been approved by the Council prior to incurring the expense. The Council shall have the power to change the level of compensation provided such change shall not become effective until approved by the electors at the next general election.

SECTION 305. VACANCIES AND SUSPENSIONS. Vacancies in any Council member's office or other elected office under this Charter Government, shall be filled in accordance with the Constitution of Florida. Suspensions from office for cause shall be in accordance with the Constitution of Florida.

SECTION 306. MEETINGS AND ORGANIZATION. Except as provided by Article XV of this Charter, the organizational meeting of the Council shall be held on the first Thursday after the first Monday of January. The Council shall provide for the manner, time and place for holding all regular Council meetings. Further, the Council at its organizational meeting shall elect a Chairman by a majority vote to serve for a period of one (1) year and shall each year thereafter elect from its membership, a Chairman who may not succeed himself.

SECTION 306.1. SPECIAL MEETINGS. Special meetings may be held on call of the Chairman or two (2) or more members of the Council. Upon call for a special meeting, the County Manager shall give adequate public notice of the time, place

and purpose of the meeting in accordance with the procedures established in the Administrative Code. Action by the Council at a special meeting shall be limited to the purpose for which the special meeting was called.

SECTION 306.2. LOCATION OF MEETINGS. The Council shall meet at the County Seat except that it may determine from time to time, the place or places within the County at which the Council shall meet for the purpose of conducting its business, provided that notice of the time and place shall be published in a daily newspaper of general circulation in the County at least one (1) week prior to the holding of any such meeting outside the County Seat. Such notice shall contain an agenda of all matters to be acted upon.

SECTION 307. POWERS. The Council shall have all jurisdiction and powers which are now and which hereafter may be granted to it by the Constitution and Laws of Florida provided that such powers shall be exercised in a manner consistent with this Charter. The Council, in addition to the powers and duties provided in this Charter, shall have the specific powers and duties to:

- (1) Appoint by a two-thirds (2/3) vote of the full Council and remove by a majority vote of the full Council, the County Manager.
- (2) Adopt such ordinances as may be necessary to carry out both County and municipal powers and purposes.
- (3) Review the budgetary requests including salaries and make the final budgetary determinations and appropriations for all County governmental operations including, but not limited to County management, all administrative departments of the government, the judicial system, adjustment boards and special authorities and tax districts which request a portion of the millage levied for County purposes under the Constitution of Florida or such other millage as may be levied by the County for municipal service districts excepting the school system.
- (4) Adopt, amend and repeal an Administrative Code by a two-thirds (2/3) vote of the full Council.
- (5) In addition to the state audit provided by law, have the authority to cause an independent post-audit by a certified public accountant of any or all governmental operations of the Charter Government.
- (6) Adopt and amend a merit system which shall include a salary schedule for all personnel in accordance with the provisions of this Charter.
- (7) Adopt by a two-thirds (2/3) vote of the full Council such rules of parliamentary procedures as shall be necessary for the orderly transaction of the business of the Council.
- (8) The Council shall designate which officers and employees shall be bonded and shall fix the amount and approve the form of the bond.

SECTION 308. LEGISLATIVE PROCEDURES. The Council may take official action only by the adoption of ordinances, resolutions or motions. Except as otherwise provided by this Charter all ordinances, resolutions or motions shall be adopted by majority vote in accordance with the provisions of the Constitution and Laws of Florida. A majority of the full Council shall constitute a quorum and shall be required to adopt, amend or repeal any ordinance. A majority of those present shall be required to adopt, amend or repeal a resolution or motion under the terms of this provision. All members in attendance, including the Chairman or presiding officer, shall vote on all Council actions.

SECTION 308.1. CODE OF ORDINANCES. The Council shall pro-

vide for the authentication and recording in full, in a properly indented book kept for the purpose, of all minutes of meetings, ordinances and resolutions adopted by the Council and the same shall, at all times, be a public record. The Council shall further maintain a current codification of all ordinances. Such codification shall be published and made available for distribution on a continuing basis.

SECTION 309. INVESTIGATIONS. Pursuant to powers granted by this Charter, the Council may make investigation into the affairs of the County governmental operations, and for this purpose the Council shall cause subpoenas to be issued for witnesses, administer oaths, take testimony and require the production of evidence before the Council in session. Any person who fails or refuses to obey such subpoena issued in the exercise of those powers by the Council, shall be guilty of a misdemeanor upon conviction and punished according to law.

ARTICLE IV. ADMINISTRATIVE BRANCH - COUNTY MANAGEMENT.

SECTION 401. COUNTY MANAGER. There shall be a County Manager who shall be appointed by the Council and who shall serve at the pleasure of the Council. The County Manager shall be chosen on the basis of his professional training, his executive and administrative experience and qualifications. He shall maintain residency within the County during his tenure of office and shall not engage in any other business or occupation.

SECTION 402. COMPENSATION. The Council shall establish the salary for the County Manager at a level which is commensurate with the requirements of the position and shall at least annually review the salary.

SECTION 403. POWERS. The County Manager shall be head of the administrative branch of County government, serve as Clerk to the Council and shall be responsible to the Council for the proper administration of all affairs of the County.

SECTION 404. NON-INTERFERENCE BY COUNTY COUNCIL. Except for the purposes of inquiry and information, the Council and committees or members thereof are expressly prohibited from interfering with the performance of the duties of any employee of the County government who is under the direct or indirect supervision of the County Manager. Such action shall be malfeasance within the meaning of Article IV, Section 7 (a) of the Florida Constitution.

SECTION 405. TEMPORARY ABSENCE. The County Manager may, subject to the approval of the Council, appoint one of the other officers or department heads of the County government to serve as County Manager in his absence.

ARTICLE V. JUDICIAL SYSTEM.

SECTION 501. COURTS. The judicial branch of the Charter Government shall be as provided by the Constitution and Laws of Florida and this Charter.

SECTION 502. DUTIES OF THE COUNTY COUNCIL IN RESPECT TO COURTS. The Council shall have the powers and duties with respect to the various courts of the County and their judges, clerks, constables and employees, which by law, the Board of County Commissioners of the County had prior to the effective date of this Charter except as may be otherwise provided by this Charter.

SECTION 503. JUDICIAL OFFICES. The office of the Clerk

of the Circuit Court and all other offices of the various courts of the County shall continue, and all laws applicable thereto shall continue in full force and effect except as herein expressly provided to the contrary. The Clerk shall qualify, be nominated, elected and serve as is provided by the Constitution and Laws of Florida.

SECTION 504. COUNTY JUDGES COURT AND COURTS HAVING JURISDICTION OF MISDEMEANORS. The County Judges court and other courts now having jurisdiction of misdemeanors initially shall have jurisdiction in all cases where persons have been charged with violation of an ordinance of the County. Thereafter, the County Council may vest by ordinance said jurisdiction in a court or courts designated to try misdemeanors or such magistrate courts as shall be created in Volusia County.

ARTICLE VI. ADMINISTRATIVE DEPARTMENTS OF THE GOVERNMENT.

SECTION 601. INITIAL DEPARTMENTS. The following initial departments are hereby established for the Charter Government:

- (1) Department of Central Services.
- (2) Department of Finance.
- (3) Department of Public Safety.
- (4) Department of Public Works.
- (5) Department of Public Services.
- (6) Department of Social Services.
- (7) Department of Planning and Development.
- (8) Department of Assessments.
- (9) Department of Elections
- (10) Department of Legal Services.

SECTION 601.1. FUNCTIONS AND DUTIES OF DEPARTMENTS RECEIVING POWERS OF FORMER CONSTITUTIONAL OFFICERS.

- (1) **Department of Finance:** The Department of Finance shall be responsible for the administration of all financial affairs of the Charter Government and such other duties provided by this Charter.
(a) The office of Tax Collector is hereby abolished and all functions and duties of that office now prescribed by the Constitution and the Laws of Florida are hereby transferred to the Department of Finance.
(b) All fiscal functions and duties now prescribed by the Constitution and Laws of Florida for the office of the Clerk of the Circuit Court which relate to the Clerk's duties as ex-officio Clerk to the Board of County Commissioners and auditor and custodian of all County funds are hereby transferred to the Department of Finance.
- (2) **Department of Public Safety:** The Department of Public Safety shall be responsible for the control, operation and administration of the duties of law enforcement and civil defense and such other duties provided by this Charter. All functions and duties now prescribed by the Constitution and Laws of Florida for the office of Sheriff are hereby transferred to the Department of Public Safety, and the constitutional office shall thereupon be terminated.
- (3) **Department of Assessments:** The Department of Assessments shall be responsible for carrying out all functions, duties and requirements prescribed by the Constitution and Laws of Florida for the office of Tax Assessor and all such functions and duties are hereby transferred to this Department and the constitutional office shall thereupon be terminated. In addition, the Department of Assessments shall perform a continuing review of the assessment and exemption of all real and personal property within the County sufficient to permit the annual presentation of a Tax Equaliza-

tion Study and Report for the Board of Equalization. Further, the Department of Assessments shall perform such other functions as may be prescribed by this Charter or the Council.

(4) Department of Elections: The Department of Elections shall be responsible for carrying out all functions, duties and requirements prescribed by the Constitution and Laws of Florida for the office of Supervisor of Elections and all such functions and duties are hereby transferred to this Department and the constitutional office shall thereupon be terminated.

(5) Department of Central Services: The Department of Central Services shall be responsible for control and operation of personnel, motor pool, clerical and records, purchasing, data processing and building maintenance divisions and such other duties as provided by this Charter or the Council. All functions and duties now prescribed by the Constitution and Laws of Florida for the office of Clerk of the Circuit Court which relate to the duties as ex-officio Clerk to the Board of County Commissioners and keeper of the official minutes to the Board of County Commissioners, are hereby transferred to the Department of Central Services. All functions and services of the Department of Central Services shall be provided to all departments and operations of the Charter Government, and all departments and operations of the Charter Government shall be required to utilize the services provided by the Department of Central Services unless exceptions are specifically approved in each case by the County Manager.

SECTION 601.2. DEPARTMENT OF LEGAL SERVICES. The Department of Legal Services shall consist of an attorney licensed to practice law in Florida, who shall be Director of the Department of Legal Services and such other similarly licensed attorney assistants as may be required. All such attorneys shall devote their entire practice to the representation of the County Charter Government. They shall represent the County Charter Government, the County Council, the County Manager and the elected and appointed department heads as County Officers, all other departments and divisions of County government and all adjustment, regulatory and advisory boards in all legal matters affecting the County government. Special attorneys and experts shall be employed only when required in specific matters upon the recommendation of the Director of the Department and approved as a budgetary expenditure in the best interests of the County.

SECTION 602. DEPARTMENT DIRECTORS. The director of each department shall be the principal officer of the department and responsible for all its operations and such division heads as may be necessary. Each director and division head except as otherwise provided in this Charter shall be appointed by the County Manager subject to confirmation by the Council and shall serve at the pleasure of the County Manager.

SECTION 602.1. The directors of the following departments shall be elected every four (4) years at the general election.

- (1) The Sheriff, who shall serve as the Director of the Department of Public Safety.
- (2) The Supervisor of Elections, who shall serve as the Director of the Department of Elections.
- (3) The Assessor, who shall serve as the Director of the Department of Assessments.

SECTION 603. CHANGES IN DEPARTMENTS. Changes shall be

made in departments headed by elected directors only by amendment of this Charter. In all other cases the County Council may by ordinance make changes in any or all department organizations including combinations, deletions and creation of departments or divisions or transfer of responsibility between departments and divisions.

SECTION 604. ADMINISTRATIVE CODE. The County Manager shall prepare the initial Administrative Code which shall set forth the department organization of the government and the nature and scope of each department together with all required rules and procedures for the operation of said departments. The Administrative Code shall then be submitted to the Council for review, amendment and adoption. The Council shall adopt the Code within three (3) months of the date submitted. If not adopted within three (3) months, the Code as originally prepared by the County Manager shall be considered approved and shall remain in force until such time as it may be formally amended by the Council.

ARTICLE VII. ADJUSTMENT, REGULATORY AND ADVISORY BOARDS.

SECTION 701. INITIAL BOARDS. The Council may create by ordinance, specifying the duties and membership thereof, such adjustment, regulatory and advisory boards as it finds necessary. Members of these boards shall serve without compensation, except for necessary expenses approved by the Council. All such boards shall be part of the Charter Government and shall utilize the services of the Department of Central Services and the Department of Legal Services.

ARTICLE VIII. SCHOOL SYSTEM.

SECTION 801. RELATION TO THE CHARTER GOVERNMENT. All those functions now performed by the Board of County Commissioners, the Tax Assessor and Tax Collector for the district school board after the effective date of this Charter, shall be performed by the appropriate department or division of the Charter Government.

ARTICLE IX. ELECTIONS.

SECTION 901. COMMENCEMENT OF TERMS.

SECTION 901.1. ELECTION PROCEDURES.

- (1) Except as otherwise provided by this Charter, elections for County Council members shall be held at the time of the general election in every even year.
- (2) Except as otherwise provided by this Charter, candidates for County offices shall qualify in accordance with the Laws of Florida.

SECTION 902. CANVASSING BOARD. In all elections there shall be a Canvassing Board composed of the Supervisor of Elections, the Chairman of the County Council and the County Judge.

SECTION 903. CONDUCT OF ELECTIONS. All elections shall be held and conducted pursuant to the provisions of the Laws of Florida, except as otherwise provided in this Charter.

ARTICLE X. PERSONNEL ADMINISTRATION.

SECTION 1001. MERIT SYSTEM. There shall be a merit system for the employees of the Charter Government. The Council shall enact such ordinances as may be necessary to fully implement the merit system.

SECTION 1002. EMPLOYMENT POLICY. The merit system shall

provide for the qualifications and shall through the Personnel Department, under the direction of the Personnel Director, certify personnel for employment, promotion, demotion, transference, dismissal and compensation, solely on the basis of merit and qualification without regard to religion, political affiliations, race, color, sex, national origin or any other circumstances other than merit and qualification with the exception that he or she must be a citizen of the United States of America.

SECTION 1003. PERSONNEL BOARD.

SECTION 1003.1. APPOINTMENT - REMOVAL. There shall be a Personnel Board consisting of five (5) members who shall be appointed by the Council. The Personnel Board shall designate its own Chairman and Vice-Chairman at least every two (2) years from the date of its first appointment. Members of the Personnel Board shall serve for a term of six (6) years, except that of the members first appointed, one (1) shall be appointed to serve for six (6) years and two (2) for four (4) years and two (2) for two (2) years. Vacancies in an unexpired term shall be filled by the Council by appointment for the remainder of the term. A member of the Personnel Board may be removed by the Council by a two-thirds (2/3) vote, only for cause and after being given a written statement of the charges against him and in a public hearing thereof if he so requests.

SECTION 1003.2. QUALIFICATIONS. Each member of the Personnel Board shall be a qualified elector of the County, shall be known to be in sympathy with the merit principle as applied to the merit system, shall neither hold nor be a candidate for any public office or employment and shall not be a member of any local, state or national committee of a political party or an officer in any partisan political club or organization.

SECTION 1003.3. POWERS AND DUTIES. The Personnel Board shall have all of the powers and duties as described in the merit system rules and regulations as adopted by the Council.

SECTION 1004. PERSONNEL DIRECTOR.

SECTION 1004.1. QUALIFICATIONS. The Personnel Director shall be chosen on the basis of his professional training and experience in personnel administration.

SECTION 1004.2. POWERS AND DUTIES. The Personnel Director shall have all of the powers and duties as described in the merit system rules and regulations as adopted by the Council.

SECTION 1005. UNCLASSIFIED AND CLASSIFIED SERVICE. The merit system shall provide for the employment of qualified personnel and shall include all necessary provisions to insure protection to both employees and employer. Said system shall have two (2) basic divisions, those being:

- (1) The Unclassified Service shall comprise the following offices and positions:
 - (a) Elected officials and persons appointed to fill vacancies in elected offices.
 - (b) The County Manager.
 - (c) Aides to the County Manager, in the operation of his immediate office.
 - (d) The director of administrative departments appointed by the County Manager.
 - (e) One aid, appointed by the director, for each of the administrative departments.

- (f) Members of advisory boards, commissions and committees appointed by the Council or County Manager.
- (g) Persons employed in casual employment for brief periods, but not in excess of ninety (90) days because of temporary increase in volume of work or emergency conditions. The authority to extend a temporary period of employment shall be approved by the Personnel Board in increments of ninety (90) days.
- (h) Persons under contract to conduct special studies or perform special surveys or services.
- (i) Attorneys, physicians and dentists.
- (2) The Classified Service shall comprise all positions not specifically included by this Section.
- (3) The determination of the Personnel Board shall be final as to whether offices and positions are under Classified Service.

SECTION 1006. PERSONNEL REVIEW. Any person covered by the merit system shall be entitled to request a review by the Personnel Board of any action taken by the administration of the Charter Government pertaining to his employment or employment rights established under the rules and regulations of the merit system.

SECTION 1007. EMPLOYEE REPRESENTATIVES. Classified Service employees as provided in the Administrative Code may elect, annually, representatives who may attend the Personnel Board meetings to bring to the attention of the Personnel Board complaints, requests and considerations of the employees.

SECTION 1008. OATHS. For the purpose of the administration of the personnel provisions of this Act, any member of the Personnel Board shall have the power to administer oaths.

SECTION 1009. AMENDMENT TO RULES AND REGULATIONS. A two-thirds (2/3) vote of the full Council shall be required to amend the rules and regulations of the merit system.

SECTION 1010. RETIREMENT SYSTEM. All officers and employees of the Charter Government shall be covered by the "State and County Officers Retirement System" as provided by law.

SECTION 1011. ADOPTION OF MERIT SYSTEM. The County Manager shall be responsible for the preparation and presentation to the Council of the proposed merit system complete with classification, pay plan or amendments thereto. The initial proposal shall be presented prior to the adoption of the first budget by the Charter Government.

ARTICLE XI. FINANCE.

SECTION 1101. FISCAL YEAR. The fiscal year of the Charter Government shall begin on the first day of October of each year and shall end on the following thirtieth day of September.

SECTION 1102. GENERAL. All County operations shall operate under a unified and uniform budget system. All fees collected by officers and employees of the County shall be deposited in the County Treasury and all officers and employees of the County shall be compensated by salaries, and no officer or employee of the County shall be compensated by fees.

SECTION 1103. BUDGETS.

SECTION 1103.1. Each County operation, pursuant to the budget call, shall submit to the Finance Department a detailed budget as may be required for the ensuing year's operation, plus such additional information as may be required by the Director of Finance.

SECTION 1103.2. The Director of Finance under the supervision of the County Manager shall prepare a budget call, compile all budget requests, prepare a tentative budget with comparative analysis from past years and submit the same to the Council for final determination and approval.

SECTION 1103.3. The Council shall review the tentative budget as submitted by the County Manager, together with the Manager's recommendations, and shall make such additions, deletions or changes as may be necessary to insure the proper funding of all operations of County government. The Council shall take action to insure that the total budget provides sufficient funds on an annual basis for all agencies and departments to carry out their duties and functions as provided by the Constitution and law and this Charter.

SECTION 1103.4. In the event that the Council shall determine that the millage to be levied for County purposes in any year will be such that said millage together with all special district millages subject to the millage limitation fixed by Article VII, Section 9, of the Florida Constitution for County purposes will exceed that limitation, then the Council shall have the power to reduce the millage requested by any or all of such districts after a public hearing so that the total shall not exceed the maximum millage for County purposes.

SECTION 1104. BONDS.

SECTION 1104.1. OUTSTANDING BONDS. All outstanding bonds issued by former governments including the Board of County Commissioners of Volusia County and all special districts or authorities abolished or altered by this Charter are obligations of the County Government; however, payment of such obligations and the interest thereon shall be made solely from and charged solely against funds derived from the same sources from which such payment would have been made had this Charter not become effective.

SECTION 1104.2. AUTHORITY TO ISSUE. The Charter Government shall have the authority to issue any bonds, certificate of indebtedness or any form of tax anticipation certificates authorized by the Constitution which cities, counties or districts are empowered by law to issue.

SECTION 1104.3. SALE OF BONDS. All bonds issued by the Council shall be sold at public sale and after being duly advertised shall be awarded to the bidder whose bid produces the lowest net interest cost for such bonds, calculated in the manner the Council may prescribe. The Council shall reserve the right to reject any and all bids.

SECTION 1104.4. BOND ADMINISTRATION. The Charter Government shall have the necessary authority to administer the collection of funds and the payments of amounts due on any bonds.

ARTICLE XII. CODE OF ETHICS.

The Code of Ethics as provided by general law shall have

full effect on all employees and office holders under the Charter Government. Penalty for violation shall be provided by ordinance or as otherwise provided by general law.

ARTICLE XIII. MISCELLANEOUS PROVISIONS.

SECTION 1301. EFFECTIVE DATE. This Charter shall become law when approved by a majority of those electors voting on the matter in a special election to be held in the County under the provisions of the Constitution and Laws of Florida. The Charter Government shall assume all powers and duties provided by this Charter and not assumed under the provisions of Article XV of this Charter on the first day of January, 1971, the effective date of this Charter.

SECTION 1302. AMENDMENT.

SECTION 1302.1. AMENDMENT BY COUNCIL. The Council, by a two-thirds (2/3) vote of its full membership, shall have the authority to propose amendments to this Charter.

SECTION 1302.2. AMENDMENT BY PETITION. Amendments to this Charter may be proposed by a petition signed by at least five (5) percent of the electors from each Council district of the County. Any such petition shall be filed with the County Manager and shall be executed and validated or invalidated by the Supervisor of Elections.

SECTION 1302.3. AMENDMENT REFERENDUM. Any such amendment as proposed in Section 1302.1 or 1302.2 shall be subject to referendum and notice of said referendum, together with the exact language of the proposed amendment, shall be published twice in a newspaper of general circulation in the County at least thirty (30) days prior to the referendum at the next general election. Passage of proposed amendments shall require approval of a majority of electors voting in said election.

SECTION 1303. CHARTER REVIEW. The Charter Review Commission shall consist of the same number of persons and shall be appointed in the same manner as shall be provided by general law for the appointment of Charter Commissions in counties without Charters. The Commission shall be appointed at least once every ten (10) years to review the Charter and ordinances of the County. The Commission shall be appointed not more than eighteen (18) months prior to the next succeeding general election. The Commission shall be funded by the Council and shall be known as the "County Charter Review Commission." It shall, within one (1) year from the date of its first meeting, present to the Council any recommendations for amendment of the Charter. After receipt of the Charter Review Commission's recommendations, the Council shall conduct a series of not less than three (3) public hearings on the recommended changes to the Charter and shall thereafter schedule a referendum on the proposed Charter amendment at the next general election.

SECTION 1304. EFFECT ON LOCAL LAWS. All existing laws, ordinances, regulations and resolutions of the County shall remain operative except where inconsistent or in direct conflict with this Charter.

SECTION 1305. CONFLICT OF COUNTY ORDINANCES WITH MUNICIPAL ORDINANCES. Notwithstanding any other provisions of this Charter, any County ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict, regardless of whether such

municipal ordinance was adopted or enacted before or after the County ordinance provided that County ordinances shall prevail over municipal ordinances whenever the County shall set minimum standards protecting the environment by prohibiting or regulating air or water pollution or the destruction of the resources of the County belonging to the general public. In the event a County ordinance and a municipal ordinance shall cover the same subject matter, without conflict, then both the municipal ordinance and the County ordinance shall be effective, each being deemed supplemental to the other.

SECTION 1306. LEGAL ACTIONS INVOLVING THE COUNTY. In any legal action by or against the County, its departments, or officers or employees of their office or employment for the County, the County as a Corporate Body shall be the party named and shall appear and participate in the cause on behalf of the department, officer or employee in such cause. Wherever the Tax Collector, Tax Assessor, Supervisor of Elections, Board of County Commissioners or Sheriff may or shall be parties to any legal action, the County shall be substituted as such defendant.

SECTION 1307. POLITICAL ACTIVITIES. No officer or employee of the Charter Government or member of the Personnel Board (except elected officers and members of the adjustment, advisory and regulatory boards) shall take an active part in political campaigns. No leave of absence shall be granted to any person for the purpose of participating in any political campaign. All such persons shall retain the right to vote as they choose and to express their opinions on all political subjects and candidates.

SECTION 1308. CONSTRUCTION OF ACT. If any part of this Act is held unconstitutional, the remainder thereof shall remain in full force and effect.

SECTION 1309. INELIGIBILITY TO HOLD OFFICE. No member of the Volusia County Charter and Study Commission which formed this Charter shall be eligible to hold any office, position or employment created by this Charter which carries compensation until January 1, 1972.

SECTION 1310. INELIGIBILITY FOR APPOINTMENT. No Council member during the term for which he has been elected or appointed, or for one (1) year thereafter shall be eligible for appointment to any office, position or employment in the Charter Government which carries compensation.

SECTION 1311. The number of members, or votes necessary to satisfy any required fractional proportion of membership, or votes for the purpose of establishing a quorum, or taking any action of the Council or other board or body of County government, shall mean that whole number of members or votes which incorporates any fractional portion of a vote or members.

ARTICLE XIV. SPECIAL TAX DISTRICTS AND AUTHORITIES.

SECTION 1401. EAST VOLUSIA NAVIGATION DISTRICT. The functions, responsibilities, duties and obligations of the East Volusia Navigation District as provided in Chapter 37-18967 Laws of Florida as amended are hereby transferred and vested in the Charter Government and said District shall cease to exist on the effective date of this Charter and said act is hereby repealed.

SECTION 1402. HALIFAX AREA RESEARCH COMMISSION. The functions, responsibilities, duties and obligations of the Halifax Area Research Commission as provided in Chapter 59-1950 Laws of Florida as amended are hereby repealed.

SECTION 1403. HALIFAX DRAINAGE DISTRICT. The functions, responsibilities, duties and obligations of the Halifax Drainage District as provided in Chapter 19-7968 Laws of Florida as amended are hereby transferred and vested in the Charter Government and said District shall cease to exist on the effective date of this Charter and said act is hereby repealed.

SECTION 1404. HALIFAX RIVER WATERWAYS IMPROVEMENT DISTRICT. The functions, responsibilities, duties and obligations of the Halifax River Waterways Improvement District as provided in Chapter 53-29596 Laws of Florida as amended are hereby transferred and vested in the Charter Government and said District shall cease to exist on the effective date of this Charter and said act is hereby repealed.

SECTION 1405. LAKE ASHBY DRAINAGE DISTRICT. The functions, responsibilities, duties and obligations of the Lake Ashby Drainage District as provided in Chapter 18-7760 Laws of Florida are hereby transferred and vested in the Charter Government and said District shall cease to exist on the effective date of this Charter and said act is hereby repealed.

SECTION 1406. NEW SMYRNA INLET DISTRICT. The functions, responsibilities, duties and obligations of the New Smyrna Inlet District as provided in Chapter 25-10448 Laws of Florida as amended are hereby transferred and vested in the Charter Government and said District shall cease to exist on the effective date of this Charter and said act is hereby repealed.

SECTION 1407. NORTH ORMOND DRAINAGE DISTRICT. The functions, responsibilities, duties and obligations of the North Ormond Drainage District as provided in Chapter 27-12107 Laws of Florida are hereby transferred and vested in the Charter Government and said District shall cease to exist on the effective date of this Charter and said act is hereby repealed.

SECTION 1408. NORTHEAST VOLUSIA DEVELOPMENT AUTHORITY. The functions, responsibilities, duties and obligations of the Northeast Volusia Development Authority as provided in Chapter 61-02977 Laws of Florida are hereby transferred and vested in the Charter Government and said Authority shall cease to exist on the effective date of this Charter and said act is hereby repealed.

SECTION 1409. SOUTH COUNTY DRAINAGE DISTRICT. The functions, responsibilities, duties and obligations of the South County Drainage District as provided in Chapter 67-1022 Laws of Florida are hereby transferred and vested in the Charter Government and said District shall cease to exist on the effective date of this Charter and said act is hereby repealed.

SECTION 1410. TURNBULL HAMMOCK DRAINAGE DISTRICT. The functions, responsibilities, duties and obligations of the Turnbull Hammock Drainage District as provided in Chapter 17-7611 Laws of Florida as amended are hereby transferred and vested in the Charter Government and said District shall cease to exist on the effective date of this Charter and

said act is hereby repealed.

SECTION 1411. VOLUSIA COUNTY SANITARY DISTRICT. The functions, responsibilities, duties and obligations of the Volusia County Sanitary District as provided in Chapter 53-29587 Laws of Florida are hereby transferred and vested in the Charter Government and said District shall cease to exist on the effective date of this Charter and said act is hereby repealed.

SECTION 1412. VOLUSIA COUNTY WATER AND SEWER DISTRICT. The functions, responsibilities, duties and obligations of the Volusia County Water and Sewer District as provided in Chapter 59-1951 are hereby transferred and vested in the Charter Government and said District shall cease to exist on the effective date of this Charter and said act is hereby repealed.

SECTION 1413. VOLUSIA COUNTY WATER DISTRICT. The functions, responsibilities, duties and obligations of the Volusia County Water District as provided in Chapter 51-27960 Laws of Florida are hereby transferred and vested in the Charter Government and said District shall cease to exist on the effective date of this Charter and said act is hereby repealed.

SECTION 1414. WATER CONSERVATION AND CONTROL AUTHORITY. The functions, responsibilities, duties and obligations of the Water Conservation and Control Authority as provided in Chapter 63-1019 Laws of Florida are hereby transferred and vested in the Charter Government and said Authority shall cease to exist on the effective date of this Charter and said act is hereby repealed.

SECTION 1415. DAYTONA BEACH SPECIAL ROAD AND BRIDGE DISTRICT. The functions, responsibilities, duties and obligations of the Daytona Beach Special Road and Bridge District as provided in Chapter 25-11783 Laws of Florida as amended are hereby transferred and vested in the Charter Government and said District shall cease to exist on October 1, 1971, and said act is thereupon repealed.

SECTION 1416. DELAND-LAKE HELEN SPECIAL ROAD AND BRIDGE DISTRICT. The functions, responsibilities, duties and obligations of the DeLand-Lake Helen Special Road and Bridge District as provided in Chapter 25-11275 Laws of Florida as amended are hereby transferred and vested in the Charter Government and said District shall cease to exist on October 1, 1971, and said act is thereupon repealed.

SECTION 1417. DELEON SPRINGS-GLENWOOD SPECIAL ROAD AND BRIDGE DISTRICT. The functions, responsibilities, duties and obligations of the DeLeon Springs-Glenwood Special Road and Bridge District as provided in Chapter 27-13493 Laws of Florida as amended are hereby transferred and vested in the Charter Government and said District shall cease to exist on the effective date of this Charter and said act is hereby repealed.

SECTION 1418. DELEON SPRINGS-SEVILLE SPECIAL ROAD AND BRIDGE DISTRICT. The functions, responsibilities, duties and obligations of the DeLeon Springs-Seville Special Road and Bridge District as provided in Chapter 21-8851 Laws of Florida as amended are hereby transferred and vested in the Charter Government and said District shall cease to exist on October 1, 1971, and said act is thereupon repealed.

SECTION 1419. HALIFAX-ST. JOHNS RIVER ROAD AND BRIDGE DISTRICT. The functions, responsibilities, duties and obligations of the Halifax-St. Johns River Road and Bridge District as provided in Chapter 27-498 Laws of Florida as amended are hereby transferred and vested in the Charter Government and said District shall cease to exist on the effective date of this Charter and said act is hereby repealed.

SECTION 1420. HALIFAX SPECIAL ROAD AND BRIDGE DISTRICT. The functions, responsibilities, duties and obligations of the Halifax Special Road and Bridge District as provided in Chapter 27-13514 Laws of Florida as amended are hereby transferred and vested in the Charter Government and said District shall cease to exist on October 1, 1971, and said act is thereupon repealed.

SECTION 1421. LAKE HELEN-OSTEEN SPECIAL ROAD AND BRIDGE DISTRICT. The functions, responsibilities, duties and obligations of the Lake Helen-Osteen Special Road and Bridge District as provided in Chapter 23-9654 Laws of Florida as amended are hereby transferred and vested in the Charter Government and said District shall cease to exist on the effective date of this Charter and said act is hereby repealed.

SECTION 1422. NEW SMYRNA-CORONADO BEACH SPECIAL ROAD AND BRIDGE DISTRICT. The functions, responsibilities, duties and obligations of the New Smyrna-Coronado Beach Special Road and Bridge District as provided in Chapter 27-13497 Laws of Florida as amended are hereby transferred and vested in the Charter Government and said District shall cease to exist on the effective date of this Charter and said act is hereby repealed.

SECTION 1423. NEW SMYRNA BEACH SPECIAL ROAD AND BRIDGE DISTRICT. The functions, responsibilities, duties and obligations of the New Smyrna Beach Special Road and Bridge District as provided in Chapter 19-8205 Laws of Florida as amended are hereby transferred and vested in the Charter Government and said District shall cease to exist on the effective date of this Charter and said act is hereby repealed.

SECTION 1424. ORANGE CITY-ENTERPRISE SPECIAL ROAD AND BRIDGE DISTRICT. The functions, responsibilities, duties and obligations of the Orange City-Enterprise Special Road and Bridge District as provided in Chapter 23-9653 Laws of Florida as amended are hereby transferred and vested in the Charter Government and said District shall cease to exist on October 1, 1971, and said act is thereupon repealed.

SECTION 1425. ORANGE CITY-LAKE HELEN SPECIAL ROAD AND BRIDGE DISTRICT. The functions, responsibilities, duties and obligations of the Orange City-Lake Helen Special Road and Bridge District as provided in Chapter 27-13496 Laws of Florida as amended are hereby transferred and vested in the Charter Government and said District shall cease to exist on October 1, 1971, and said act is thereupon repealed.

SECTION 1426. OSTEE-ENTERPRISE SPECIAL ROAD AND BRIDGE DISTRICT. The functions, responsibilities, duties and obligations of the Osteen-Enterprise Special Road and Bridge District as provided in Chapter 29-14447 Laws of Florida as amended are hereby transferred and vested in the Charter Government and said District shall cease to exist on the

effective date of this Charter and said act is hereby repealed.

SECTION 1427. OSTEEEN-MAYTOWN, OAK HILL SPECIAL ROAD AND BRIDGE DISTRICT. The functions, responsibilities, duties and obligations of the Osteen-Maytown, Oak Hill Special Road and Bridge District as provided in Chapter 27-13491 Laws of Florida as amended are hereby transferred and vested in the Charter Government and said District shall cease to exist on the effective date of this Charter and said act is hereby repealed.

SECTION 1428. PORT ORANGE-INLET SPECIAL ROAD AND BRIDGE DISTRICT. The functions, responsibilities, duties and obligations of the Port Orange-Inlet Special Road and Bridge District as provided in Chapter 27-13492 Laws of Florida as amended are hereby transferred and vested in the Charter Government and said District shall cease to exist on the effective date of this Charter and said act is hereby repealed.

SECTION 1429. PORT ORANGE-SOUTH PENINSULA SPECIAL ROAD AND BRIDGE DISTRICT. The functions, responsibilities, duties and obligations of the Port Orange-South Peninsula Special Road and Bridge District as provided in Chapter 49-26288 Laws of Florida as amended are hereby transferred and vested in the Charter Government and said District shall cease to exist on the effective date of this Charter and said act is hereby repealed.

SECTION 1430. PORT ORANGE SPECIAL ROAD AND BRIDGE DISTRICT. The functions, responsibilities, duties and obligations of the Port Orange Special Road and Bridge District as provided in Chapter 41-21057 Laws of Florida as amended are hereby transferred and vested in the Charter Government and said District shall cease to exist on the effective date of this Charter and said act is hereby repealed.

SECTION 1431. SPECIAL ROAD AND BRIDGE DISTRICT. The functions, responsibilities, duties and obligations of the Special Road and Bridge District as provided in Chapter 61-2973 Laws of Florida as amended are hereby transferred and vested in the Charter Government and said District shall cease to exist on the effective date of this Charter and said act is hereby repealed.

SECTION 1432. TURNBULL SPECIAL ROAD AND BRIDGE DISTRICT. The Turnbull Special Road and Bridge District, Chapter 23-9051 Laws of Florida as amended is hereby amended by adding a new Section to read: Section _____. The Turnbull Special Road and Bridge District shall continue in effect with all necessary powers, including the power to levy taxes and special assessments, solely for the purpose of fulfilling the contractual obligations of the district to the holders of bonds or certificates of indebtedness and to the former State Road Department of Florida (now the Department of Transportation), including lease purchase agreements which exist on the effective date of this act or thereafter arise from such existing contracts, bonds, certificates or agreements. All other powers or duties and all real or personal property not included in the performance of such contracts, bonds, certificates or agreements are hereby transferred and vested in the Charter Government on October 1, 1971. From and after October 1, 1971, said district shall not levy any tax, special assessment or millage for any purpose except as hereinabove expressly authorized.

SECTION 1433. Upon the abolishment of each and every special road and bridge district by this Charter, all assets, rights-of-way of public roads and bridges and all agreements, including lease-purchase agreements between such district and the former State Road Department, now the Department of Transportation of Florida, shall automatically become vested in the County of Volusia and the County of Volusia shall become a party to all such agreements in lieu of said districts and shall be entitled to all of the benefits thereof and the County of Volusia shall perform all obligations of said districts under said agreements.

SECTION 1434. OTHER SPECIAL DISTRICTS AND AUTHORITIES. The special acts of the Legislature related to Volusia County listed below are hereby amended to add the following section: "In furtherance of the orderly exercise of the power of local government for the benefit of the people in Volusia County, the act creating this district may be amended by the legislative procedures and powers vested in the Charter Government of Volusia County and by the Constitution and Laws of Florida."
(1) East Volusia Mosquito Control District, Chapter 37-18963 Laws of Florida as amended.
(2) Ponce DeLeon Inlet and Port Authority, Chapter 65-2363 Laws of Florida as amended.
(3) Halifax Advertising Tax District, Chapter 49-26294 Laws of Florida as amended.

ARTICLE XV. TRANSITION PROVISIONS.

SECTION 1501. REFERENDUM. In accordance with the Constitution and Laws of Florida a special election shall be held in Volusia County on the fifth Tuesday in June 1970. Upon delivery to the Board of County Commissioners of Volusia County a copy of this law, that Board shall forthwith call such election for June 30, 1970, unless it shall be impossible to hold the election on that day, whereupon they shall call the election on the next succeeding day, on which the election may be held, and such election shall be held, supervised, canvassed and the results reported by the Board of County Commissioners and the Supervisor of Elections of Volusia County, Florida, as provided by Florida Law. The costs of the election shall be paid for by the Board of County Commissioners of Volusia County, Florida, from funds of Volusia County.

SECTION 1501.1. QUESTION ON BALLOT. The question to appear on the ballot to be used at said special election shall be as follows: Shall there be a Charter Government for Volusia County providing for a Council-Manager form of government, a unified system of fiscal administration and the conversion of constitutional officers to officers of the Charter Government pursuant to Article VIII, Section 1 of the Constitution of the State of Florida and as provided by Chapter 69-1704 Laws of Florida? Yes _____ No _____

SECTION 1502. INITIAL COUNCIL DISTRICTS. The district boundaries of the five County Commission districts as presently set forth shall be the district boundaries for the election of the first five (5) district Council members provided that the districts shall be reapportioned to districts of equal population pursuant to the 1970 census in accordance with Article III of this Charter.

SECTION 1503. INITIAL ELECTIONS. Except as otherwise provided by this Charter, the initial elections for the following officials of the Charter Government shall be held at the time of the general election in November 1970:

Five (5) district Council members.
One (1) at-large Council member.

SECTION 1504. ELECTION OF INTERIM COUNCIL. The County Council to be elected for the first two (2) years shall be: Five (5) Council members nominated and elected within districts for a term of two (2) years and one (1) Council member nominated and elected at large for a term of four (4) years.

SECTION 1505. COMPOSITION OF INTERIM COUNCIL. The interim Council shall consist of nine (9) members, six (6) of whom shall be elected as provided in Section 1504 of this Charter and three (3) of whom shall become Council members upon termination of their offices as County Commissioners formerly elected at large from Districts One (1), Three (3) and Five (5) for terms which would otherwise end January 1, 1973. The office of these three (3) County Commissioners shall be abolished on January 1, 1971, and they shall assume office as interim members of the County Council to serve until January 1, 1973. Whereupon these County Council offices shall be abolished and in the general election in 1972 the electors of Volusia County shall elect one (1) additional Council member at large in accordance with the provisions of Article III of this Charter.

SECTION 1506. ADDITIONAL COMPENSATION OF FORMER COUNTY COMMISSIONERS. The additional compensation of the three (3) County Commissioners from Districts One (1), Three (3) and Five (5) of the former government of Volusia County shall be seven thousand dollars (\$7,000) per year in addition to their salary of four thousand five hundred dollars (\$4,500) as members of the interim County Council. Such additional sum shall be compensation for the early termination of their offices as County Commissioners. Said additional compensation shall be paid in equal monthly installments while active service as Council members shall continue, and shall be terminated on January 1, 1973. All other provisions of Article III, Section 304, relating to compensation of Council members shall apply.

SECTION 1507. OFFICERS CONTINUED. Those officials, whose constitutional offices and duties have been transferred to departments of the Charter Government and whose elected offices as presently constituted shall cease on January 1, 1973, shall assume the following elected positions under the Charter Government until January 1, 1973, whereupon they will stand for election as provided by this Charter: The former office of Sheriff shall continue in full force under the Charter Government as Sheriff/Director of Department of Public Safety; The former office of Tax Assessor shall continue in full force under the Charter Government as Assessor/Director of Department of Assessment; The former office of Supervisor of Elections shall continue in full force under the Charter Government as Supervisor of Elections/Director of Department of Elections.

SECTION 1508. OFFICE OF TAX COLLECTOR. The office of Tax Collector as presently constituted shall continue in full force and effect until the effective date of this Charter whereupon the office shall be abolished in accordance with the provisions of this Charter.

SECTION 1509. EARLY ASSUMPTION OF DUTIES. The members of the County Council elected in the initial election shall take office on November 15, 1970. However, their duties

shall be limited until January 1, 1971, to the following: Holding organizational meetings for the purpose of selecting a temporary Chairman, who shall serve until January 1, 1971, initiating proceedings for the selection of a County Manager and attending meetings of the County Commission to familiarize themselves with the County's operations. Each officer or employee who assumes office prior to January 1, 1971, shall be compensated for his services from the date of taking office to January 1, 1971, at the rate set for that office by this Charter or by the County Council. Said compensation shall be paid by the Board of County Commissioners of Volusia County on December 31, 1970.

SECTION 1510. COOPERATION OF FORMER GOVERNMENTS. Upon assumption of office by the County Council of the Charter Government on November 15, 1970, all officials and employees of the former governments including districts shall cooperate and assist the Council and employees of the Charter Government in planning for the orderly transfer of duties and responsibilities. The County Council and its employees shall be entitled to examine all records, files and data of the former government. To the extent possible, the Board of County Commissioners shall provide office space for the County Council.

SECTION 1511. OFFICES AND OFFICERS OF FORMER GOVERNMENTS. Unless otherwise provided by this Charter, all offices, officials, boards, commissions and agencies of former governments shall cease to exist on the effective date of this Charter and all powers, duties and functions thereof shall be transferred to and vested in the Charter Government. However, all offices, officials, boards, commissions and agencies shall continue to perform their respective duties and functions until their respective successors have been elected, appointed or otherwise provided for by the Charter Government. All such offices, officials, boards, commissions and agencies shall receive from the Charter Government compensation equal to that being received on the effective date of the Charter for the period of time they continue to serve. All offices, officials, boards, commissions and agencies shall, upon termination of their respective service, promptly account for and release to the Charter Government any and all property and funds for which they would have been accountable to any former government.

SECTION 1512. OFFICIALS CONTINUED.

(1) The following officials of the former government shall continue to serve under the Charter Government in the capacities listed until and unless removed from office in accordance with this Charter: The former office of Deputy Clerk to the Board of County Commissioners shall continue in full force under the Charter Government as Acting County Manager; The former office of County Engineer shall continue in full force under the Charter Government as Director of Public Works; The former office of Deputy Auditor to the Board of County Commissioners shall continue in full force under the Charter Government as Director of Finance; The former office of Welfare Director shall continue in full force under the Charter Government as Director of Social Services; The former office of Tax Collector shall continue in full force under the Charter Government as Tax Collector/Treasurer; The former office of County Agent shall continue in full force under the Charter Government as County Agent; The former office of Civil Defense Director shall continue in full force under the Charter Government as Civil Defense Director; The former office of Attorney shall continue in full force under the Charter Government as County Attorney;

The former office of Recreation Director shall continue in full force under the Charter Government as Supervisor of Recreation; The former office of Director of Volusia County Public Libraries shall continue in full force under the Charter Government as County Librarian; The former office of Airport Manager shall continue in full force under the Charter Government as Airport Manager; The former office of Safety Director shall continue in full force under the Charter Government as Motor Vehicle Inspection Supervisor; The former office of Veterans' Service Officer shall continue in full force under the Charter Government as Veterans' Service Officer; The office of County Health Officer shall continue in full force under the Charter Government as County Health Officer; The former office of Convict Warden shall continue in full force under the Charter Government as Convict Warden.

(2) Except as hereinafter provided, compensation for the above listed officials shall be continued at the same level as on the effective date of this Charter until changed in accordance with this Charter.

(3) The County Council shall provide appropriate additional compensation for the Acting County Manager and other officers in the Charter Government whose duties and responsibilities have been substantially increased.

SECTION 1513. EMPLOYEES CONTINUED.

(1) All employees of the former governments or districts shall, on the effective date of this Charter, become employees of the Charter Government without any loss of benefits. Salaries of all employees shall be continued at the same level as on the effective date of this Charter.

(2) All present employees of the County except those occupying positions in the unclassified status as enumerated in Article X of this Charter who have served the County continuously for a period of six (6) months or more immediately preceding the effective date of this act shall be considered appointees in the classified service within the provisions of this act without competitive examinations. All other employees of the County except those occupying positions in the unclassified service, as enumerated in Article X of this Charter who have served the County continuously less than the period of six (6) months immediately preceding the effective date of this act may be considered appointees in the classified service within the provisions of this act without competitive examination when such employee has been certified by the proper authorities.

(3) Employees of former governments or districts who become employees of the Charter Government on the effective date of this Charter can thereafter be dismissed only for cause prior to the adoption of the merit system and only in accordance with the merit system after its adoption.

SECTION 1514. DEFINITION OF CONTINUED EMPLOYEES. Any person who is compensated for service to the County or its subdivisions, agencies or divisions by payment of fees or retainers or any employee not working in a full-time capacity shall be termed part-time employees by the County Manager and shall not be automatically continued in such position or office as contemplated by Sections 1511 and 1513 of Article XV of this Charter.

SECTION 1515. PROCEEDINGS CONTINUED. All petitions, hearings and other proceedings pending before any officer, office, department or board of any of the former governments or districts shall remain in full force and effect. All such petitions, hearings or other proceedings shall be completed by the officer, office, department or board of the

Charter Government succeeding to the rights, duties and obligations of former governments.

SECTION 1516. FIRST COUNTY MANAGER. The County Council immediately upon assumption of their duties as provided in Article XV, Section 1509, shall initiate the necessary procedures for employing a County Manager. It shall be the obligation of the County Council to employ the first County Manager within three (3) months of the date on which they take office.

SECTION 1517. ADMINISTRATIVE CODE. The County Manager shall propose an Administrative Code within three (3) months after his appointment and submit it to the County Council for adoption.

SECTION 1518. TERMINATION OF THIS ARTICLE. The provisions of this Article XV shall cease to be a part of this Charter two (2) years after the effective date of this Charter.

SECTION 1519. EFFECTIVE DATE OF REFERENDUM PROVISIONS. Sections 1501 and 1501.1 of this act shall take effect upon becoming a law.

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03114
NON-PARTISAN ELECTION AMENDMENT

A bill to be entitled an act relating to the Charter of Volusia County, Florida, and amending Articles IX and XV, Chapter 70-____ Laws of Florida, as enacted by Senate Bill No. 942 of the 1970 regular session to establish non-partisan elections of County officers; providing for the repeal of laws in conflict herewith; providing that the act shall take effect only when it is approved by a majority of the electors of Volusia County voting in an election herein provided; providing a date for the election; providing for the payment of the cost of the election from the public funds of Volusia County; providing for an effective date.

Be It Enacted by the Legislature of the State of Florida:

SECTION 1. Section 901.1, Article IX, Chapter 70-____ Laws of Florida as enacted by Senate Bill No. 942 of the 1970 regular session is amended to add the following Sub-section (3):

"(3) In the event that more than two candidates have qualified for any single seat under the Charter Government, a primary election shall be held at the time of the first state primary election prior to the general election and providing no candidate receives a majority of the votes cast, the two candidates receiving the highest vote shall be placed on the ballot for election at the time of the general election."

SECTION 2. Article IX, Chapter 70-____ Laws of Florida as enacted by Senate Bill No. 942 of the 1970 regular session is amended to add the following Section 904:

"SECTION 904. NON-PARTISAN ELECTIONS. Elections for all offices shall be on a non-partisan basis. No candidates shall be required to pay any party assessment or be required to state the party of which they are a member or the manner in which they voted or will vote in an election. All candidates names shall be placed on the ballot without reference to political party affiliation."

SECTION 3. Section 1503 of Article XV relating to initial elections is amended to read:

"SECTION 1503. INITIAL ELECTIONS. Except as otherwise provided by this Charter, the initial elections for the following officials of the Charter Government shall be held at the time of the general election in November 1970:

Five (5) district Council members,
One (1) at large Council member."

"In the event that more than two (2) candidates have qualified for any of these offices of the Charter Government, a primary election shall be held at the time of the first state primary election prior to the general election and providing no candidate receives a majority of the votes cast, the two (2) candidates receiving the highest vote shall be placed on the ballot for election at the time of the general election."

SECTION 4. All laws in conflict herewith are hereby repealed.

SECTION 5. Except as specified in this act, this act shall take effect only when it is approved by a majority of those electors voting on the matter in a special election to be held in the County on the 30th day of June, 1970, or if through some circumstance the election is not held on that date, on the next succeeding day upon which the election may be held.

SECTION 6. Upon delivery to the Board of County Commissioners of Volusia County of a copy of this law, that Board shall forthwith call such election for June 30, 1970, unless it shall be impossible to hold the election on that day, whereupon, they shall call the election on the next succeeding day, on which the election may be held, and such election shall be held, supervised, canvassed and the results reported by the Board of County Commissioners and the Supervisor of Elections of Volusia County, Florida, as provided by Florida Law. The costs of the election shall be paid for by the Board of County Commissioners of Volusia County, Florida, from the funds of Volusia County. The question on the ballot shall be: "Shall the election of County officials be conducted on a non-partisan basis without reference to political party affiliation?"

Yes
No

SECTION 7. Sections 1, 2, 3, and 4 of this act shall not take effect until approved by the electors of Volusia County as herein provided. Sections 5 and 6 of this act shall take effect upon becoming a law.