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George W. Simons Jr.

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A
STUDY OF PONTE VEDRA AREA
on
PROPOSED GOVERNMENTAL STRUCTURE
by
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Jacksonville, Florida

DECEMBER 12, 1966

INTRODUCTION

Ponte Vedra is a distinctive residential community located on the ocean front in St. Johns County, immediately south of Jacksonville Beach and the St. Johns-Duval County line. Ponte Vedra has developed around a golf course, slowly and solidly through the years under the guidance of the Telfair Stockton Company which subsequently became Stockton, Whatley, Davin. The late Robert Angas engineered much of the early development. The golf course, the Inn and the Surf Club have imparted to the area a character and quality comparable to that of Palm Beach, Hobe Sound and the Village of Tequesta.

CHARACTER OF THE AREA

The developed portion of Ponte Vedra extends from 37th Avenue in Jacksonville Beach, southward to the Palm Valley Road and from the Atlantic Ocean to Ponce de Leon Boulevard. In addition, the area south of the Inlet for approximately three or four miles is being developed along the oceanfront and a number of large homes have been built here in recent years. Apart from the Inn, Club House, Surf Club and a small nucleus of business, all centrally located in the beach area along A1A, there are some 350 dwellings and apartment structures with a population approximating 1,200 persons.

In its infancy, purchasers of property and builders of homes were carefully screened so that a high level of cultural and social attainments could be maintained. This policy established Ponte Vedra on a solid foundation from the beginning and from which it has not deviated. Over the years the character of the community has been insulated from the damaging effects

of commercialism and industrialization.

Because of the control exercised by the developers, business establishments have, with the exception of an area known as the Oasis, been severely restricted and practically eliminated. Prior to 1964, this was accomplished by recorded covenants and restrictions. As these began to run out, a zoning district was created under authority of a special legislative act of 1959, further refined by the 1965 legislature to its present form.

The legislature gave St. Johns County an authority to adopt and enforce zoning regulations in any part of the county desiring same. Under this act a zoning district was created in the Ponte Vedra area in November 1964. In October of 1966 these regulations were modified to enable the Ponte Vedra community to have its own zoning administration. These regulations are gradually superseding the deed covenants provided by the developers earlier.

PRESENT RESOURCES WATER SUPPLY

The Ponte Vedra Company owns and operates for the benefit of the community a water supply system to which extensive improvements are now being made. A new enlarged main, two new elevated spheres and a new pumping station are included in the project which will enable the plant to deliver at least 3,000 gallons of water per minute. These plans are projected over a two year period.

SEWERAGE AND SEWAGE DISPOSAL

There is no sewerage at Ponte Vedra. All household wastes are disposed into the soil through individual septic tanks. Despite the presence

of a porous sand soil for percolation, some difficulties have been encountered. The State Board of Health has ordained that no more septic tanks will be permitted and further, they advise strongly that sewerage and sewage treatment be provided.

HIGHWAYS:

Currently, there is a major North-South highway (A1A) along the beach from Jacksonville Beach, Jacksonville and St. Augustine providing the principal access. This is a state highway, maintained by the state. A second North-South highway following Ponce de Leon Boulevard on the West has been projected and doubtless this will be constructed in 1967. This new road will leave South Third Street in Jacksonville Beach and utilize the Ponce de Leon right-of-way on the West side of the golf course. These two highways, constructed and maintained by the state will enclose all the developed area of Ponte Vedra. Within Ponte Vedra there are various streets, access to residences primarily, that are built and maintained by St. Johns County. New highway and repairs are the responsibility of St. Johns County. Land west of Ponce de Leon Boulevard, in the hands of diverse owners, will yield to development within a reasonable time.

FIRE, POLICE, REFUSE COLLECTION, ETC

The protection of persons and properties is provided by a Deputy Sheriff of St. Johns County who lives in the vicinity, a portion of his compensation coming from the Ponte Vedra Company. A volunteer fire department provides fire protection. Refuse and garbage collection service is provided by private operators. The service is reported as being only fair. The responsibility of maintaining highway cleanliness and that of other areas aesthetically depends on the Ponte Vedra Company whose interests in the area are diminishing.

GEOGRAPHY

Geographically, Ponte Vedra lies within the metropolitan area of Jacksonville, being approximately 30-40 minutes by Beach Boulevard and AIA from the city's center. While growth in the metropolitan area is general in all directions, it is more pronounced easterly and southerly, a fact reflected in the growth of the beach cities. As this growth trend continues and becomes more intensive and as the lands West of Ponce de Leon Boulevard are subdivided and developed, the immediate Ponte Vedra area is vulnerable to a quality of development not commensurate with its standards. The rules and regulations of St. Johns County can be of little or no help.

The developed area of Ponte Vedra now occupies less than 400 acres, a part of which lies in Duval County. The undeveloped area lying South of the County line, East of Ponce de Leon Boulevard and North of the Mickler Road is the area in which future development of Ponte Vedra will take place. With the continued growth of Jacksonville, an increasing percentage of people who like the atmosphere of Ponte Vedra will settle as near as possible to it, if not within. The Ponte Vedra Company anticipates that the population of the area will equal or exceed 2,000 by 1970. Because of this possibility, it is advantageous for Ponte Vedra to exercise a control over land uses, the design of subdivisions, the location and extent of commercial establishments and plan of development in order to protect itself and preserve the unique character of the area.

ANALYSIS

From the above, it can be seen that existing control of the area is divided between a number of separate governmental authorities: the Ponte Vedra Company, St. Johns County, the State of Florida, and the Zoning Com-

mission established by the Legislature (which is, in reality, a creature of the County). The Ponte Vedra Company controls the water supply and, to a lesser extent, the police department, highway cleanliness, and preservation of the character of the area. The County is partially responsible for law enforcement and streets. In addition, it controls and handles the levying of ad valorem taxes for the maintenance of essential county governmental services. The State through the State Board of Health controls sewerage and sewage disposal and through the State Road Department is charged with the responsibility of maintaining of major highways in the area. Land use is, to a certain extent, controlled by the Zoning Commission.

These services are paid for from a number of sources; voluntary contributions by the Ponte Vedra Company, ad valorem taxes, water assessments, and miscellaneous other revenues. The withdrawal of support (financial and otherwise) by the Ponte Vedra Company would have an adverse effect on the growth and development of the community.

Another point to bear in mind is the position of Ponte Vedra in relation to the remainder of the County of St. Johns. As of 1960, the population of St. Johns County was 30,034; the population of Ponte Vedra was approximately 1,200. The 1966 assessed valuation of all property in the County was 227,489,683 dollars; that of the area of Ponte Vedra as furnished by the Ponte Vedra Company and the County was 16,707,560. Thus, 4.0% of the population of the County paid 7.35% of the ad valorem taxes of the County.

To meet the problems of divided authority in the performance of various governmental services which must be provided if a community is to survive; to meet the requirements of a distinctive area which, because of its location and character, will continue to grow; to provide a stronger

unified voice in the furnishing of governmental services and provide a check against abuses by County government; to exercise greater control over all aspects of its growth and development; to achieve all these and other ends, it is felt that a different form of government than that which presently exists must be adopted.

The only reasonable manner in which these exigencies can be met is through the mechanism of a corporate form of government. The control of development is of supreme importance if the quality and character of Ponte Vedra is to be maintained. To this end, we would urgently recommend that a corporate limit extending to the channel of the Inland Waterway on the West be established and the St. Johns County line on the North. To the south a line should be established at about the Mickler Road. Within such an area, land subdivision and building construction could be controlled and strict land use zoning be provided. Only by such incorporation can sewerage and adequate police and fire protection be provided and operated, and through a Department of Public Works, street improvements can be made.

EFFECT OF INCORPORATION

Operation of Essential Governmental Services:

Through the corporate form of government, all essential services can be provided, which will encompass the following:

- (a) Preservation of the aesthetic quality of the community.
- (b) Essential sewerage and water facilities.
- (c) Adequate police and fire protection and control of nuisances.
- (d) Highway maintenance, if required.
- (e) Other services as the growth of the community may require.

Control of Land Use and Development:

Perhaps the most important advantage to be obtained from incorporating land use control. The present Zoning Commission, as an arm of the County, does not really have the autonomy in law which is necessary to accomplish adequate control of land use. St. Johns County has the power to overrule action taken by the Zoning Commission and could, if it so desired, authorize the establishment of commercial or business establishments. Apparently, the Zoning Commission has been unable, up to the present time, to control any use in connection with the Oasis and the failure to do so is because of the refusal by the County to do anything itself.

The maintenance of a highly distinctive community is an essential part of the future of Ponte Vedra.

A greater degree of control can be achieved by creating a governmental entity having the power to formulate its own land use classifications, enact and administer its own zoning regulations. This authority would simplify and expedite changes in land use classifications when necessary. In no other way can the protection of existing property values and character of the community be preserved.

Taxation and Revenue:

To finance the performance of these governmental services, it will be necessary to raise revenue. The available sources of revenue are the following:

- (a) Ad valorem taxes
- (b) Cigarette taxes
- (c) Fines and forfeitures
- (d) Utility tax
- (e) License fees

(f) Franchises

The amount of revenue to be derived from these sources will depend upon variables not now known. However, it is felt that a rebate can be obtained from the City of Jacksonville Beach for electrical services furnished to Ponte Vedra. In addition, statutory law permits a municipality to recover a certain portion of cigarette taxes. Ad valorem taxes can be adjusted to meet the balance of the requirements of operating the government.

VILLAGE OF TEQUESTA

As mentioned in the beginning of this report, Ponte Vedra is very similar in character to the Village of Tequesta in Palm Beach County. To illustrate how the governmental form of Tequesta would work in Ponte Vedra, we would like to explain briefly the experience at Tequesta.

The original developers of the Tequesta Country Club Community Subdivision together with other interested parties decided in 1956 to form a village. One of the reasons that prompted this decision was their location at the northern boundary of the County, some 15 miles from the county seat at West Palm Beach. The Village of Tequesta, Florida, was granted a charter by the Florida Legislature on June 4, 1957, Chapter 57-1915, Laws of Florida Special Acts of 1957.

At the time of incorporation the territorial limits of the Village consisted solely of the Tequesta Country Club Community, consisting of approximately 350 acres. The residents at this time were few. Subsequently, by successive annexations the corporate area was increased to 957 acres in 1960 with a population of 199 persons. By annexations the Village area has been extended eastward to the Inland Waterway and to the ocean. At present the Village covers approximately 1,000 acres.

The Village area is divided roughly into three portions, (a) that lying between U. S. 1 and the ocean, (b) that lying between U. S. 1 and the F.E.C. Railroad and (c) that larger part lying west of the railroad.

The Village is predominantly high class residential constructed around a Club house and Golf course.

The Village is governed by a Council of five members, one of whom is Mayor-Councilman. The Village is divided into two wards for Councilmen purposes. A Village election is held every year with two members elected in one year and three elected the next year.

The 1966 Assessed Valuation, after exemptions, is \$16,430,075 against which a two mill levy was made for 1966. In addition to ad valorem taxes the Village Council levies a Utility Tax of 5% on users of electricity, telephone and bottled gas. They also have Franchise agreements with the Florida Power and Light Company (6 percent); Florida Public Utilities Company (5 percent); Southern Bell Telephone Company (1 percent) and the Tequesta Water Company of 5 percent. The Village also receives 8 cents per package on all cigarettes sold within the corporate limits.

Since its incorporation the Council has adopted a complete code of regulating ordinances. They have adopted Building, Plumbing and Electrical codes and prepared and enacted a comprehensive Zoning Plan and ordinance.

The Village has a Village Manager and Clerk, a Police Chief with six police men; they have two radio equipped police cars and have their own dispatching radio system. No fire department has yet been provided; they are a part of a Fire Control Tax District and fire department service comes from the adjacent city of Jupiter.

From the following budget for the current year it is noted that the 2 mill ad valorem levy will produce \$31,800.00. The income from cigarettes (\$15,000.00),

Utilities Tax (\$18,000.00) and Franchise Tax (\$15,000.00) are in excess of the ad valorem taxes. It is also interesting that the year started with a surplus of \$22,000.00. The sole debt service item is \$14,755.00. In June 1, 1965 the Village moved into their Village Hall which cost \$148,000. From the time of incorporation to June 1, 1965, the sole Village offices were located in a room located in a small shopping center on U. S. 1. At the present time the Village is negotiating to purchase the Tequesta Water Company and a privately owned sewerage system both of which will be purchased by the issuance of Revenue bonds.

VILLAGE OF TEQUESTA, FLORIDA
BUDGET
October 1, 1966 to September 30, 1967

ANTICIPATED INCOME

Real Estate Taxes - Net	\$31,800.00
Building Permits	6,500.00
Occupational Licenses	8,000.00
Beverage Licenses	1,000.00
State Road and Bridge Funds	1,000.00
Fines and Forfeitures	650.00
Cigarette Taxes	55,000.00
Utilities Taxes	18,000.00
Franchise Taxes	15,700.00
Miscellaneous Income	875.00
Cash Surplus 9-30-66	<u>22,000.00</u>
Total Anticipated Income	160,525.00

ANTICIPATED EXPENSES

Administrative Expense	
Building Inspection Fees	\$ 5,800.00
Dues and Subscriptions	200.00
Insurance Expense	2,000.00
Legal Expense	2,000.00
Contributions	3,500.00
Advertising and Promotion	250.00
Maps, Etc.	1,500.00
Engineering Service	2,000.00
Miscellaneous Expense	1,500.00
OASI Expense	300.00
Auditing Expense	400.00
Salaries	10,500.00
Village Judges Fee	1,200.00
Councilmen Fees	1,200.00

Village Manager Car Allowance	\$ 600.00
Employees' Hospitalization Insurance Premiums	600.00
Reserve for Contingencies	<u>3,885.00</u>
Total Administrative Expenses	\$37,645.00

Office Expense

Salaries	3,900.00
OASI Expense	170.00
Supplies	1,000.00
Postage	300.00
Telephone	650.00
Utilities	1,100.00
Miscellaneous	350.00
New Equipment	200.00
Total Office Expenses	<u>\$7,670.00</u>

Public Safety Expense

Police Chief Salary	\$ 7,500.00
Patrol Salaries	19,750.00
Deputies Salaries (2)	3,400.00
OASI Expense	1,510.00
Car Expense	1,000.00
Gasoline and Oil	2,000.00
Car Insurance	500.00
Equipment and Uniforms	900.00
Telephone	400.00
Miscellaneous	800.00
Street and Traffic Signs	600.00
Utilities - Street Lights and Traffic Signals	3,300.00
New Equipment	2,900.00
Reserve for Contingencies	3,300.00
Civil Defense	<u>200.00</u>
Total Public Safety Expense	\$53,650.00

Streets, Sidewalks and Parks Expense

Street Maintenance	800.00
Entrance Gate Expense	750.00
Fogging Expense	1,000.00
Salaries	6,525.00
OASI Expense	370.00
Truck Repairs and Expense	100.00
Truck Insurance	200.00
Gasoline and Oil - Truck	200.00
Gasoline and Oil - Other	50.00
Stump Pulling	200.00
General Maintenance	4,000.00
Garbage Collection	18,100.00
Yard Trash Collection	9,000.00
Village Hall Instrumentation	950.00
New Equipment	1,500.00
Sidewalks and B.E.C. Right-of-way	600.00
Road To Highway For Garage	250.00
Total Streets, Sidewalks and Parks Expense	<u>45,795.00</u>

Payment of Bond Principal and Interest 14,755.00

AREA TO BE INCORPORATED

One of the principal objects of incorporation is the control of land uses to perpetuate the high quality of development of Ponte Vedra. The invasion of unfavorable uses within the area west or south would have a deteriorating effect. It is not unusual for small communities to include large areas of vacant, undeveloped land within their corporate area for the purposes of control and policing. Therefore, it is our recommendation that the area westward of Ponce de Leon Boulevard to the channel of the Inland Waterway be included between the county line and the Palm Valley Road. Southerly of the Palm Valley Road, it can be extended in accord with the boundaries of the Zoning District.

Today Ponte Vedra is a settlement without any authority. In this dynamic age, a settlement may exist but it cannot progress. The developed area with its population needs an esprit de corps which it can get only through incorporation. But above all, through incorporation Ponte Vedra can become a governmental entity with authority to control and guide the growth of its unique character.

Please call on me if I can be of further service in this matter.

AN ACT to create and establish a municipal corporation in St. Johns County, Florida, under the name of the City of Ponte Vedra Beach; fixing and describing its territorial boundaries; providing for its form of government; prescribing the jurisdiction, duties, functions and powers of its governing body; providing methods for effectuating the provisions of this Act; repealing all laws in conflict herewith; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

ARTICLE I

GENERAL

Section 1.1 INCORPORATION: A municipality to be known as the CITY OF PONTE VEDRA BEACH, in St. Johns County, Florida, is hereby created and established.

Section 2.2 BOUNDARIES: The boundaries of the City shall embrace and include all that territory in St. Johns County, Florida, described as follows:

Section 1.3 GOVERNMENT: The government of the City shall consist of a City Council, composed of a mayor and four councilmen, all of whom shall be elected at large in the manner provided herein.

Section 1.4 POWERS OF THE CITY: The City is hereby granted the following rights and powers:

(1) To sue and be sued; to aid and obtain enforcement of any legal, statutory or other right of the City; to contract and be contracted with; and to incur debts, borrow, issue bonds and create evidences of indebtedness for all lawful municipal purposes and to secure the payment thereof, by a pledge of the revenue of the City.

(2) To exercise all powers now and hereafter granted to municipalities under the constitution and general laws of Florida and to make and enforce ordinances, rules and regulations necessary, or expedient for effectuating the powers hereby, or by said constitution and general laws, conferred.

(3) To raise annually, by taxes and assessments upon all property, real or personal, located in the City, such sums of money as shall be reasonably necessary for the performance of its municipal functions.

(4) To establish, create, construct, improve, maintain and vacate streets, alleys, bridges, sidewalks, parks, and other public places and ways and to regulate the operation and speed of all cars and vehicles of all types using the same.

(5) To impose assessments for local improvements and to enforce payment thereof.

(6) To enter into cooperative agreements or contracts with other public agencies.

(7) To own, construct and maintain, within or without the City, buildings and structures of all kinds necessary or appropriate for the use of the City; to acquire, by condemnation, or otherwise, all lands, riparian, littoral and other rights and easements necessary for such buildings and structures; and to rent, buy or lease from any person, firm, corporation or political subdivision, any land or building within or without the City or any space within any such building, for any municipal purpose.

(8) To furnish any and all local public services, including, without limitation, water, sewage, electricity, public transportation and other public utilities and to own, operate, acquire and maintain such land, buildings, plants, machinery, equipment and fixtures as shall be necessary and proper to perform such public services; to construct any improvements necessary to furnish the same; to contract with any responsible person, firm or corporation to establish, furnish and carry on any such public service.

(9) To acquire in any lawful manner such water, lands and lands under water, and water rights, as the City may deem necessary for the purpose of providing and preserving an adequate water supply for the City; to prohibit, regulate and control the manner and placing of all canals, lagoons, lakes, reservoirs or other bodies of water within the City for the purpose of protecting the same from contamination or pollution.

(10) To establish, impose and enforce rates and charges for gas, electricity, water sewage disposal, garbage disposal, and all other public utilities or service or conveniences operated, rendered, or furnished by the City or by any other person, persons, firm or corporation for the City, the proceeds from which may be used for any municipal purpose.

(11) To define and compel the abatement and removal of all nuisances within the City at the expense of the person or persons causing the same, or of the owner or occupant of the grounds or premises whereon the same may be; to require all lands, lots and other premises within the City to be kept clean, sanitary and free from weeds and vegetation, or to make them so at the expense of the owners or occupants thereof; and to define, prohibit, abate, suppress, prevent or regulate all things detrimental to the health, morals, comfort, safety, convenience, and the general welfare of the inhabitants of the City.

(12) To establish a fire department; to regulate the construction of buildings, residences and other structures so as to minimize the fire hazards from the occupancy and use thereof; and to adopt a building code.

(13) To exercise police powers and to establish, maintain and control a department of police.

(14) To do all things necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce or industries of the City and its inhabitants.

(15) To make and enforce all ordinances, rules and regulations necessary or expedient for the purpose of carrying into effect the powers conferred by this Act or by any general law, and to provide and impose suitable penalties for the violation of such ordinances, rules and regulations, by a fine not exceeding five hundred dollars (\$500.00), or imprisonment not exceeding sixty (60) days, or by both such fine and imprisonment.

(16) To tax and regulate the sale, transportation or possession of intoxicating liquors, wines and beverages within the City limits.

(17) To license, control, tax, regulate and prohibit traffic; whether vehicular or pedestrian, upon the streets, alleys, sidewalks, beaches and public ways within the City, and to license, control, tax, regulate, suppress and prohibit hawkers, peddlers, solicitors and beggars upon such streets, alleys, sidewalks, beaches and public ways; and to license and cause to be registered and to control, tax, regulate, or to prohibit in designated streets, or parts of streets, cars, buses, trucks, and other vehicles.

(18) To provide zoning regulations and restrictions governing the size of buildings and other structures, the percentage and portion of lot that may be occupied, the size of yards, courts and other open spaces, and the location and use of buildings, structures, and land for trade, industry, residences, apartment houses and other purposes.

(19) To do all acts which may be necessary to prevent the erosion of beaches and waterways within the limits of the City, and to assess the cost against the property deemed to be specially benefited by such work; and, if necessary, to create taxing districts within the City limits, dividing the City into such districts suitably designated and within said district to conduct work of a local nature imposing the cost thereof upon the property which the City shall have determined to have been specially benefited thereby.

(20) To enter into contracts with such departments, agencies, officers and offices of the County or the State as the City may deem expedient, and to utilize the officers and services thereof for the enforcement of the ordinances of the City and for carrying out all municipal functions and services of the City.

(21) To levy all taxes on public services, utilities, cigarettes, sales, and other items as permitted by the laws and constitution of Florida.

(22) To grant franchises to electric and power companies, gas companies, water companies, sewerage companies, telephone and telegraph companies, or any other public utility; and such franchise shall include, but not be limited to, grant or grants to said public utility of the right to use the streets, alleys, public grounds or buildings of the City, together with any utility easements that may be reserved over any area within the City.

(23) Anything to the contrary contained herein, the power of the City to levy, assess and collect any ad valorem taxes is hereby limited to three (3) mills per one hundred dollars (\$100.00) of the valuation of all taxable property located within the City.

ARTICLE I

THE COUNCIL

Section 2.1 NUMBER; ELECTION; TERM: The City Council shall consist of a mayor and four (4) councilmen who shall be elected from qualified electors residing in the City. They shall be elected for a period of four (4) years. At the first election held under this Act, five (5) councilmen shall be elected, the one receiving the highest vote to be declared mayor. The two (2) candidates receiving the next highest number of votes shall hold office for four (4) years. The two (2) candidates receiving the next highest number of votes shall hold office for two (2) years. Thereafter, two (2) councilmen shall be elected every two (2) years at each election, as provided herein, to fill the seats of the councilmen whose terms then expire, and shall hold office for a period of four (4) years. All elected officials shall assume the duties of office on the first day of the month following the election.

Section 2.2 VACANCIES: Whenever the mayor or any councilman shall cease to be mayor or councilman for any reason, his successor, to fill out the unexpired term, shall be named by a majority of the Council.

Section 2.3 MEETINGS: The City Council shall meet at such time and place as may be prescribed by resolution or ordinance. All meetings of the City Council shall be public. A majority of the City Council, including the mayor, shall constitute a quorum for the transaction of any and all business. The City Council may determine and establish its own rules of procedure.

Section 2.4 COMPENSATION: The compensation of councilmen and the mayor shall be fixed by resolution from time to time, but for the first four (4) years after the effective date of this Act they shall serve without compensation.

Section 2.5 APPOINTING POWERS: The City Council shall have the power to abolish or create such offices as may be necessary for the administration of the affairs of the City; but it may not abolish any office created by this Act.

Section 2.6 POWERS ENUMERATED: All powers of the City, except as otherwise provided by this Act, are vested in the City Council. The City Council shall be the judge of the election and qualifications of its own members.

Section 2.7 ORDINANCES: Ordinances shall not be passed until they have been read on two separate days, the second reading being not sooner than the seventh day after the first reading, except that on a four-fifths vote it may be read and passed on the same day. The first reading shall be in full and the second may be by title only.

Section 2.8 OFFICERS: The mayor and the City Council shall, by resolution, appoint the following officers as the need arises: A City Attorney, a Municipal Judge, a City Clerk, a Chief of Police, and all other appointive officers. Any person may hold more than one of such offices, and the Mayor or a Councilman may also hold any of such offices. The salary, if any, of such officers shall be fixed by the City Council.

Section 2.9 VOTING: The yeas and nays shall be called and entered on the minutes of each meeting upon the passage of every ordinance or resolution when a request to do so is made by a Councilman. No ordinance or resolution shall be adopted unless at least three (3) votes are recorded in favor thereof. It shall not be necessary to publish any resolution or ordinance of the City. Ordinances and resolutions shall be effective immediately upon the passage of the same except when otherwise provided therein.

ARTICLE III

THE MAYOR

Section 3.1 POWERS AND DUTIES: The Mayor shall: attend all meetings of the City Council; see that all ordinances are executed; appoint persons to perform the duties of any disabled or suspended officer; suspend any appointed officer for gross neglect or dereliction of duty; communicate to the City Council such information, and recommend such measures touching the public service and the best interests of the City as he may deem proper; have general supervision over all the City's affairs and officers; and shall perform such other duties as the ordinances or resolutions of the City may require. The Mayor shall be the chief executive officer and ceremonial head of the City. He shall have one (1) vote on any resolution or ordinance.

Section 3.2 ABSENCE: The Vice Mayor of the City Council shall act as Mayor during the absence or disability of the Mayor.

ARTICLE IV

CITY CLERK

Section 4.1 APPOINTMENT; REMOVAL; SALARY: A City Clerk shall be appointed by and shall serve at the will of the City Council. The salary of the City Clerk shall be fixed by the City Council.

Section 4.2 DUTIES: The City Clerk shall give notice of City Council meetings; shall keep the Journal of all City Council proceedings; shall authenticate by his signature, and record in full in a book kept for such purpose, all ordinances and resolutions passed by the City Council.

Section 4.5 SEAL: The City Clerk shall be the official custodian of the seal of the City and shall perform all other duties as shall be directed by the City Council. Deputy Clerks may be appointed as necessary.

ARTICLE V

MUNICIPAL COURT

Section 5.1 JUDGE: There shall be a Municipal Judge who shall be appointed by and serve at the will of the City Council. Said Judge shall try and determine all violations of ordinances, impose penalties therefor, fix bail, issue process for enforcement thereof, and by warrant cause the arrest of persons accused of violating ordinances. The fees and costs of the Municipal Court may be provided by ordinance and shall be paid to the City upon collection. The City Clerk shall serve as Clerk of the Court.

Section 5.2 VACANCY: In case of the absence, sickness or disability of the Municipal Judge, the Mayor shall appoint a qualified person to fill the vacancy.

Section 5.3 APPEAL: Any person convicted in the Municipal Court of any offense shall have the right to appeal to the Circuit Court in and for St. Johns County, Florida. The same practice and procedure provided by law for appeals in county courts of this State shall apply to appeals from the Municipal Court.

ARTICLE VI

DEPARTMENT OF POLICE

Section 6.1 POLICE FORCE: The Department of Police shall consist of a Chief of Police and such additional police officers as from time to time may be deemed necessary by the City Council.

Section 6.2 CHIEF OF POLICE: The Chief of Police shall be appointed by and shall serve at the will of the City Council.

Section 6.3 DUTIES: The Chief of Police shall: execute the commands of the City Council and all processes issued under the authority of the Mayor; attend in person or by deputy the Municipal Court during its sittings; execute commands and processes of said Court; aid in the enforcement of order therein; see that peace, good order, safety and health of the City and its inhabitants are preserved; and perform such other duties appropriate to his office as may be imposed upon him by general law, the ordinances and directives of the City Council and the Mayor. The Chief of Police shall appoint the members and have control of the Police Force subject to the general supervision and direction of the City Council.

ARTICLE VII

DEPARTMENT OF FIRE

The City Council may establish a Department of Fire, the Chief of which shall be appointed by the Mayor and who shall perform such duties as may be prescribed from time to time by ordinance.

ARTICLE VIII

BUDGET

Section 7.1 BUDGET: The fiscal year for the City (except for the first year of the City's existence) shall begin on the first day of October each year and shall end on the last day of September of each year. Not later than sixty (60) days before the end of each fiscal year (except for the first year of the City's existence), the City Clerk shall prepare and submit to the City Council a budget estimate of the expenditures and revenues for the City for the ensuing fiscal year. The City Council shall consider such budget and make such changes in the same as it deems advisable. Thereafter, an appropriate ordinance shall be passed by the City Council based upon such budget estimate. The appropriation ordinance shall not be passed by the City Council until after such budget estimate shall have been posted for a period of at least ten (10) days. Upon request of the City Clerk, the Council may transfer any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation of the current year has proved insufficient.

ARTICLE IX

TAX ADMINISTRATION

Section 8.1 TAX ASSESSOR: There may be a Tax Assessor and Collector who shall be appointed by the City Council. Both offices may be held by the City Clerk.

Section 8.2 LICENSES: The City Council is authorized to levy and impose license taxes, by ordinance, for the purpose of regulation and revenue, upon all occupations, businesses or professions carried on or conducted within the City and upon any and all privileges and to create and fix the amounts thereof, provide for the collection of the same and provide penalties for failure or refusal to pay such license taxes. Licenses shall be issued for such period and be subject to such terms as shall be provided by ordinance.

Section 8.3 LISTING OF TAXABLE PROPERTY: All property, real and personal, except such as is exempt from taxation, shall be assessed and listed alphabetically or otherwise for the entire City in the name of the owner. The valuation, description and owner of such property for assessment purposes shall be entered in tax roll books to be maintained by the Tax Assessor. All general laws of the State applicable to the assessment of real and personal property for ad valorem tax purposes and the collection of all such taxes are hereby incorporated herein.

Section 8.4 USE OF COUNTY COLLECTION FACILITIES: The City Council may, by ordinance in accordance with the constitution and statutes of the State of Florida, adopt the assessment of real and personal property prepared by the St. Johns County, Florida Tax Assessor and otherwise use said office and that of the St. Johns County, Florida Tax Collector in the assessment, levy, collection and enforcement of ad valorem taxes for the City.

ARTICLE X

ELECTIONS

Section 9.1 TIME AND MANNER: The time and manner for qualifying as a candidate for Mayor or member of the City Council, the registration of voters, inspection of elections, and canvassing of returns, shall be prescribed by ordinance not in conflict herewith or the laws of Florida relating to municipal elections. All elections shall be held in accordance with the General Election Laws of the State of Florida.

Section 9.2 QUALIFICATIONS: No person shall be allowed to vote in any election who has not resided in the City for six (6) months and in the State of Florida for twelve (12) months immediately preceding such election, and who is not a registered voter of said City in such manner as prescribed by ordinance.

Section 9.3 ELECTIONS: The first election for municipal officers under this Act shall be held on the _____ in _____, 1967 and thereafter every _____ (_____) years on such day.

Section 9.4 PROCEDURE FOR BECOMING CANDIDATES: The name of any elector of the City shall be printed upon the ballot after he has paid to the City Clerk a qualifying fee in the amount of \$25.00 and has filed with the City Clerk his written acceptance of such candidacy, which acceptance

shall state that if elected he will qualify and serve in such office during the term for which he is elected. The payment of said qualifying fee and the filing of such acceptance shall be not less than fifteen (15) days nor more than forty-five (45) days before the day of the election. If a candidate fails to comply with the provisions of this Section, his name shall not appear upon the ballot.

Section 9.5 CANDIDATES ELECTED: At any regular or special election the ballot shall name all candidates who have qualified for Councilmen. The five candidates for the Councilmen receiving the highest number of votes cast shall be declared elected. The candidate receiving the highest number of votes shall be declared Mayor and the candidate receiving the second highest number of votes shall be declared Vice Mayor.

ARTICLE X

LOCAL IMPROVEMENTS

Section 10.1 LOCAL IMPROVEMENTS: The City Council may provide for local improvements and for the payment of the cost of such local improvements by levying and collecting special assessments on the abutting, adjoining, contiguous or other specially benefited property.

Section 10.2 TYPES OF IMPROVEMENTS AUTHORIZED: Improvements authorized to be made under the provisions hereof shall consist of all local improvements, including, without limitation, the construction of streets, highways, alleys, sidewalks, sanitary and storm sewers and waterfront improvements which embrace the construction of bulkheads, seawalls, and other retaining walls along water ways, the foreshore or seashore with necessary fill and dredging and any acts necessary to prevent erosion, which may embrace the acquisition by purchase, condemnation or otherwise of lands, rights and easements therefor.

Section 10.3 INITIAL PROCEEDING: The initial proceeding for a local improvement shall be the passage by the Council of a resolution ordering the same to be made, giving a general designation or description of the improvement by its material, nature, character and size. The property against which assessments are to be made for the cost of such improvement shall be designated as a district.

Section 10.4 FURTHER PROCEDURE: After the passage of such resolution, the City Clerk shall prepare and file in his office, plans and specifications of each improvement ordered, and an estimate of the cost thereof which shall show the estimated amount of cost and incidental expense to be apportioned to the City and the estimated amount of cost and incidental expense to be assessed against property benefited thereby. Upon the filing of such plans and estimates, there shall be posted a notice stating the time and place at which the Council will hear objections to the confirmation of such a resolution. At the subsequent hearing the Council shall receive any objections of interested persons and may then or thereafter repeal or confirm such resolution. All objections

to any such resolution of whatever nature must be made in writing, in person or by attorney, and filed with the City Clerk at or before the time or adjourned time of any such hearing. Objections against the making of an improvement not so made shall be considered as waived, and if an objection shall be made and overruled or shall not be sustained, the confirmation of the resolution shall be the final adjudication of the issues presented unless proper steps shall be taken in a court of competent jurisdiction to secure relief within ten (10) days.

Section 10.5 CONTRACT FOR WORK: After the confirmation of such resolution ordering work to be constructed, the City Clerk shall publish at least once a notice calling for sealed bids to be received by the Council, unless the resolution shall have declared its intention to have the work done by City forces without contract.

Section 10.6 ASSESSMENT ROLL: Promptly after completion of the work, the City Clerk shall prepare a preliminary assessment roll which shall contain:

(1) A description of the lots and parcels of land within the district and the name of the owner of record thereof.

(2) The total cost of the improvement, and the amount of incidental expense.

(3) An apportionment, as between the City and property, of the cost, including incidental expense, of each improvement, computed in accordance with the resolution approving such improvement.

Section 10.7 HEARING UPON ASSESSMENT ROLL: Upon the filing of the preliminary assessment roll, a notice shall be posted stating that a regular meeting of the Council is to be held on a certain day and hour, not less than twelve (12) days from the date thereof, at which all interested persons may appear and file written objections to the confirmation of such a roll. A copy of such notice shall be sent to such property owners.

At the hearing so called, the City Council shall either annul, sustain, or modify such assessment. The Council shall not confirm any assessment in excess of the special benefits to the property assessed.

Section 10.8 PAYMENT OF ASSESSMENTS: All assessments shall be paid within thirty (30) days after the confirmation thereof. Unpaid assessments shall bear interest at six percent (6%) per annum from the expiration of said thirty (30) days.

Section 10.9 LIEN AND ENFORCEMENT: All assessments made under the provisions hereof shall constitute a lien upon the property so assessed from the date of confirmation of the resolution ordering the improvement, of the same nature and to the same extent as the lien for general City taxes falling due in the same year or years in which such assessment or installments thereof fall due, and any assessment or installment not

paid when due shall be collectible in the same manner and at the same time as such general taxes are or may be collectible or as a lien for mortgages is, or may be, foreclosed under the laws of the State. It shall be the duty of the City to enforce the prompt collection of assessments by one or the other of the means herein provided.

Section 10.10 CREDIT FOR PRIOR IMPROVEMENTS: The City Council may grant credit to property owners for improvements previously made to the extent that such existing improvements shall be of value and utility as a part of the improvements for which such assessment is made.

Section 10.11 LIBERAL CONSTRUCTION; ALTERNATIVE METHOD: The purpose of this Article being to provide an economical method by which local improvements may be made, no irregularity or illegality in connection with any of the proceedings herein authorized shall in any way effect the validity of the orders for the improvements or the special assessments. This Article shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing.

ARTICLE XI

PLANNING AND ZONING

Section 11.1 ENFORCEMENT OF ZONING REGULATIONS: In order to carry out the powers conferred hereby, as well as for promoting the safety, health, comfort, morals, convenience, peace, prosperity, appearance or general welfare of the City, or its inhabitants, the City Council may divide the City into zones of such number, shapes and areas as may be deemed best suited to effectuate the purposes of this Article and within such zones to regulate and restrict the erection, construction, reconstruction, alteration, repair, destruction or removal of buildings, lands or structures, including billboards. Such regulations and restrictions herein authorized may be made in consideration, among other things, of lessening congestion in the streets, regulating traffic, securing safety from fire, storm, panic and other dangers; conserving or providing adequate light and air, establishing, maintaining or preserving aesthetic values; preventing the overcrowding of land, avoiding the undue concentration of population or facilitating the furnishing or operation of facilities for transportation, water, sewage, schools, parks and other public improvements or conveniences.

Section 11.2 BOARDS TO EXERCISE PLANNING AND ZONING FUNCTIONS: The City Council may, by ordinance, delegate to subordinate boards or individuals, the power to exercise any function or perform any duty necessary to carry into effect the powers hereby delegated to the City Council, but no legislative power shall be delegated.

ARTICLE XII

MISCELLANEOUS PROVISIONS

Section 12.1 REMOVAL FROM OFFICE: Any official employee or member of a commission, board or agency of the City established by this Charter, or under ordinances of the City, may be removed from office by the City Council at any time and without cause.

Section 12.2 PERSONAL INTEREST: No member of the City Council or any officer, or employee of the City shall have a financial interest, direct or indirect, or by reason of ownership of stock in any corporation in any contract for the purchase from or the sale to the City of any land, goods, material, supplies or services. Any wilful violations of this section shall constitute malfeasance in office, and any officer or employee of the City found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge, express or implied, of the person or corporation contracting with the City shall render the contract voidable by the City Council.

Section 12.3 ACTION AGAINST THE CITY: No person, firm or corporation shall institute any action for damages against the City without having first filed within thirty (30) days from the date of the accrual of the cause of action a notice of the claim, in writing, with the City Clerk and with the City Attorney, if any, setting forth in detail the nature and particulars constituting the basis of such claim. All actions against the City, including actions for wrongful death, shall be barred unless instituted within one (1) year from the date of the accrual of the cause of action.

Section 12.4 INDEPENDENT AUDIT: Sixty (60) days prior to the end of each fiscal year, the City Council shall designate certified public accountants who shall make an independent audit of the accounts and other evidences of the financial transactions of the City government for the fiscal year and submit their report to the City Council. Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the City government or of any of its officers.

Section 12.5 COMPETITIVE BIDDING: Purchases of, or contracts for supplies, materials, equipment, improvements or services costing less than \$750.00 may be made, or entered into by the City without submitting the same to public bidding. Where the total cost of the supplies, materials, equipment, improvements or services is in excess of \$750.00, no contract therefor shall be entered into until public invitations to bid thereon shall have first been published one (1) time in a newspaper published and of general circulation in the City. Such bids shall be awarded to the lowest and most responsible bidder, subject to the right of the City to reject any and all bids. This section shall not apply in any case where the services sought to be obtained are of a professional nature.

Section 12.6 RESIDENCE REQUIRED: All Councilmen shall reside in the City during their tenure of office and removal or continuous absence therefrom for a period exceeding ninety (90) days shall cause the office so held to be deemed vacant and authorize the selection of a successor thereto.

Section 12.7 REPEAL OF INCONSISTENT LAWS: All laws and parts of laws in so far as any of them are inconsistent with this Act are hereby repealed.

Section 12.8 SEPARABILITY: The provisions of this Act are severable, and if any part shall be held to be unconstitutional such decision shall not affect the remaining provisions of this Act.

Section 12.9 EFFECTIVE DATE: This Act shall take effect upon its becoming law.

A
STUDY OF PONTE VEDRA AREA
on
PROPOSED GOVERNMENTAL STRUCTURE

by
George W. Simons, Jr., A.I.P.
Jacksonville, Florida

DECEMBER 12, 1966

ADDENDUM TO REPORT

The incorporation of an area enables a community of people to do many things that residents of an unincorporated community would be unable to do. The articles of incorporation authorize such a public entity to operate through the medium of tax revenues or revenues other than taxes. The act of incorporation also enables the village, town, or city to have access to many sources of federal and state funds.

Incorporation does not mean that a new entity must immediately take over and try to do everything at once. The transition from unincorporation to incorporation should progress slowly and cautiously. A full departmental set up at the beginning is unnecessary. One official may be charged with the operations of one or more duties thereby reducing the number of persons required to head up the government.

As an initial step, following the enactment of a charter, a council would be elected and secondly, an administrative office would be established staffed by one or two individuals acting as Manager and Clerk. The initial office need not be elaborate. In a number of small situations the chief administrator or Manager is a multiple function person who acts as building inspector, street maintenance officer as well as manager. The Chief of Police and his patrolman who will become part of the initial organization, will also function as maintenance officers and street superintendents. The two principal employees will necessarily be the Manager and Clerk. The fire department will continue on a volunteer basis.

The first office can be located in a vacant room sufficiently large to accommodate two desks, filing cabinet, safe, etc.

The initial report included a budget for the Village of Tequesta for the year 1966-67, the ninth year of the village's operation. It is interesting that during these years the village still operates on a skeleton budget. For the guidance of Ponte Vedra a tentative budget has been developed, predicated on probable revenues and operations needed. This budget is not as detailed as that of Tequesta because it does not have the background experience established. In developing this budget, however, the experiences of several small residential communities have been utilized. Obviously, it is impossible to arrive at any specific amount of cigarette tax that might be realized at the beginning but enough data is available to indicate that such tax will range between \$3,000.00 and \$5,000.00 per year. The tentative budget here added for Ponte Vedra will present a picture of what might be anticipated in the nature of revenues and expenditures.

INCOME OF THE NEW CORPORATION

Advalorem tax revenue and revenues from sources other than ad valorem taxes will provide funds for corporate operation. The current assessed valuation of Ponte Vedra approximates \$16,000,000. Undeveloped lands to the west of Ponce de Leon Boulevard and south of the Palm Valley Road which are to be included within the act of incorporation are assessed by St. Johns County at \$60 to \$300 per acre. This added area will increase the assessed valuation potential to approximately \$17,000,000. One mill levied against this assessment would yield \$17,000.00.

Augmenting the advalorem tax revenue are revenues from other sources such as cigarette tax, utility taxes, franchise fees, occupational licenses, building inspection fees, fines and forfeitures. These in the aggregate will contribute a substantial increment to the revenue side of the budget. Of these various revenues, the cigarette tax is substantial, approximating \$8.00 per capita. Ponte Vedra does not have the advantage of a large commercial area or super market as yet but notwithstanding it has, in addition to the sale of cigarettes at the Inn and elsewhere, vending machines located in strategic places from which sales are made. It is not unlikely that the income approximating \$ 5,000.00 can be realized from cigarette sales. Franchise tax from the Southern Bell could realize \$1200.00 per year and a utility tax of 3% to 5% could bring in about \$1500.00. A garbage collection system operated on a fee per dwelling basis could also be productive. Revenues other than taxes should produce \$20,000 to \$25,000 additional revenues.

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TENTATIVE BUDGET PONTE VEDRA

ANTICIPATED INCOME

Real estate advalorem 2 mills on 17 million	\$34,000.00
Building Permits and Inspections	400.00
Occupational licenses	1,500.00
Fines and forfeitures	300.00
Cigarette taxes	5,000.00
Utilities taxes	1,500.00
Franchise fees	<u>1,200.00</u>
Minimum Anticipations	\$43,900.00

ANTICIPATED EXPENDITURES

Manager or Supervisor	\$ 8,000.00
Clerk	5,000.00
Police Chief	6,000.00
Two Patrolmen	8,000.00
Engineering and Legal Services	1,600.00
Dues and subscriptions	200.00
Auditing	400.00
Gasoline and Car allowance	2,000.00
Office Supplies and new equipment	2,000.00
Telephone and Telegraph	500.00
Postage	250.00
Utilities	300.00
Rent	1,200.00
Insurance and Miscellaneous	<u>8,450.00</u>
Total Expenditures	\$43,900.00