

DRAFT CITY CHARTER REVISIONS

ARTICLE I. BOUNDARIES, FORM OF GOVERNMENT AND POWERS.

Sec. 1. Boundaries of City.

The boundaries of the City shall be determined by documents maintained in the office of the City Clerk, taking into account all annexations, de – annexations and other changes made in the boundaries from time to time.

Sec. 2. Annexations.

Annexations to and de – annexations from the City shall be conducted in accordance with the general laws of the State of Florida as amended from time to time. All property, real and personal, lying within any territory annexed by the City of Leesburg, and the inhabitants thereof, shall become subject to the government, jurisdiction, powers, franchises, duties, ordinances, laws and privileges of the City, and shall be liable, proportionately, for all of the present outstanding and existing, as well as future, indebtedness of the City.

Sec. 3. Seal; Perpetual Succession; Property; Jurisdiction Over Water Bodies.

The City shall have a seal which may be changed at the pleasure of the City Commission. The City shall have perpetual succession; may sue or be sued; may purchase, lease, acquire, hold and sell, convey or otherwise dispose of property, whether real, personal or mixed, when expedient or necessary for municipal purposes, whether within or outside the municipal boundaries. The City Commission may prescribe by ordinance the manner of selling or conveying property. The City shall have jurisdiction over all canals and other bodies of water within its municipal limits, to the extent not inconsistent with the laws of the United States of America or the State of Florida.

Sec. 4. Effect of Charter Amendment.

This amendment to the Charter of the City of Leesburg shall not affect the title and rights of the City with respect to uncollected taxes, liens, dues and claims, judgments, decrees, and causes of action, held by the City, all of which shall remain vested in the City in the same manner and to the same extent as prior to this amendment. Furthermore, this amendment to the Charter shall not impair any contract or obligation of the City of Leesburg.

Sec. 5. Powers Generally.

The City of Leesburg shall have the power and authority to operate any public utility services, within or outside its municipal boundaries; to exercise any and all home rule powers granted by the Constitution and Laws of the State of Florida; and to exercise any other powers lawfully vested in it by the United States of America or the State of Florida.

Sec. 6. Commission – Manager Form of Government.

The City of Leesburg shall have a “Commission – Manager” form of government. The City Commission shall constitute the governing body with powers provided herein and by law to pass ordinances, adopt regulations and appoint a chief administrative officer to be known as the “City Manager,” and to exercise all other powers herein provided and as provided by the General Laws, Special Laws, and Constitution of the State of Florida.

Sec. 7. Administration Of City To Be Exercised By City Manager.

The City Commission may, by ordinance or resolution, prescribe the manner in which any power of the City of Leesburg may be exercised. However, neither the Commission nor any of its members shall dictate the appointment of any person to officer or employment by the City Manager, or in any manner prevent the City Manager from exercising his or her own judgment in selecting the personnel of the City Manager’s administration. The Commission and its members shall deal with the administrative service through the City Manager, and neither the Commission nor any member thereof shall give orders to, or make requests of, any of the subordinates of the City Manager, either publicly or privately.

Sec. 8. City Commission; Composition; Terms & Term Limits.

There is hereby created a City Commission to consist of five electors of the City of Leesburg, who shall hold office for terms of four years. Two of the Commissioners shall be elected from the City at large, while the Commissioners representing Districts 1, 2 and 3 shall reside within their respective Districts. Terms shall be staggered such that the seats for Districts 1 and 3 shall be filled by election in 2012 and then every four years thereafter; seats for District 2 and the two at – large Commissioners shall be filled by election in 2014 and then every four years thereafter. No Commissioner shall serve for more than two consecutive four year terms which commence after the effective date of this Charter.

Sec. 9. Qualifications of City Commissioners.

Candidates for the City Commission must have been residents of the City of Leesburg for a minimum of six months prior to qualifying for election to the City Commission, and in the case of Districts 1, 2 and 3, must have resided in the districts from which they would be elected for at least six months prior to qualifying for election. No person may serve as a member of the City Commission who is currently employed by the City or who has been employed by the City within the six months immediately preceding the date of qualifying for election. No person may serve as a member of the City Commission who has been adjudicated guilty of a felony offense unless the individual has had his civil rights restored. No member of the City Commission shall benefit, financially or otherwise, from any contract, work or service performed for the City as to which such Commissioner has cast any vote. Any member of the City Commission ceasing to possess the qualifications for office herein required shall forfeit the office immediately.

Sec. 10. Judge of Election & Qualifications of Members.

Subject to review by the courts, the City Commission shall be the judge of the elections and qualifications of its members, and of candidates seeking election to the City Commission in the event the qualifications of any candidate are called into question prior to the date of the election.

Sec. 11. Vacancies on City Commission.

Should a vacancy occur in the membership of the City Commission, except as a result of a recall election, the remaining members of the Commission shall elect a person meeting the qualifications set forth within this Charter to fill the vacancy until the next general municipal election, at which a successor shall be chosen by the electorate. If the term of the Commissioner whose departure created the vacancy is not expired at the time of the next general municipal election, the successor elected at that time shall serve only for the remainder of the term of the departed Commissioner, at the end of which an election shall be held to fill the next full term for that seat. In the event of the death, withdrawal or removal from the ballot of a candidate for a City Commission seat, after the end of the qualifying period, which leaves fewer than two candidates running for that seat, the City Commission shall reopen the qualifying period for no less than two and no more than five business days, to allow additional candidates to run for the office, and if no additional candidates qualify for the election, the City Commission shall select a person to fill the place of the candidate who died, withdrew or was removed from the ballot.

Sec. 12. Meetings; When Commissioners Assume Office.

After each City election, any newly elected City Commissioner shall assume office at the next annual organizational meeting of the City Commission following the election. Annual organizational meetings shall be held on the first Monday in January each year, provided however that if the first Monday is a legal holiday, the organizational meeting shall be held on the next succeeding business day. The dates and times of regular City Commission meetings shall be fixed by ordinance, but there shall be no less than two regular meetings in each calendar month.

Sec. 13. Special Meetings.

The Mayor, or the City Manager, may call a special meeting of the Commission upon at least six hours' written notice, to each Commissioner, which may be served personally, transmitted by electronic mail to the address last filed by each Commissioner with the City Clerk, or left at the Commissioner's usual place of residence or business. In addition, the City Manager shall call a special meeting of the Commission promptly upon being notified by the City Clerk that three or more Commissioners have submitted written requests to the Clerk requesting that a special meeting be convened.

Sec. 14. Absences From Meetings.

Absence from three consecutive, regular meetings of the City Commission shall operate to vacate the seat of a Commissioner, unless the absence is excused by resolution of the Commission setting forth the basis for the excuse.

Sec. 15. Mayor.

The City Commission shall elect one of its members to serve as Mayor of the City of Leesburg at its annual organizational meeting at which newly elected Commissioners assume the duties of their offices, following any election at which one or more City Commission seats were at issue, or would have been at issue had the incumbent Commissioner drawn any opposition. If a Commissioner who does not finish out his or her full term was also Mayor at the time the seat was vacated, the Commission shall select a new Mayor at its next regularly scheduled meeting, who shall remain as Mayor until the next annual organizational meeting when a new election for Mayor shall be held. If the Commission is not able to agree on the selection of a Mayor within five days after the time fixed herein for that purpose, the Mayor shall be selected by lot conducted by the City Clerk, who shall certify the result of such lot in the public records of the Commission. The Commission shall also elect one other of its members to serve as Mayor Pro Tem who shall perform the duties of the Mayor in the Mayor's absence.

Sec. 16. Powers and Duties of Mayor.

The Mayor shall preside at all meetings of the City Commission and perform such other duties consistent with his or her office as may be prescribed by the Commission. The Mayor shall have a voice and vote in the proceedings of the Commission but no veto power. He or she may use the title of "Mayor" in any case in which the execution of legal instruments of writing or in other situations as the general laws of the State of Florida require. The Mayor shall be recognized as the official head of the City by the courts for purposes of serving civil process; by other governmental bodies in the exercise of military law, and for all ceremonial purposes. He or she may take command of the police and govern the City by proclamation during times of grave public emergency, in the absence of the City Manager or Deputy City Manager, until such time as the City Commission has had the opportunity to convene an emergency session and appoint an interim City Manager for the duration of the emergency. The Mayor shall have no powers other than those conferred by this Charter. The City Commission may, to the extent not inconsistent with this Charter, provide by ordinance for the manner of governing the City during times of grave public danger or emergency in the absence of the Mayor, City Manager and Deputy City Manager, and shall define by ordinance the terms "grave public danger" and "emergency."

Sec. 17. Investigation of Affairs of City.

The City Commission, any advisory board or committee appointed by the Commission for such purpose, and the City Manager, shall have the power at any time to investigate the affairs of any department or the conduct of any officer or employee. In any such investigation the person or group conducting the investigation shall have the power to compel attendance of witnesses and the productions of documents, books, papers and other evidence of any nature, and for that

purpose may issue subpoenas or attachments to be signed by the individual conducting the investigation, or if a committee or other body the chair of the body. Subpoenas shall be served by any person authorized to serve process in the State of Florida. The person or group conducting the investigation also shall have the power to compel testimony to be given under oath and to punish for contempt any person refusing to attend, to produce evidence under his or her control which is subject to subpoena, or to testify under oath as to any fact within his or her knowledge.

Sec. 18. Acceptance of Real Property.

Any deed, easement or other instrument conveying to the City an interest in real property, which the City desires to accept, shall be accepted by Resolution of the City Commission.

ARTICLE II. CITY MANAGER.

Sec. 19. Appointment, Qualifications, Term.

The City Commission shall appoint a City Manager by majority vote of the entire Commission, to be the administrative head of the City under the direction and supervision of the Commission. The City Manager shall be selected solely on the basis of executive and administrative qualifications, without regard to political belief, and shall hold office at the pleasure of the City Commission. The City Manager need not be a resident of the City or State at the time of appointment and may reside outside the City while in office, with the approval of the City Commission. No person currently serving as a City Commissioner, or who has served in that capacity within the preceding six months, may be considered for appointment to the office of City Manager. The City Manager shall designate a qualified City employee to exercise the powers and perform the duties of the City Manager during any temporary absence or disability of the City Manager. The Commission may revoke such designation at any time and appoint another eligible person to serve as Acting City Manager at the discretion of the Commission, until the City Manager returns.

Sec. 20. Compensation.

The City Manager shall receive such compensation as the City Commission may determine by record vote.

Sec. 21. Removal and Suspension.

The City Manager may be removed by the City Commission with or without cause. If the City Manager is removed for cause at any time after having served six months, he or she may demand written charges and a public hearing before the Commission on those charges, and the removal shall not take effect until the hearing has been concluded, but the Commission may suspend the City Manager from office pending completion of such hearing.

Sec. 22. Powers And Duties.

The City Manager shall be responsible to the City Commission for the enforcement of the laws and ordinances, and proper administration of all City affairs. The City Manager shall have sole authority to appoint, suspend, demote or discharge all subordinate officers and employees of the City, except as otherwise provided by law, this Charter or such personnel rules as may be adopted by the City. The City Manager shall have the authority to direct, control and supervise all operations, departments, divisions, offices and public utilities of the City. The City Manager shall attend all City Commission meetings unless excused by the Commission, and shall have the right to take part in discussions but shall not have a vote. The City Manager shall oversee the preparation and submittal of the annual budget to the City Commission, and shall keep the Commission advised as to the financial condition and needs of the City. The City Manager shall have authority to make such recommendations to the City Commission pertaining to the affairs of the City as he or she deems necessary or expedient, shall have authority to execute deeds, bonds, notes and other legal documents on behalf of the City, and otherwise shall perform all other duties as may be imposed on the City Manager by the Commission, subject to limitations imposed by general law or this Charter.

Sec. 23. Employee Compensation.

The City Manager shall determine the number of City employees and their compensation, subject to the approval of the City Commission. Salaries and other compensation shall be uniform for like services in each grade within the City's Position Classification Scale, as recommended by the City Manager and approved by the City Commission. All salaries, other compensation, dates of employment and discharge, shall be reported promptly to the City Clerk and the Finance Director by the City Manager.

Sec. 24. Remittance of Monies Collected.

All fees and other monies received by the City Manager or any other officer or employee of the City shall be turned over immediately to the Finance Director on the date of their receipt.

Sec. 25. Liability of City for Misfeasance or Nonfeasance.

The City of Leesburg shall not be liable for any misfeasance or nonfeasance on the part of any of its officers or employees.

ARTICLE III. ELECTIONS.

Sec. 26. Timing; Determination of Outcome; Qualifications of Electors; Special Elections.

Regular municipal elections shall be held in even numbered years, in conjunction with state, county and federal elections. The candidate for any seat on the City Commission who receives the highest number of votes for that seat shall be declared the winner. In the event of a tie, the winner shall be determined by the toss of a coin by the City Clerk, with the choice of heads or

tails to be determined by alphabetical order of the candidates' last names. Only voters who are qualified as such under the laws of the State of Florida, and who reside within the municipal limits of the City, shall be eligible to vote in municipal elections. The City Commission shall, by ordinance, prescribe any other standards for the holding of elections not inconsistent with this Charter and the laws of Florida, and shall provide for the time and manner of holding special elections not provided for in this Charter.

Sec. 27. Arrangements for Municipal Elections.

The City Commission shall by ordinance declare the dates for qualifying to run for a seat on the Commission, and shall by resolution proclaim the date of each election consistent with the requirements of this Charter. Following each municipal election, at its next regularly scheduled meeting after the election, the City Commission shall announce and ratify the results of the election in such manner as the Commission deems appropriate.

ARTICLE IV. CITIZEN BOARDS, TASK FORCES, AGENCIES AND COMMITTEES.

Sec. 28. Authority to Create, Composition, Duties and Responsibilities, Vacancies, Compensation.

The City Commission may create and appoint such citizen boards, task forces, agencies and committees (referred to collectively as "board" or "boards"), as the Commission deems necessary and appropriate for the welfare of the City. The Commission shall determine the composition of each board, except where such composition is dictated State law, along with the manner of appointment of members of each board, the terms of members, and the duties and responsibilities of each board. Vacancies on any board shall be filled by the City Commission for the unexpired term of the member whose departure created the vacancy. Compensation for board members shall be determined and prescribed by the Commission and may differ among the various boards created.

Sec. 29. Election of Officers; meetings.

The members of each appointed board, as soon as practicable after its formation, shall meet and organize by electing one member as board chair, and shall also elect a secretary who may be a member of the board. Meetings shall be held on such dates and at such intervals as the City Commission may prescribe by ordinance or resolution, or if no dates or intervals are so prescribed, meetings shall be held on the schedule established by the board.

Sec. 30. Authority To Use City Employees and Other Advisors and Incur Expenses.

Appointed boards, with the approval of the City Commission, may employ the services of City employees and other technical experts and advisors, and may incur such expenses as the board members judge necessary to discharge properly the duties of the board, provided however that the total expenditures of any board shall not exceed, in the aggregate, the amount set aside in the operating budget of the City for that board.

ARTICLE V. BONDS.

Sec. 30. Revenue bonds, excise tax bonds and assessment bonds may be issued under the provisions of this section.

Whenever the words "bond" or "bonds" only are used in this section such words shall include the revenue bonds, excise tax bonds and assessment bonds provided for in this section to the full extent that the provisions of this section are applicable to such different types of bonds. The city may in its discretion designate any of such bonds as certificates instead of bonds.

Sec. 31. Authority To Issue Revenue Bonds.

The city shall have power to construct, acquire, repair, improve, extend and operate water systems, sewer systems, gas systems, electric systems, public parking systems, including both off-street and on-street public parking facilities, and to issue from time to time revenue bonds payable from the revenues derived from such water systems, sewer systems, gas systems, electric systems, public parking systems or any other revenue producing undertakings or enterprises which the city is authorized by this charter or any other law to construct or acquire, (hereinafter referred to as "revenue undertakings"), or any combination of such systems or other revenue undertakings to finance or refinance the cost or part of the cost of the acquisition, construction, reconstruction, repair, extension or improvement of such systems or other revenue undertakings or any combination thereof, including the acquisition of any property, real or personal or mixed, therefor or other costs in connection therewith.

Sec. 32. Power To Combine Systems And Bonds.

Any two or more of such systems or other revenue undertakings may be combined and consolidated into a single revenue undertaking, and may thereafter be operated and maintained as a single revenue undertaking. The revenue bonds authorized herein may be issued to finance any one or more of such revenue undertakings and regardless of whether or not such revenue undertakings have been combined and consolidated into a single revenue undertaking as provided herein. If the governing body of the city deems it advisable the proceedings authorizing such revenue bonds may provide that the city may thereafter combine the revenue undertakings then being financed or theretofore financed with other revenue undertakings to be subsequently financed by the city and that revenue bonds to be hereafter issued by the city to finance such subsequent revenue undertakings shall be on a parity with the revenue bonds then being issued under such terms, conditions and limitations as shall be provided, and may further provide that the revenues to be derived from the subsequent revenue undertakings shall at the time of the issuance of such parity revenue bonds be also pledged to the holders of any revenue bonds theretofore issued to finance the revenue undertakings which are later combined with such subsequent revenue undertakings.

Sec. 33. Authority to Pledge Additional Security.

The city shall also have power to pledge as additional security for such revenue bonds issued under this section any utilities services taxes, cigarette taxes, franchise taxes, occupational license taxes, or any other excise taxes or other funds which the city may have available to pledge to the payment of the principal of or interest on such revenue bonds, and for reserves therefor, except moneys derived from ad valorem taxes, or any two or more of such excise taxes or other funds.

Sec. 34. Authority to Issue Excise Tax Bonds.

The city shall also have power to issue from time to time excise tax bonds payable from the proceeds of utilities services taxes, cigarette taxes, franchise taxes, occupational license taxes, or any other excise taxes or other funds which the city may have available to pledge to the payment of the principal of and interest on said excise tax bonds, except moneys derived from ad valorem taxes, to finance or refinance the cost or part of the cost of the construction, acquisition, reconstruction, extension, repair or improvement of any works, properties, improvements or other purposes, except for the payment of current expenses, which the city is authorized by this charter or any other law to construct, acquire or undertake.

Sec. 35. Authority to Issue Assessment Bonds.

The city shall have power to issue assessment bonds to finance the cost, or part of the cost, of any works or improvements which the city is authorized by this charter or any other law to construct, reconstruct or improve and to specially assess the cost, or part of the cost, thereof against the lands and real estate specially benefited thereby, and to pledge for the payment of such assessment bonds all or any part of the special assessments levied or to be levied for such works or improvements. The proceedings authorizing the issuance of such assessment bonds may provide that all such special assessments levied for such works or improvements may be deposited in a special fund, which may be pledged for the payment of such assessment bonds, and for reserves therefor. The city may also pledge as additional security for such assessment bonds any special assessments theretofore levied for other works or improvements.

The city shall also have power to issue assessment bonds and to pledge for the payment thereof any special assessments theretofore levied for any such works or improvements, regardless of whether such special assessments have been levied for any one work or improvement, or for two or more works or improvements, and regardless of the times when such special assessments were levied for such works or improvements. The proceedings authorizing the issuance of such assessment bonds may provide that all such special assessments levied for such works or improvements may be deposited in a special fund which may be pledged for the payment of such assessment bonds and for reserves therefor.

Notwithstanding any other provisions of this charter or of any other law or laws to the contrary, the proceedings authorizing the issuance of any of such assessment bonds may provide that any special assessments, or any part thereof, pledged for the payment thereof, regardless of the time of the levy of such special assessments, may be paid in full, with or without interest in the

discretion of the city, within a period to be determined by the governing body of the city, and that after the expiration of such period the annual installments of such special assessments becoming due thereafter may not be paid prior to the maturity dates of such annual installments except upon payment of all interest due or to become due to the respective maturity dates of such annual installments, or under such terms and conditions as to prepayment of such annual installments as the governing body of the city shall determine.

The power to issue the assessment bonds provided for in this section shall be deemed additional and supplemental authority, and shall not affect the power of the city to issue assessment bonds or other assessment obligations under any other provisions of this charter or under any other law. The city shall also have power to pledge any special assessments as additional security for the payment of any revenue bonds or excise tax bonds issued to finance the works or improvements for the cost, or part of the cost, of which said special assessments have been or are to be levied, under such terms and conditions as the governing body of the city shall determine.

Sec. 36. Costs Included.

The cost of any works, properties, improvements or other purposes financed by the issuance of bonds under this section shall include, but not be limited to, construction costs, engineering, fiscal or financial and legal expenses, surveys, plans and specifications, interest during construction or acquisition and for one year thereafter, initial reserve funds, discount, if any, on the sale or exchange of bonds, acquisition of real or personal property, including franchises, and such other costs as are necessary and incidental to the construction or acquisition of such work, properties, improvements or other purposes and the financing thereof. The city shall have power to retain and enter into agreements with engineers, fiscal agents or financial advisers, attorneys, architects or other consultants or advisers for the planning, supervision and financing of such works, properties, improvements or other purposes upon such terms and conditions as shall be deemed advisable to the governing body of the city.

Sec. 37. Authority to Pledge Full Faith and Credit, and Ad Valorem Revenues.

The city shall also have power to pledge as additional security for the payment of any revenue bonds, excise tax bonds or assessment bonds its full faith and credit and ad valorem taxing power, and to provide that such revenue bonds, excise tax bonds or assessment bonds shall be payable as to both principal and interest, and reserves therefor, from ad valorem taxes levied on all taxable property in the city without limit as to rate or amount to the full extent that any revenues, excise taxes or special assessments, or any combination thereof, pledged therefor are insufficient for the full payment of the principal of and interest on such revenue bonds, excise tax bonds, or assessment bonds, and reserves therefor; provided, however, that the full faith and credit and taxing power of the city shall not be pledged for the payment of such revenue bonds, excise tax bonds or assessment bonds unless the issuance of the same has been approved at an election of the qualified electors residing in said city who are freeholders called and held in the manner provided in the Constitution and statutes of the State of Florida relating to freeholder elections.

Notwithstanding any other provisions of this charter or of any other law or laws to the contrary, however, no approval of the qualified electors residing in said city, or the qualified electors residing in said city who are freeholders, or any referendum or election of any kind relating to the issuance thereof, shall be required for the issuance of any of said revenue bonds, excise tax bonds or assessment bonds unless the full faith and credit and ad valorem taxing power of the city is pledged for the payment of such revenue bonds, excise tax bonds or assessment bonds.

Sec. 38. Procedures for Issuance.

The provisions of this section shall apply to any revenue bonds, excise tax bonds or assessment bonds issued under this article. Said bonds may be authorized by resolution or resolutions of the governing body of the city, which may be adopted at the same meeting at which they are introduced by a majority of all the members thereof then in office and need not be published or posted. Said bonds shall bear interest at a rate or rates not exceeding six per centum (6%) per annum, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding forty (40) years from their respective dates, except that assessment bonds shall not mature later than two years after the maturity of the last annual installment of the special assessments pledged for the payment of such assessment bonds, may be payable in such medium of payment, at such place or places within or without the state, may carry such registration privileges, may be subject to such terms of prior redemption, with or without premium, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form otherwise as such resolution or subsequent resolutions shall provide. Said bonds may be sold, or exchanged for refunding bonds, or delivered to contractors in payment for any part of the works or improvements financed by such bonds, or delivered in exchange for any properties, either real, personal or mixed, including franchises, to be acquired for such works or improvements, all at one time or in blocks from time to time, in such manner as the governing body of the city in its discretion shall determine, and at such price or prices, computed according to standard tables of bond values, as will yield to the purchasers, or the holders of outstanding obligations surrendered in exchange for refunding bonds, or the contractors paid with such bonds, or the owners of any properties exchanged for such bonds, income at a rate not exceeding six per centum (6%) per annum to the stated maturity dates of the bonds on the money paid or the principal amount of outstanding obligations exchanged for refunding bonds, or the amount of any indebtedness to contractors paid with such bonds, or the value of any properties exchanged for said bonds.

Pending the preparation of the definitive bonds, interim certificates or receipts or temporary bonds in such form and with such provisions as the governing body of the city may determine may be issued to the purchaser or purchasers of the bonds issued hereunder. Said bonds and such interim certificates or receipts or temporary bonds shall be fully negotiable and shall be and constitute negotiable instruments within the meaning of and for all purposes of the law merchant and the negotiable instruments law of the State of Florida.

Said bonds may be issued to refund any obligations theretofore issued to finance such revenue undertakings, works or improvements under any law or laws, or for the combined purpose of refunding such outstanding obligations and the construction, reconstruction, extension or

improvement of such revenue undertakings, work or improvements, or any other revenue undertakings, works or improvements.

Sec. 39. Investment Status.

Notwithstanding any provisions of any other laws or laws to the contrary, all revenue bonds, excise tax bonds or assessments bonds issued under the provisions of this section, shall constitute legal investments for savings banks, banks, trust companies, executors, administrators, trustees, guardians, and other fiduciaries, and for any board, body, agency or instrumentality of the State of Florida, or of any county, municipality or other political subdivision of such state; and shall be and constitute securities which may be deposited by banks or trust companies as security for deposits of state, county municipal and other public funds.

Sec. 40. Tax Exempt Status.

All property of and all revenues derived from such revenue undertakings financed under this section shall be exempt from all taxation by the State of Florida, or by any county, municipality or other political subdivision thereof. Revenue bonds, excise tax bonds or assessments bonds issued pursuant to this section shall, together with the income therefrom, be exempt from all taxation by the State of Florida, or by any county, municipality or other political subdivision thereof.

Sec. 41. Authorized Covenants.

Any resolution authorizing the issuance of bonds under this section may contain covenants as to:

- (1) The purposes to which the proceeds of said bonds may be applied, and the securing, use and disposition thereof;
- (2) The use and disposition of revenues derived from revenue undertakings, excise taxes, ad valorem taxes or special assessments pledged for said bonds, and the creation and maintenance of reserve funds;
- (3) The pledging of all or any part of the gross revenues derived from revenue undertakings, excise taxes, ad valorem taxes or special assessments to the payment of the principal of and interest on bonds issued pursuant to this section, and for such reserve and other funds as may be deemed necessary or desirable;
- (4) The fixing, establishment, collection and maintenance of fees, rentals or other charges for the use and services of facilities of such revenue undertakings, and of the rates or amounts of such excise taxes, ad valorem taxes or special assessments pledged for such bonds as will always provide funds sufficient to pay the principal of and interest on such bonds, and all reserves and other funds required by the terms of the resolution or resolutions authorizing the issuance of such bonds;
- (5) Limitations or restrictions upon the issuance of additional bonds or other obligations payable from the revenues of such revenue undertakings, such excise taxes, ad valorem taxes or special assessments, and the rights and remedies of the holders of such additional bonds, or refunding bonds, issued thereafter, and the rank and priority,

- as to lien and source and security for payment from the pledged funds between bonds issued pursuant to this section and bonds thereafter issued;
- (6) The appointment of a trustee or trustees to hold and apply any funds provided for in this section and the appointment of a receiver upon default of the city in the payment of the principal or and interest on said bonds or default under the terms and covenants contained in the proceedings authorizing the issuance of the same;
 - (7) Such other and additional covenants as shall be deemed desirable or necessary for the security of the holders of the bonds issued pursuant to this section.

All such covenants and agreements shall constitute valid and legally binding contracts between the city and the holders of any bonds issued pursuant to this section regardless of the time of issuance thereof, and subject to any limitations contained in the proceedings authorizing the issuance of such bonds, acting either for himself or themselves alone, or acting in behalf of all other holders of such bonds, by appropriate proceedings in any court of competent jurisdiction.

Sec. 42. Rights of Bondholders.

The holders of the bonds issued pursuant to this section shall have a lien upon revenues derived from revenue undertakings, excise taxes, ad valorem taxes or special assessments pledged therefor to the extent and in the manner provided in the resolution authorizing the issuance of such bonds, which lien shall be prior and paramount and over and ahead of any claims or obligations of any nature against said pledged funds subsequently arising or subsequently incurred, except as may be provided in the resolution or resolutions authorizing such bonds.

Sec. 43. Power to Discontinue Services.

In the event that the fees, rentals or other charges for the services and facilities of said revenue undertakings shall not be paid when due, the city shall have power to discontinue and shut off the services and facilities of such revenue undertakings, until such fees, rentals or other charges, including interest, penalties and charges for the shutting off and discontinuance or the restoration of such services and facilities are fully paid. The city may also shut off and discontinue the services and facilities of any other revenue undertakings owned by the city for which fees, rentals or other charges are collected, for the nonpayment of the fees, rentals or other charges for such revenue undertaking owned and operated by the city for which such fees, rentals or other charges are delinquent, and the city shall comply fully with any covenants made in the resolution authorizing the issuance of revenue bonds pursuant to this section as to the shutting off and discontinuance of the services and facilities of said revenue undertakings for the nonpayment of such fees, rentals or other charges when due. The city may also enforce payment of such delinquent fees, rentals or other charges by any lawful method of enforcement. The city shall also have power to require the owners or occupants of all lands and real estate which abut on or can use the facilities of any sewer system to connect with and use the facilities of such sewer system.

Sec. 44. Certificates of Convenience Not Required.

It shall not be necessary for the city, in proceeding under this section to obtain any certificate of convenience or necessity, franchise, license, permit or other authorization from any bureau, board, commission or other like instrumentality of the state in order to construct, acquire, or improve such revenue undertakings or to exercise any of the powers granted in this section; and the fees, rentals or other charges to be fixed and collected for the facilities and services of such revenue undertakings, when constructed, acquired, or improved as provided in this section, shall not be subject to the supervision, regulation or control by any bureau, board, commission or other like instrumentality of the state.

Sec. 45. Procedures Cumulative And Not Exclusive.

This section shall not be construed as repealing or superseding any of the provisions of any general laws of the state relating to municipalities, but to provide an alternative and complete method for the exercise of the powers granted in this section; and the city shall be fully authorized to exercise any powers provided in such general laws upon compliance only with the provisions of such general laws.

Sec. 46. Effect of This Article.

The powers conferred by this article shall be in addition and supplemental to the existing powers of the city, and this article shall not be construed as repealing any of the provisions of any other law, general or local, or charter provision, but to provide an alternative and complete method for the exercise of the powers granted in this article. Such revenue undertakings may be constructed, acquired or improved and such revenue bonds, excise tax bonds and assessment bonds issued pursuant to this article without regard to or necessity for compliance with the limitations or restrictions contained in any other charter provision, general, special or local law, including, but not limited to, any requirement for the approval by the qualified electors residing in said city or qualified electors who are freeholders residing in said city for the exercise of any of the powers provided in this article, except as provided in section 33 of this article for the pledge of the full faith and credit and ad valorem taxing power of the city as additional security for such revenue bonds, excise tax bonds or assessment bonds issued pursuant to this article.

ARTICLE VI. GENERAL PROVISIONS.

Sec. 47. Savings Clause.

If any portion of this Charter is determined to be invalid or unenforceable for any reason whatsoever, such determination shall not serve to invalidate this Charter in its entirety, nor to invalidate any other provision hereof. The discrete section or other portion of this Charter which is found invalid or unenforceable shall be severed from the rest of this Charter, and the remainder hereof shall continue in full force and effect as if this Charter had been enacted without the presence of the portion found to be invalid or unenforceable.

Sec. 48. Effective Date.

This Charter shall take effect upon its approval by the qualified electors of the City under the provisions contained in §166.031, Fla. Stat. as in effect on the date of the election at which this Charter is on the ballot for consideration.

Sec. 49. Validating Act.

All levies, special assessments, and other acts taken by the City of Leesburg under the authority of the Charter which preceded the effective date of this Charter are hereby validated, ratified and confirmed and shall remain in force until otherwise modified in accordance with applicable law.