

# **CITY OF WALDO**

## **CHARTER**

### **1995 Revision**

(Adopted by majority vote in referendum held December 1995)

#### ARTICLE I. ESTABLISHMENT

Section 1. The present City Government of the City of Waldo, Florida is hereby revised and reinstated under this revised Charter.

Section 2. The municipality shall be known and designated as the City of Waldo.

Section 3. All existing laws, ordinances, rules and regulations as well as all contracts, debts and obligations and rights, claims and judgments shall continue in force and effect.

#### ARTICLE II. BOUNDARIES LEGAL STATUS

Section 1. Boundary. The boundary of the City of Waldo is defined as: Beginning at the Northeast (NE) corner of the Southeast quarter (SE 1/4) of the Southeast quarter (SE 1/4) of Section Twenty-three (23), Township Eight (8) South, Range Twenty-one (21) East; thence run North on Section lines one and one quarter (1 1/4) miles to the Northeast corner (NE) of the Southeast quarter (SE 1/4) of Section Fourteen (14) said Township and Range; thence West one-half (1/2) mile to the Northwest (NW) corner of the Southeast quarter (SE 1/4) of said Section Fourteen (14) said Township and Range; thence south one-fourth (1/4) of a mile to the Northwest (NW) corner of the Southwest quarter (SW 1/4) of the Southeast quarter (SE 1/4) of said Section Fourteen (14); thence West one-half (1/2) mile to the section line dividing Sections Fourteen and Fifteen; thence South one (1) mile along section lines to the Northwest (NW) corner of the Southwest quarter (SW 1/4) of the Southwest quarter (SW 1/4) of Section Twenty-three (23) said Township and Range; thence East one (1) mile to the point of beginning. All of the said territory being located in Alachua County, Florida, as shown on plats of record in the office of the Clerk of the Circuit Court of Alachua County, Florida, as described in Chapter 14451, Laws of Florida, 1929. And, the East 6 rods of the Northeast one quarter (NE 1/4) of the Northeast one quarter (NE 1/4) of the Southeast one quarter (SE 1/4) of Section 32, Township 8 South, Range 21 East, all lying and being in Alachua County, Florida. Reference Ordinance No. 4-75, parcel 15, 22-8-21-7134. And the Southeast quarter (SE 1/4) of the Northeast quarter (NE 1/4) less 1 1/2 acres in the Northwest corner and less the rights-of-way of State Road 301 and 200, of Section 14, Township 8 South, Range 21 East, Alachua County, Florida, (O.D. Drew property, Ordinance 12-88). And beginning at the Southeast corner of the Southwest one-quarter of the Northeast one-quarter (SW 1/4 of NE 1/4) of Section 14, Township 8

South, Range 21 East; and run North along State Highway 200 feet; thence run West 400 feet; thence run South 200 feet; thence run East 400 feet to the point of beginning, all lying and being Alachua County, Florida, and including the road right-of-way along U.S. highway 301, 200 feet north of the point of beginning (tax parcel 17015 - Hassan Rajaei property, Ordinance No. 94-6).

Section 2. Legal Status. The City of Waldo is a duly constituted municipality under Article VIII Section 2 of the Florida Constitution and shall exercise all rights, duties and powers under the provisions of the constitution and laws of Florida.

Section 3. Offices. There shall be the following offices of the City of Waldo: City Council with five (5) members, a Mayor, City Manager/ Clerk, City Attorney, City Auditor, Chief of Police, Fire Chief, Code Enforcement Officer, Heads of Streets, Maintenance and Water and Sewers. The City Council may create other or new offices or may change or reduce the number of offices by ordinance, however, there shall be at least five councilmen who shall be elected by the voters of the City.

### ARTICLE III. CITY COUNCIL AND MAYOR

Section 1. City Council. There shall be a City Council consisting of five (5) members. The Council members shall be elected by the voters of the City. The Council members shall serve terms of two years. The terms shall be established as set forth in Article VI so that three members shall be elected in one year and the two other members in the second year.

Section 2. Power of the Council. All legislative and policy making authority shall be vested in the City Council. The Council shall appoint a City Manager who shall serve at its pleasure. The Council shall approve or disapprove all persons who are hired by the City Manager for full time employment. The City Council shall hire and terminate employment of legal counsel and financial auditors. The Council shall hear and make final decision on appeals from decisions of the City Manager including appeals from employees who have been terminated from employment. The decision on any matter shall stand unless overturned by a motion made and passed by at least three (3) votes of the City Council. The City Manager, City Attorney and City Auditor shall report and answer directly to the City Council. All other departments, officers or employees shall report and answer to the City Manager.

Section 3. Mayor. The Mayor shall be elected by the electors of the City and serve a term of two years. For the purpose of having the election of the Mayor fall on the elections when two Council Members are up for election, rather than when three are up for election, the 2007-2009 term of the Mayor shall be extended so that the election for Mayor shall take place at the December election in the year 2010. The mayor shall thereafter serve for two year terms. The Mayor shall be the ceremonial head of the City and shall represent the City in all public affairs. The Mayor shall sit with and advise the City Council, but shall not have a vote. The Mayor shall examine all ordinances passed by the City Council. Every ordinance, before becoming law, shall be presented to the Mayor, under certificate and seal of the City Clerk, for examination, and if the Mayor approves the same he or she shall sign it and return same to the

Clerk, but if he or she shall not approve it and sign it, he or she shall return it to the Clerk with his or her objections in writing, at or before the next regular Council meeting for reconsideration, and if the Council shall pass the ordinance by a two-thirds vote of the members elected thereto, it shall become law. The Mayor shall be authorized to sign in behalf of the City all official documents. When the Mayor is unable to act, the Chairman of the City Council shall act as Mayor. In the absence of the City Manager, the Mayor may act as acting City Manager during such absence. In the event of an emergency, the Mayor may make a declaration of emergency and assume such powers and duties as are necessary and otherwise lawful to control the affairs of the City during such emergency. In the event the Mayor should declare an emergency, the City Council shall meet as soon as practicable and confirm or disavow the emergency and the actions of the Mayor.

*[Amended by Ord. 2009-06]*

Section 4. Vacancy in Office. In the event that there exists a vacancy on the City Council or in the Office of the Mayor, the Council shall so declare and proceed to fill the vacancy as soon as practicable. If the vacancy occurs within six (6) months before an upcoming council election, then the Council may appoint a duly qualified elector of the City to fill the vacant seat until the next election. If the vacancy occurs more than six (6) months before a council election, then the Council shall cause to be held a special election to fill the vacancy. Any election to fill a vacancy shall be for the balance of the term for that seat.

Section 5. Quorum and procedures. A quorum shall consist of three (3) members of the Council. It shall be necessary to have a quorum to conduct business or take formal action. A lesser number of members of the Council may meet to hear informational items or act as a committee. The Council may adopt its own rules of order and procedure for conduct of its meetings. Unless modified by the Council, the Council shall follow Robert's Rule of Order.

#### ARTICLE IV. CITY MANAGER

Section 1. There shall be a City Manager appointed by and serving at the pleasure of the City Council. The City Manager shall be responsible for the day to day operations of the City government and shall carry out the policy as set by the City Council under the supervision of the Council. The City Manager shall attend the City Council meetings and advise the Council in the operation of City government. The City Manager shall see that all ordinances duly passed by the City Commission are enforced. The City Manager shall appoint all offices in the City (except City Attorney and City Auditor), subject to approval by the City Council. The City Manager may make temporary appointments of any vacant office and such person shall serve in the position temporarily until confirmed or rejected by the City Council.

Section 2. Salary and working conditions. The City Manager shall be paid a salary as determined from time to time by the City Council. The salary shall not be decreased while the City Manager holds office except upon a finding of disciplinary action based upon reasonable grounds. The City Manager shall serve at the pleasure of the Council and

may be discharged for cause or for lack of confidence. In the event that the Council should consider discharging the City Manager for cause, the City Manager shall be given written notice of the cause at least five (5) days prior to a hearing by the Council on the issue. In the event that the Council should consider discharging the City Manager for lack of confidence, then no formal reasons or notice need be given. However, the City Manager shall be allowed to voluntarily resign within a period of thirty (30) days after a vote of no confidence is passed. Should the City Manager not resign within the thirty (30) day period, then the Council may vote at any meeting there after to terminate employment of the City Manager, which action shall be final. Any vote to terminate the City Manager must pass by three (3) or more votes to be effective.

## ARTICLE V. OTHER OFFICERS

Section 1. Offices created. There shall be the following offices of the City: Chief of Police, Chief of the Fire Department, City Attorney, City Clerk, Auditor, Code Enforcement Officer, Head of Streets, Head of Maintenance and Water and Sewer. The Council may combine or reduce or expand any office by ordinance. The Council may terminate any officer or employee for cause with provision for a fair hearing.

Section 2. Chief of Police. The Chief of Police shall be nominated by the City Manager and shall be confirmed or rejected by the City Council. The Chief of Police shall report and answer to the City Manager. The Council may require the Chief of Police to attend its meetings and keep order, give reports and advise to the Council. The Chief of Police shall be in charge of and supervise and direct all police officers of the City. He shall be the Chief law enforcement officer of the City and shall ensure the laws are enforced. He shall follow the policy as established by the City Council and shall be supervised and advised by the City Manager in the day to day operations of the department. The salary of the Chief of Police shall be set from time to time by the Council and shall not be decreased during his or her term in office except upon the finding of disciplinary action by the Council. The Chief of Police shall be appointed annually but shall be entitled to reappointment unless there is a vote of no confidence by the City Council. In the event of a no confidence vote, he or she shall be allowed a period of thirty (30) days where he or she may voluntarily resign. In the event that he or she does not resign within the thirty (30) day period, then the Council may vote to terminate the employment of the Chief of Police. A vote of at least three (3) members of the Council shall be needed to terminate employment, which shall then be final.

Section 3. Chief of Fire Department. The Chief of Fire Department shall be nominated by the City Manager and shall be confirmed or rejected by the City Council. The Chief of Fire Department shall report and answer to the City Manager. The Council may require the Chief of Fire Department to attend its meetings, give reports and advise to the Council. The Chief of Fire Department shall be in charge of and supervise and direct all Fire Department officers of the City. He shall follow the policy as established by the City Council and shall be supervised and advised by the City Manager in the day to day operations of the department. The salary of the Chief of Fire Department shall be set from time to time by the Council and shall not be

decreased during his or her term in office except upon the finding of disciplinary action by the Council. The Chief of Fire Department shall be appointed annually but shall be entitled to reappointment unless there is a vote of no confidence by the City Council. In the event of a no confidence vote, he or she shall be allowed a period of thirty (30) days where he or she may voluntarily resign. In the event that he or she does not resign within the thirty (30) day period, then the Council may vote to terminate the employment of the Chief of Fire Department. A vote of at least three (3) members of the Council shall be needed to terminate employment, which shall then be final.

Section 4. City Attorney. There shall be a City Attorney appointed by the City Council. The City Attorney shall report directly to the City Council. The City Attorney shall advise and represent the City and its officers and employees in all legal matters involving the City. The City Attorney shall serve at the pleasure of the City Council and shall be paid fees as agreed to between the City and the City Attorney.

Section 5. City Auditor. There shall be a City Auditor appointed by the City Council. The City Auditor shall report directly to the City Council. The City Auditor shall advise and audit the City and its officers and employees in all financial matters involving the City. The City Auditor shall serve at the pleasure of the City Council and shall be paid fees as agreed to between the City and the City Auditor.

Section 6. Code Enforcement Officer. There shall be a Code Enforcement Officer who shall report to and be supervised by the City Manager. The Code Enforcement Officer shall conduct inspections, enforce the building and safety codes, attend Code and Zoning Board meetings and advise the City on matters affecting the building and safety codes in the City. He shall be paid fees as agreed to between the City and the Code Enforcement Officer.

Section 7. Other Departments. There shall be a Head of Streets, Head of Maintenance and Water and Sewer and such other departments as the Council, by ordinance, may from time to time create or abolish. The Council, by ordinance, may combine the operations of any of these departments or expand or create new departments. The head of each department shall report and answer to the City Manager. The Department heads shall be in charge of and responsible for their respective departments. The Department Heads shall be appointed by the City Manager subject to approval by the Council.

Section 8. Clerk. There shall be a clerk of the City Council who shall be responsible for keeping the minutes and papers of the Council. The clerk shall be the City Manager or the City Manager may delegate the duties of the Clerk to another City employee with the approval of the Council. The Clerk shall attend Council meetings, prepare notices and agendas and otherwise be responsible for all documents of the Council. The Clerk shall serve at the pleasure of the Council and shall be paid fees as agreed between the City and the Clerk.

## Article VI. Schedule of Implementation of Charter

Section 1. This Charter shall become effective at 12:01 a.m. O'Clock on January 1, 1996, if passed by a majority vote of the electors, otherwise it shall be null and void.

Section. 2. The office of Mayor as it existed under the prior charter shall cease and all duties and functions of the former Mayor shall be assumed by the new office of Mayor or City Manager.

Section 3. Existing City Council seats shall be divided so that the terms of office shall be as provided in the ordinance implementing this charter.

## Appendix

A chart showing the relationships between city officials and offices.

