

ORDINANCE NO. O2019-35

AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA, CALLING FOR A REFERENDUM QUESTION TO BE PLACED BEFORE THE QUALIFIED ELECTORS OF THE CITY OF WILDWOOD ON A DATE DETERMINED BY THE SUMTER COUNTY SUPERVISOR OF ELECTIONS; PROVIDING A CHARTER REFERENDUM QUESTION DETERMINING WHETHER TO ADOPT THE PROPOSED 2019 CITY CHARTER FOR THE CITY OF WILDWOOD WHICH WOULD REPLACE THE EXISTING CITY CHARTER; PROVIDING FOR THE FULL TEXT OF THE PROPOSED 2019 CITY CHARTER FOR THE CITY OF WILDWOOD; PROVIDING FOR AN EFFECTIVE DATE IF THE PROPOSED CHARTER IS APPROVED; PROVIDING FOR THE FILING OF THE ORDINANCE WITH THE SUMTER COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR PUBLICATION OF THE TEXT OF THE PROPOSED 2019 CHARTER; PROVIDING FOR THE FILING WITH THE FLORIDA DEPARTMENT OF STATE IF THE PROPOSED 2019 CHARTER IS APPROVED; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Wildwood's City Charter was initially created by Chapter 9950 of the Special Acts of Florida of 1923 as amended and as re-created by Chapter 57-1950 of the Special Acts of Florida of 1957 as amended, and was thereafter amended by referendum approval of the City's voters held on December 2, 2003, under Ordinance No. 411, as amended; and

WHEREAS, Section 2-2(b) of the existing City Charter provides that the City Commission may, by ordinance, propose amendments to the Charter, with those proposed ordinances to be put to a vote of the electors of the City; and

WHEREAS, the City Commission of the City of Wildwood desires to adopt an updated City Charter to modernize and simplify the same; and

WHEREAS, in furtherance of this goal the City Commission directed the City Manager and staff to conduct a review of the City Charter; and

WHEREAS, on November 26, 2018, the City Commission initiated a Charter review through the passage of Resolution R2018-30 which established a Charter Review Committee for purposes of recommending suggested revisions, amendments, and/or modifications to the current City Charter and, thereafter, recommended to the City Commission that it consider various revisions to the current City Charter; and

WHEREAS, the Charter Review Committee adopted substantial revisions to update, modernize, and simplify the City Charter and has recommended said changes to the City Commission; and

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Rec'd of Wildwood

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WHEREAS, in light of the City Commission's goals and requests, the City Manager, staff, and the Charter Review Committee provided the suggested revisions updating the City Charter; and

WHEREAS, the City Commission considered the recommendations of the Charter Review Committee, City Staff, City legal counsel, and the public and determined that the qualified electors of the City should be given an opportunity to consider the recommended revisions suggested by the Charter Review Committee and that the best manner in which to bring those recommendations to the qualified electors of the City was in the form of a new City Charter; and

WHEREAS, the City Commission indicated a desire to submit one (1) referendum question to the qualified voters of the City that, if approved, would replace the current City Charter currently governing the City with the proposed 2019 City Charter; and

WHEREAS, the City Commission hereby authorizes the placement of the one (1) referendum question more particularly described herein be placed on the ballot for consideration by the City's qualified voters on a date to be determined by the Sumter County Supervisor of Elections.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WILDWOOD, FLORIDA THAT:

Section 1. The 'Whereas' clauses above are ratified and approved as true and correct, and are hereby incorporated fully by reference.

Section 2. A referendum of the qualified electors of the City is hereby called to be held on a date to be determined by the Sumter County Supervisor of Elections, for the purpose of submitting to the City's voters a referendum question, as more particularly set forth below, as to whether the existing City Charter should be replaced with the proposed 2019 City Charter.

Section 3. If the referendum is approved by the qualified electors of the City, the existing City Charter shall be replaced with the proposed 2019 City Charter. The full text of the new proposed 2019 City Charter is set forth herein as Exhibit "A." The full text of the existing City Charter is set forth herein as Exhibit "B." The proposed 2019 City Charter (Exhibit A) and the existing City Charter (Exhibit B) together with this ordinance shall be available for inspection or copying at the Office of the City Clerk.

Section 4. The question pertaining to the adoption of the proposed 2019 City Charter shall be submitted to the qualified electors of the City in substantially the following form which shall be printed on the ballot:

OFFICIAL BALLOT
CITY OF WILDWOOD, FLORIDA
CHARTER QUESTION
[DATE]

REFERENDUM QUESTION:
REFERENDUM REGARDING THE ADOPTION OF A NEW 2019 CITY
CHARTER

Shall the proposed 2019 City Charter as set forth in Ordinance 2019-35 be adopted replacing the existing City Charter?

Yes - For Adoption _____

No - Against Adoption _____

Section 5. Returns of the votes cast at the referendum shall be made as required by law. If a majority of the votes cast for a particular referendum question shall be "Yes - For Adoption," then that referendum question shall be approved, and the proposed 2019 City Charter shall become effective as of 12:01 a.m. on the day following the City Commission's canvass of the referendum results. If less than a majority of the votes cast for the referendum question shall be "Yes - For Adoption," then the referendum question shall be defeated, the adoption of the proposed 2019 City Charter shall have failed and shall not be effective or operative, and the same shall be void and have no effect. The referendum question's defeat shall result in all provisions from the existing City Charter of the City of Wildwood remaining in full force and effect.

Section 6. Full copies of this Ordinance and the exhibits hereto shall be available for inspection and copying at City Hall and available on the City's website at: www.wildwood-fl.gov/.

Section 7. The laws and ordinances in effect in the City of Wildwood at the time of this referendum governing election procedures, including the laws and ordinances governing the voting and counting of absentee ballots, shall apply to and govern the referendum provided for herein and all matters pertaining thereto, except as otherwise provided for in the City Charter.

Section 8. The City Clerk is hereby directed to forward a copy of this Ordinance to the Sumter County Supervisor of Elections following adoption of this Ordinance by the City Commission.

Section 9. If the City's voters approve the referendum question and the proposed 2019 City Charter provided for herein, the City Clerk is hereby instructed to file the proposed 2019 City Charter with the Department of State in accordance with Florida Statutes 166.031 (2).

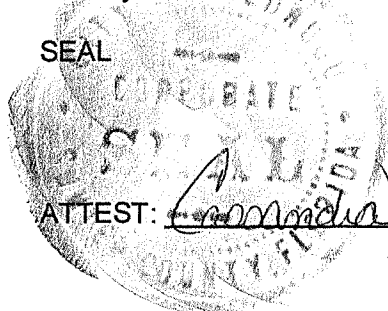
Section 10. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

Section 11. If any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected and it shall be construed to have been the Commission's intent to pass this Ordinance without such unconstitutional, invalid, or inoperative part therein.

Section 12. This Ordinance shall become effective upon adoption after two public hearings. If the City's qualified voters approve the proposed 2019 City Charter by referendum approval, the 2019 City Charter shall become effective as specifically provided for in Section 5 above.

DONE AND ORDAINED this 22nd day of July, 2019, by the City Commission of the City of Wildwood, Florida.

SEAL



ATTEST:

Commander Smith

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

[Signature]

Cassandra Smith, City Clerk

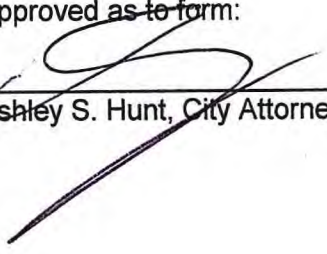
Ed Wolf, Mayor

First Public Hearing: July 8, 2019

Second Public Hearing: July 22, 2019

Gloria R. Hayward, Sumter County Clerk of Court
Inst: 201960043385 Date: 11/07/2019 Time: 2:44PM
Page 4 of 58 B: 3653 P: 672 By: BO

Approved as to form:



Ashley S. Hunt, City Attorney

Exhibit A

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Intentionally

PART I – CHARTER

ARTICLE I. – ESTABLISHMENT OF MUNICIPALITY

The City of Wildwood's municipal government existing under the name of the City of Wildwood was created by Chapter 9950 of the Special Acts of Florida of 1923 as amended and as re-created by Chapter 57-1950 of the Special Acts of Florida of 1957 as amended.

The municipal government existing under these acts was abolished by referendum on December 2, 2003, under Ordinance No. 411. Said referendum established the municipality to be called the "City of Wildwood", in the County of Sumter, State of Florida, and created, organized, and established the City as a municipal body politic and corporate in perpetuity, under the name of "THE CITY OF WILDWOOD". Additional changes occurred under Ordinance No. 02010-15, approved at referendum on December 7, 2010.

No lawful debts, obligations, or contracts of the said City of Wildwood as created by Chapter 57-1950 of the Special Acts of Florida of 1957 as amended or abolished by referendum on December 2, 2003, under Ordinance No. 411, as amended, were impaired or voided; but such debts and obligations passed to and were binding upon the municipality which was organized and created thereby.

Section 1-1. – Purpose.

We, the people of the City of Wildwood, Florida, desiring to avail ourselves of the right to establish a home rule charter form of government so, in accordance with the Constitution and the Laws of the State of Florida, ordain and establish this Charter and form of government for the City of Wildwood, Florida.

Section 1-2. – Body corporate and politic.

The inhabitants of the City of Wildwood, Florida, as its boundaries are established pursuant to Article I, Section 8, shall be and continue to be a body politic and corporate to be known and designated as "THE CITY OF WILDWOOD, FLORIDA", and as such shall have perpetual succession.

Section 1-3. – Rights and liabilities in succession.

The City of Wildwood created and organized under this Charter shall succeed to, own and possess all property, real, personal or mixed, all uncollected taxes, dues, claims, judgements, decrees and choses in action, heretofore owned, possessed or held by the City of Wildwood under its former organization and shall have, exercise, and enjoy all the rights, immunities, powers, benefits, privileges, and franchises which are now possessed or held by it.

Section 1-4. – Obligations unimpaired.

No lawful debts, obligations, or contracts of the said City of Wildwood as created by Chapter 57-1950 of the Special Acts of Florida or 1957 as amended, and by the Charter adopted on December 2, 2003, as amended, shall be impaired or voided by this Charter; but such debts and obligations shall pass to and be binding upon the municipality which is hereby organized and created.

Section 1-5. – Validity of prior assessments unimpaired.

Nothing in this Charter shall be construed to impair the validity of any assessment of taxes by the City of Wildwood prior to the passage of the same or any tax sale made pursuant to any such prior assessment.

Section 1-6. – Assessments, etc., validated.

All tax sales and general and special assessments heretofore made by said City are hereby ratified and confirmed and declared to be legal and valid.

Section 1-7. – Authority continues to levy taxes and ad valorem taxes.

Neither the provisions of this Charter, nor the taking effect of the same shall in any way affect, alter, or impair the authority of the City of Wildwood to continue to levy in the same manner and to the same extent as it would be able to do were it not for the enactment of this Charter.

Section 1-8. – Corporate limits.

The corporate boundaries of the City of Wildwood shall be established by ordinance and shall remain fixed as existing on the date this Charter takes effect. The City of Wildwood shall have the power to change its boundaries in the manner prescribed by law.

Section 1-9. – Citing.

This Charter shall hereafter be referred to as the "Charter of the City of Wildwood", a municipal corporation of Florida.

Section 1-10. – Definitions.

1. Whenever the word "Charter" is used, it shall mean this "act."
2. Whenever in this act the word "City" is used, it shall be construed to mean the City of Wildwood, if the context shall permit such construction.
3. Whenever the term "state law" is used, it shall mean the constitution, statutes, or other general laws of the State of Florida.
4. Whenever publication or notice is required in any newspaper, it shall mean a newspaper published in the county, or one of general circulation in the county.
5. Whenever the term "Manager" is used, it shall mean "City Manager."

ARTICLE II. – GENERAL MUNICIPAL POWERS

Section 2-1. – Territorial jurisdiction.

The jurisdiction and powers of the City shall extend over all streets, alleys, sewers, parks, and all lands within said area, whether platted or unplatted and the air above same; and to and over all waters, waterways, streams, drainage ditches, and canals; and to and over all persons, firms and corporations, property and property rights, occupations, businesses and professions, whatsoever within its boundaries.

The title to and jurisdiction over all streets, thoroughfares, parks, alleys, public lots, sewers within the City, and all other property and municipal plants of the City now owned, possessed, or operated by the City and all property of every kind and character which the City now has or may hereafter acquire within or outside the City or which may vest in it or be dedicated to it, for its use for the public use shall be vested in the City as created under this Charter.

Section 2-2. – Seal.

The official seal of the City shall bear the legend “City of Wildwood, Sumter County, Florida” (SEAL), “originally established May 16, 1889 and subsequently reestablished in 1973 or as amended by the City Commission of the City of Wildwood”.

Section 2-3. – Powers, rights, and liabilities.

The City shall have, and may exercise, all government, corporate, proprietary, police, and other powers allowed by law without limitation to enable it to conduct municipal government, perform municipal function, and render municipal services. These powers shall include, but not be limited to, any powers provided for under state law at the time of enactment of this amendment to the City of Wildwood Charter. The City may exercise any power for municipal purposes except as expressly prohibited by law.

Section 2-4. – Construction.

The powers of the City shall be construed liberally in favor of the City, limited only by the constitution, general and special law, and specific limitations in this Charter.

ARTICLE III. – CITY COMMISSION ADMINISTRATION

Section 3-1. – Form of government.

The form of government of the City, provided for under this Charter, shall be that known as the “Commissioner-Manager” form.

Section 3-2. – Composition of City Commission.

There shall be a City Commission (hereinafter described as “Commission”) with the legislative powers of the City vested therein, except as otherwise provided herein. The City Commission shall consist of a Mayor-Commissioner and four (4) members (hereinafter described as “Commission Members”) whose term of office shall be four (4) years and who shall be elected by the City electors at large. The seats on the City Commission shall be identified as seats one through five. There shall be no term limits imposed upon any Commission Member and each Commission Member shall be eligible for reelection at the end of their respective term.

Section 3-3. – Powers of the City Commission.

1. *Generally.* The City Commission shall have the legislative powers of the City, including the power to pass ordinances, adopt resolutions, and appoint such officers, boards, and commissions by resolution as is provided in this Charter and to exercise all other powers provided for by this Charter and federal, state, and local law.

2. *Exceptions.* All powers of the City, except as otherwise provided by this Charter or by state law, are hereby vested in the City Commission; and except as otherwise provided by this Charter or by state law, the City Commission may by ordinance or resolution prescribe the manner in which any powers of the City shall be exercised.

Section 3-4. – Functions and power of the Mayor-Commissioner.

The Mayor-Commissioner shall preside at meetings of the City Commission, shall retain all rights and privileges provided for members of the City Commission in this Charter, shall be recognized as head of City government for all ceremonial purposes, by the governor for purposes of military law, for service of process, execution of contracts, deeds, bonds, revenue certificates, negotiable instruments, evidence of indebtedness, or other instruments in writing to which the City shall be a party when authorized so to do by the City Commission, and as the City official designated to represent the City in all agreements with other governmental entities or certifications to other governmental entities. The Mayor-Commissioner shall have no other administrative duties except as required to carry out the responsibilities herein.

The Mayor-Commissioner shall have the right to vote upon all questions and matters before the City Commission, but there shall be no veto power vested in the Mayor-Commissioner. He or she shall vote last upon the roll call of City Commissioners.

Section 3-5. – Selection and duties of Mayor-Commissioner pro tem.

At the first regular meeting following each regular municipal election, at which meeting newly elected City Commissioners assume their duties of office, the five (5) City Commissioners shall select one of their number, exclusive of the Mayor-Commissioner, to act as Mayor-Commissioner pro tem. The Mayor-Commissioner pro tem, when selected by a majority vote of the City Commissioners voting, shall have all the powers and duties of the Mayor-Commissioner in the absence of the Mayor-Commissioner or his or her inability to act, whether by reason of his or her death, resignation, impeachment, sickness, mental or physical, or for any other reason and the City Clerk shall certify as to the absence from the City of the Mayor-Commissioner or his or her inability to act, upon demand, when the Mayor-Commissioner is absent from the City or unable to act.

Section 3-6. – Compensation and expenses.

The City Commission may determine the annual salary of Commission Members by ordinance. However, no ordinance increasing such salary shall become effective until the date of commencement of the term of Commission Members elected at the next General Election. Each Commission Member shall be entitled to reimbursement for allowable expenses in accordance with City ordinances.

Section 3-7. – Vacancies; forfeiture of office; suspension; recall; filling of vacancies.

1. *Vacancies.* A vacancy in the office of the Mayor-Commissioner or of a City Commission seat shall occur upon any of the following: upon the death of the incumbent; removal from office as authorized by law; resignation; appointment to other public office which creates dual office holding; judicially determined incompetence; or forfeiture of office as herein described.

2. *Forfeiture of office.* The City Commission shall have the power and authority to impeach or remove the Mayor-Commissioner or any member of the City Commission after due notice to said member and an opportunity to be heard in his or her defense. The Mayor-Commissioner or any other

Commission Member shall forfeit his or her office upon determination by the City Commission, acting as a body, that he or she:

- a. Lacks at any time, or fails to maintain during his or her term of office, any qualification for the office prescribed by this Charter or otherwise required by law;
- b. Is convicted of a felony, or enters a plea of guilty or nolo contendere to a crime punishable as a felony, even if adjudication of guilt has been withheld;
- c. Is convicted of a first degree misdemeanor arising directly out of his or her official conduct or duties or enters a plea of guilty or nolo contendere thereto, even if adjudication of guilt has been withheld;
- d. Is found to have committed a crime of moral turpitude or has violated any standard of conduct or code of ethics established by law for public officials and has been suspended from office by the Governor, unless subsequently reinstated as provided by law;
- e. Is absent from three consecutive regular City Commission meetings without being excused by the City Commission;
- f. Has demonstrated or shown incompetence, corruption, misconduct, malfeasance while in office; or
- g. For any other good and sufficient causes.

3. *Suspension from office.* The Mayor-Commissioner or any other Commission Member shall be suspended from office by the City Commission acting as a body upon return of an indictment or issuance of any information charging the Commission Member or Mayor-Commissioner with any crime which is punishable as a felony or with any crime arising out of his or her official conduct or duties which is punishable as a misdemeanor. Pursuant thereto:

a. During the period of suspension, the Mayor-Commissioner or the Commission Member shall not perform any official act, duty, or function or receive any allowance, emolument, or privilege of office.

b. If the Mayor-Commissioner or the Commission Member is subsequently found not guilty of the charge, or if the charge is otherwise dismissed or altered so that suspension would no longer be required as provided herein, the suspension shall be lifted by the City Commission, and the Commission Member or Mayor-Commissioner shall be entitled to receive full back allowances and such other emoluments as he or she would have been entitled to had the suspension not occurred.

4. *Recall.* The qualified voters of the City shall have the power to recall and to remove from office any elected official of the City as provided by state law.

5. *Filling of vacancies.*

a. If, for any reason other than recall, a vacancy occurs in the office of Mayor-Commissioner, the Mayor-Commissioner pro tem shall assume the position of Mayor-Commissioner. A Special Election shall be called as outlined in Section 5-5(3)(a) of Article IV

within thirty (30) days following the occurrence of such vacancy. The Special Election for Mayor-Commissioner shall be for the remainder of the unfilled term.

b. If, for any reason other than recall, a vacancy occurs in the office of any City Commission seat within the first two (2) years of a term, the office shall be filled by appointment within thirty (30) days following the occurrence of such vacancy by a majority vote of the remaining Commission Members. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the remaining two (2) years of the original term, thereby continuing the original staggering of district seats.

c. If, for any reason other than recall, a vacancy occurs in the office of any City Commission seat within the last two (2) years of a term, the office shall be filled by appointment within thirty (30) days following the occurrence of such vacancy by a majority vote of the remaining Commission Members. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the regular four-year term.

d. If a vacancy occurs as a result of a Recall Petition, such vacancy will be filled by Special Election.

e. Any person appointed to fill a vacant seat on the City Commission is required to meet all the qualifications for office.

Section 3-8. – Conduct of meetings.

1. *Rules.* The City Commission shall conduct its meetings in accordance with Roberts Rules of Order. The City Commission may adopt its own rules and procedures from time to time by resolution or ordinance.

2. *Disruptive, disorderly persons; contempt.* The City Commission shall have the power to expel any member of the audience who is disorderly while the City Commission is in session.

Section 3-9. – Regular meetings.

On the second Monday in January, at 7:00p.m., the City Commission shall meet at the usual place of holding meetings, at which time the newly elected City Commissioners shall take office. Thereafter, the City Commission shall meet regularly at least once in every month at such times and places as the City Commission may prescribe by rule or resolution.

The meetings of the City Commission shall be open to the public, and any citizen shall have access to the minutes and records thereof at all reasonable times and under the supervision of the City Clerk of his or her designee.

Section 3-10. – Manner of calling special meetings.

Special meetings may be held on the call of the Mayor-Commissioner, Mayor-Commissioner pro tem, a majority of Commission Members, or the Manager upon proper notice to each Commission Member which may be served personally, transmitted by electronic mail to the address last filed by each Commission Member with the City Clerk, or left at the Commission Member's usual place of residence or business. The regularity or validity of any proceedings, taken at any special meeting at which a

majority of members of the City Commission and the Manager is present, shall not be questioned on account of any omission or irregularity in calling such special meeting.

The public shall be properly noticed as required under state law.

Section 3-11. – Required vote for City Commission action.

The affirmative vote of three members of the City Commission shall be necessary to adopt ordinances and resolutions. The vote on all ordinances and resolutions shall be taken by yeas or nays and entered in the minutes kept by the City Clerk or his or her designee. No other action of the City Commission shall be valid or binding unless adopted by the affirmative vote of a majority of a quorum present. No Commission Member shall be excused from voting, except on matters involving the consideration of his or her own official conduct or when his or her financial interests are involved.

The majority of the City Commission must be physically present to constitute a quorum. A lesser number may adjourn from time to time and compel the attendance of absent members in such a manner and under such penalties as may be prescribed by ordinance.

Section 3-12. – Committees.

The City Commission shall provide by ordinance or resolution for such standing and ad hoc committees as they deem necessary, fixing the number of members that shall compose each respective committee, and prescribing their responsibilities and duties.

Section 3-13. – Interference with appointment of employees or City officers.

1. *Appointments and removals.* Except as otherwise provided in this Charter, neither the City Commission nor any of its members shall in any manner dictate the appointment or removal of any City officers or employees whom the Manager or his or her subordinates are empowered to appoint. However, the City Commissioner may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.

2. *Interference with administration.* Except for the purpose of inquiries and investigations, the Mayor-Commissioner and the Commission Members shall deal with City officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Mayor-Commissioner nor the Commission Members shall give orders to any such officer or employee, either publicly or privately, except as provided herein. Nothing in the foregoing is to be construed to prohibit the Mayor-Commissioner or Commission Members from closely scrutinizing, by questions directed to the Manager and personal observation, all aspects of City operations so as to obtain independent information to assist in the formulation of sound policies to be considered by the City Commission. It is the express intent of this Charter, however, that recommendations for improvement in City operations by the Mayor-Commissioner and individual Commission Members be made to and through the Manager, so that he or she may coordinate the efforts of each department to achieve the greatest possible savings through the most efficient and sound means available. Nothing in the foregoing will preclude any Commission Member from giving an order to any City officer or employee who is in the process of performing an act which is in violation of this Charter, municipal ordinance or policy, state law, or in such a manner as to endanger life or property.

3. *Holding another office.* No former Commission Member shall hold any compensated appointive City office or employment until one year after the expiration of the term for which he or she

was elected. No individual may qualify as a candidate for public office who holds another elective or appointive office, whether state, county, or municipal, the term of which or any part thereof runs concurrently with the term of office for which he or she seeks to qualify without resigning from such office not less than ten (10) days prior to the first day of qualifying for the office he or she intends to seek. Said resignation shall be effective no later than the date upon which he or she would assume office, if elected to the office to which he or she seeks to qualify, the expiration date of the term of the office which he or she presently holds, or the General Election day at which his or her successor is elected, whichever occurs earliest.

Section 3-14. – Ordinances and resolutions.

Ordinances and resolutions shall be enacted as provided by general law.

Section 3-15. – Records of ordinances and resolutions.

1. *Codification of ordinances.* The City Commission shall keep a properly indexed book to provide for the authentication and recording in full of all ordinances adopted by the City Commission, and the same shall at all times be a public record. The City Commission shall further maintain a current codification of all ordinances. Such codification shall be printed and be made available to the public.

2. *Record of resolutions.* Every resolution shall upon its final passage be kept in a properly indexed resolution book and shall be authenticated by the signature of the presiding officer and the City Clerk. The record shall be verified with the resolution passed. After any resolution has been copied into the resolution book and authenticated by the signature of the presiding officer and the City Clerk, such copy shall be the official resolution, and certified copies of same may be obtained upon request.

3. *Minutes of meetings.* The City Commission shall keep minutes of all meetings in accordance with state law.

4. *Execution of ordinances and resolutions.* All ordinances or resolutions of the City Commission shall be signed by the Mayor-Commissioner or in the Mayor-Commissioner's absence, by the Mayor-Commissioner pro tem, or in the absence of both, by the Acting Mayor-Commissioner, and attested to by the City Clerk. A copy of any ordinance or resolution therefrom, certified by the City Clerk under the seal of the City, shall be received in evidence in any court of the State of Florida.

Section 3-16. – Certified copies of official documents admissible in evidence.

Certified copies of the records, papers, and books of the City and the City officials shall be admissible in evidence in all courts when certified by the lawful custodian of same and attested by said custodian under seal of the City.

Section 3-17. – Oath of office.

Every officer of the City shall, before entering upon the duties of his or her office, take and subscribe to an oath or affirmation to be filed and kept in the office of the City Clerk. Such oath shall be in the form prescribed for state officers by the Constitution of the State.

ARTICLE IV. – ADMINISTRATIVE OFFICERS AND DEPARTMENTS

Section 4-1. – Officers.

1. *City Manager.* There shall be a City Manager ("Manager"), who shall be the administrative officer of the City. The Manager shall be responsible to the City Commission for the administration of all City affairs placed in his or her charge by or under this Charter.

2. *Police Chief.* There shall be a Police Chief who shall be designated as the chief law enforcement officer of the City and shall be responsible to the Manager. The Police Chief shall be appointed by the City Commission upon recommendation of the Manager and shall serve under the direction and supervision of the Manager. The City Commission may, at its discretion, enter into a contract with a third party for the provision of law enforcement services. Where the City Commission enters into a contract with a third party, there shall be no need for a Police Chief.

3. *Limitation.* The offices of the Manager and Police Chief shall not be combined.

4. *City Clerk.* There shall be a City Clerk appointed by the Manager subject to City Commission approval, who shall keep the minutes and shall be records custodian.

5. *City Attorney.* The City Commission may employ an attorney or attorneys from time to time, or by the year, to perform such legal services as the City Commission may authorize, designate, and pay such attorney for services rendered.

Section 4-2. – City Manager: appointment; qualifications; compensation.

The City Commission may appoint a Manager who shall be the administrative head of the City government, under the direction and supervision of the City Commission, and who shall hold office at the pleasure of the City Commission. He or she shall receive such compensation as the City Commission may set by resolution or contract. He or she shall be chosen solely on the basis of his or her executive and administrative qualifications, without regard to his or her political belief, and shall be over the age of 21 years. The City Commission shall have discretion to require that the Manager reside within the City during his or her term of office, but he or she need not be a resident of the city, county, or state at the time of his or her appointment.

Section 4-3. – Acting City Manager.

During the absence or disability of the Manager, the City Commission may by resolution designate a person with sufficient experience and training to temporarily execute and undertake the executive functions and administrative duties of the office of City Manager. The person thus designated shall have the same powers and duties as the Manager, and shall be known while so serving as "Acting City Manager."

Section 4-4. – Removal.

The Manager or Acting City Manager may be removed by the City Commission at any time. However, if removed at any time after having served six months, the Manager may be removed only by the passage of a resolution, designating such removal. The City Commission may suspend him or her from office pending such removal; such suspension may last up to 90 days unless extended by further action of the City Commission. There shall be no appeal by the Manager from the City Commission's action to remove the Manager and the action of the City Commission shall be final and conclusive. The Manager is deemed to have knowledge of this provision of the Charter at the time of his or her employment and such provision shall be construed as a part of his or her contract of employment, if not

specifically included in the contract. The City Commission may provide for additional or alternative removal provisions in any contract entered into by the City Commission and the Manager.

Section 4-5. – Manager: powers and duties.

The Manager shall:

1. Appoint, and when he or she deems it necessary for the good of the City, suspend or remove City employees, heads of department, and appointive administrative officers provided for, by, or under this Charter, except as otherwise provided by law or personnel rules adopted pursuant to this Charter. The Manager may authorize any administrative officer who is subject to his or her direction and supervision to exercise any and all necessary powers with respect to subordinates in that department head's or officer's department, office, or agency;
2. Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law. With the consent of the City Commission, the Manager may serve as the head of one or more departments, offices, or agencies or may appoint one person as the head of two (2) or more such departments, offices, or agencies;
3. Attend all City Commission meetings and shall have the right to participate in the discussions of the City Commission but may not vote;
4. Ensure that all laws, ordinances, provisions of this Charter, and acts of the City Commission, subject to enforcement by him or her, or by officers subject to his or her direction and supervision, are faithfully executed;
5. Prepare and submit the annual budget and capital program for all departments of the City to the City Commission;
6. Submit to the City Commission and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
7. Make such other reports as the City Commission may require concerning the operations of City departments, offices, and agencies subject to his or her direction and supervision;
8. Keep the City Commission fully advised as to the financial condition and future needs of the City and make such recommendations to the City Commission concerning the affairs of the City as he or she deems desirable, or as directed by the City Commission;
9. Sign contracts on behalf of the City pursuant to City Commission directive, if signature by the Mayor-Commissioner is impractical under the circumstances; and
10. Perform such other duties as are specified in this Charter or may be required by the City Commission.

Section 4-6. – City Attorney: qualifications; residency; powers; duties.

The City Attorney shall be the chief legal advisor of the City. At the discretion of the City Commission, the City Attorney may either be retained in-house or be independently retained under contract.

1. *Qualifications.* The City Attorney shall be a member of the Florida Bar and in good standing with the Florida Bar.

2. *Residency.* If retained in-house, the City Attorney shall, within six (6) months of such appointment, establish and maintain residency within the corporate limits of the City. Upon request of the City Attorney, this six-month period may be extended by the City Commission for an additional six-month period. If City Attorney services are independently contracted, such attorney need not be a resident of the City.

3. *Powers and duties.* The City Attorney:

a. Shall serve as chief legal advisor to the City Commission, the City Manager, and all City departments, offices, City advisory boards, Commission-appointed committees, and agencies.

b. If in-house, the City Attorney shall have the discretion to appoint, suspend, or remove such assistant attorneys as may be required. The remainder of the staff of the office of City Attorney shall be employees of the City, appointed, suspended, or removed under the regular personnel policies and procedures of the City. If City Attorney services are contracted, the Manager may appoint, suspend, or remove any in-house assistant attorneys as may be required.

c. The City Attorney or designee is required to attend all City Commission meetings unless excused by the City Commission. Further, the City Attorney shall perform such other professional duties as may be required by law or by the City Commission in furtherance of the law. The City Attorney may represent the City in all legal proceedings.

4. The City Commission may remove the City Attorney for any reason with good cause shown, by a majority vote of its total membership, at any properly noticed regularly scheduled or special meeting.

Section 4-7. – Police Chief: powers and duties.

1. The Police Chief shall be the chief law enforcement officer of the City and shall aid in the enforcement of order in the City. He or she shall perform such duties appropriate to his or her office as may be imposed upon him or her by the law, the ordinances of the City, the direction of the Manager, or the City Commission.

2. He or she shall be head of the police department and charged with the responsibility of supervising and directing the enforcement of all state and local laws and ordinances applicable to the City, except when the City Commission has entered into a contract with a third party to provide such services.

3. The Police Chief shall perform such other duties that are specified by the Manager.

4. The Police Chief shall attend in-person or by deputy all meetings of the City Commission.

5. The City Commission shall have discretion to require that the Police Chief reside within the City during his or her term of office, but he or she need not be a resident of the city, county, or state at the time of his or her appointment.

Section 4-8. – City Clerk: powers and duties.

The City Clerk shall be head of the department of records and custodian of all official records of the City, be responsible to the City Commission for the proper administration of all affairs concerning the records of the City placed under the City Clerk's authority under this Charter, and shall:

1. Serve as Clerk to the City Commission and recorder of all its official actions, including, but not limited to, keeping minutes of its proceedings;
2. Attest all bonds, contracts, and other instruments on behalf of the City;
3. Maintain all documents and records in the custody of the Clerk in accordance with Florida law and authenticate documents of the City where required and be custodian of the City seal; and
4. Administer oaths required or authorized under any state law, ordinance, or this Charter.

Additionally, the City Clerk may act as the Chief Financial Officer of the City. The City Clerk shall also perform such other duties as prescribed by law or by this Charter or by any ordinances of the City or by direction of the City Commission or the Manager.

Section 4-9. – Compensation of officers and employees.

The City Commission shall by resolution or contract set the compensation of the Manager, Police Chief, and City Attorney. The Manager, with the approval of the City Commission, shall fix the compensation and rate of pay of all other officers and employees of the City.

ARTICLE V. – ELECTIONS

Section 5-1. – Initiative and Referendum.

Initiative and Referendum issues shall be governed by applicable state law.

Section 5-2. – Nonpartisan elections.

All qualifications and elections for the office of City Commissioner shall be conducted on a nonpartisan basis without regard for or designation of political party affiliation of any nominee or any nomination petition or ballot.

Section 5-3. – Qualifications for City Commissioners.

1. To be eligible to hold the office of City Commissioner or Mayor-Commissioner of the City or to qualify for nomination of election as such, the candidate shall be a bona fide resident of the City, the State of Florida, and a citizen of the United States of America and shall be duly qualified to vote at each respective city, state, and national election and shall be otherwise qualified as is provided in this Charter and shall hold no other public elective office. Candidates for nomination or election for the office of City Commissioner or Mayor-Commissioner shall comply with all the rules and regulations set out in this Charter as to their conduct. Any City Commissioner who shall cease to possess the qualifications required herein shall forthwith forfeit his or her office.

2. Unless the City Commission has voted to authorize the Supervisor of Elections to provide qualifying for candidates, candidates for City Commission shall qualify as candidates upon application to the City Clerk, in conformity with the state law and ordinances pursuant thereto. If the City Commission

has authorized the Supervisor of Elections to provide qualifying for candidates, the candidate shall qualify upon application to the Supervisor of Elections. Qualifications shall occur at the same time as qualification for the state general election and shall be pursuant to state law.

3. No candidate for the office of City Commissioner shall promise any money, office employment, or other thing of value to secure a nomination or election or any vote therein. A violation of this provision shall disqualify the candidate from holding the office if elected, and the person receiving the next highest number of votes, who has observed the foregoing conditions, shall be entitled to the office.

Section 5-4. – Election procedure.

All elections shall be held and conducted in accordance with the provisions of state law and changes therein and future amendments thereto except as otherwise provided by this Charter or by the present or future ordinances of the City.

Every elector shall be entitled to vote for one candidate for each City Commission seat up for election. The candidate for each seat receiving the highest number of votes cast shall be declared elected.

If necessary, the City Commission may, by ordinance, further prescribe the method and manner of holding all elections in the City and may enter into agreements with the Sumter County Supervisor of Elections. The Supervisor of Elections may conduct and oversee a city-wide election in accordance with applicable Florida Statutes.

Unless otherwise dictated by ordinance of the City Commission, elections involving multiple candidates (when two (2) or more person qualify as candidates for the office of any of the designated seats of the City commission) or single candidates (where only one person qualifies as a candidate for the office of any of the a designated seats of the City Commission) shall be handled in accordance with state law.

In the event no candidates qualify, the procedure in Section 3-7(5) of Article III will be followed.

Section 5-5. – Schedule of regular elections.

The regular City election shall be the first Tuesday after the first Monday in November of each even-numbered year. Such City elections shall be general City elections.

1. An election to fill a vacant City Commission seat, when there is more than half of the term remaining, shall be held during the next regularly scheduled election, as outlined in Section 3-7(5)(b) of Article III. Such election shall be for the remaining two (2) years of the original term.

2. An election to fill a vacant City Commission seat, when there is less than half of the term remaining, shall be filled at the next regularly scheduled election, as outlined in Section 3-7(5)(c) of Article III. Such election shall be for a four (4) year term.

3. *Schedule for special elections.*

a. A special election for a vacant position of Mayor-Commissioner shall be called within thirty (30) days and the City Commission shall, by resolution, fix the time for holding of

such election, as outlined in Section 3-7(5)(a) of Article III. Such special election for Mayor-Commissioner shall be for the remainder of the vacant term.

b. All other special municipal elections shall be held in the same manner as regular elections and the City Commission shall, by resolution, fix the time for holding of such elections.

Section 5-6. – Registration of electors.

Any person who is a resident of the City and has resided in the City for a period of ninety (90) days, who has qualified as an elector of this state, and who registers in the manner prescribed by law shall be an elector of the City.

Section 5-7. – Canvassing and qualification.

1. Unless a majority of the City Commission votes to utilize the Supervisor of Elections for qualifying of candidates and conducting the election and the county canvassing board for canvassing the election, the City Commission shall conduct the election and shall have the authority to determine the qualification of its members, subject to review by the courts.

2. If the City Commission has not authorized the county canvassing board to canvass the election, at the time that the City Commission meets to canvass the results of any election, any registered elector of the City shall be entitled to file with the City Commission an affidavit setting out the facts showing that a candidate has violated the provisions of this Charter as to the manner of his or her election, or is otherwise unqualified to hold office, and the City Commission shall take proof at such meeting and declare the results.

3. The City Commission may by ordinance authorize the Supervisor of Elections to provide for qualifying of candidates and conduct the election and for the county canvassing board to canvass the election. If the City Commission provides the Supervisor of Elections and the county canvassing board with such authority, then the Supervisor of Elections shall be responsible for the qualifying of candidates and conducting the election and the county canvassing board shall canvass the election. Once an ordinance is enacted authorizing the transfer of these responsibilities, the Supervisor of Elections and the county canvassing board shall retain this authority at all subsequent elections unless the City Commission enacts a subsequent ordinance transferring such responsibility back to the City. Any such ordinance must be enacted and provided to the Supervisor of Elections and county canvassing board at least one year prior to the next general election.

ARTICLE VI. – FINANCE AND TAXATION

Section 6-1. – Fiscal year; annual audit; quarterly reports.

The City's fiscal year shall begin on October 1st of each calendar year and end on September 30th of each calendar year. An annual audit report proposed in compliance with state law shall be provided to the City Commission after the close of the fiscal year. The Manager shall provide revenue and expenditure analysis reports at least quarterly to the City Commission.

Section 6-2. – Adoption of budget; notice; amount of millage.

The City Commission shall follow state law in setting millage rates and adopting an annual budget. The City Commission shall, by resolution, adopt a budget on or before September 30th of each

year. The City Commission shall comply with the requirements of state law for notice and public hearings related to the adoption of the annual budget.

Section 6-3. – Authority of City to levy taxes.

The City Commission shall have the power to raise such a sum of money by taxation and levy upon the taxable property in the City such a millage or tax as it shall determine to be necessary for the annual budget subject to any limitations of state law.

Section 6-4. – Property which is taxable.

All property, real and personal, in the City not expressly exempt by state law shall be subject to taxation by the City.

Section 6-5. – Budget changes.

After the adoption of the annual budget, the City Commission shall have the power to reappropriate to any municipal purpose any funds not needed for the purpose originally appropriated or to appropriate any unappropriated surplus to any municipal purpose.

Section 6-6. – Unencumbered balance to revert to fund; expenditure of money to comply with budget.

At the close of each fiscal year, the unencumbered balance of each appropriation of funds shall revert to the respective fund from which it was appropriated and shall be subject to future appropriation, except that special funds shall remain intact. No money shall be drawn from the depository of the City, nor shall any obligation for the expenditure of any money be incurred, except pursuant to the appropriation made by the City Commission.

Section 6-7. – Authority to borrow.

The City Commission shall have the authority to borrow money, contract loans, and issue bonds as defined by state law to finance the undertaking of any capital or other project for the purposes permitted by state law and this Charter.

Section 6-8. – Authority of City to issue bonds generally.

The City is authorized to issue bonds of said City of such form and denomination, bearing such rate of interest and becoming due in such time and upon such conditions as may be determined, in an amount not exceeding in the aggregate percentage of the assessed valuation of the taxable property in the City at the time of issue allowable by state law, for any purpose, such powers include, but are not limited to:

1. *Issuance of general obligation bonds.* The City shall issue general obligation bonds in conformity with state law.

2. *Issuance of revenue bonds.* The City Commission shall have the power to provide by resolution for the issuance and sale of revenue bonds and certificates in compliance with state law to provide funding for any lawful municipal purpose.

3. *Special assessments for local improvements authorized.* The City, by its City Commission, shall have power and authority to cause local improvements to be constricted, wholly or in part, at the cost of the property owners benefited thereby, by levying and collecting special assessments in a

manner consistent with state law for any such improvements as are allowable by state law or are not precluded by state law.

ARTICLE VII. – FRANCHISES AND PUBLIC UTILITIES

Section 7-1. – Authority to grant franchises; limitations.

1. The City shall have power to grant or lease the right to use the streets, highways, alleys, public grounds or buildings, and to grant franchises, to any private person, persons, firm or corporation, provided that no exclusive franchise or renewal shall ever be granted.
2. No such grant or lease or franchise or renewal thereof shall be transferable except with the express approval of the City Commission by ordinance.
3. A copy of all transfers and mortgages or other documents affecting the title to the use of the grants, renewals, leases, or franchises provided herein shall be filed with the City Clerk within ten (10) days after the execution thereof.
4. No franchise given by the City shall authorize the licensee to damage, destroy, or interfere with any trees, shrubs, or other plants on said streets, parks, and public grounds. The licensee shall secure such permission from the City Commission in the form of a resolution upon the submitted petition of the licensee. All such grants or renewals shall be made as hereinafter provided.
5. No grant or lease or renewal to the right to use the streets, highways, alleys, public grounds, or buildings of the City shall in any event be for a longer period of time than thirty (30) years.

Section 7-2. – Franchises for public utilities generally.

1. The City shall have power to grant franchises for public utilities subject to the provisions of subsection (2).
2. No ordinance granting a franchise for public utilities shall become a law or become effective in any way unless the same be passed by a vote of four-fifths of all members of the City Commission.
3. Nothing in such grant or renewal shall prevent the City from acquiring the property by condemnation proceedings or in any other lawful manner under applicable state law when deemed by the City Commission for the best interest of the City or the public.
4. The right at all times to control the appropriation or distribution of space in, over, across, or under any street, alley, public ground, waterfront, riparian property, or submerged lands, occupied by any public utility, shall remain in the City Commission. All rights granted for the construction and operation of public utilities shall be subject to the continuing right of the City Commission to require such reconstruction, relocation, change, or discontinuance of the lines, equipment, and appliances used by the utility as shall be necessary or desirable for the best interest of the City and the public welfare.
5. No consent of the owner of any property abutting the street, alley, park, public ground, or waterfront shall be necessary in order to perfect the rights granted by the franchise or any renewal, as provided in this section, but the franchise itself shall be sufficient, provided that no liability shall accrue against the City in the event such public utility is of such character that its construction or operation will cause, or work, any additional burden or detriment to the property rights of the owners of abutting property.

Section 7-3. – Terms and conditions of public utility franchises.

1. All grants, renewals, extensions, or amendments of public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the following rights of the City:

a. To repeal the same by ordinance at any time for misuse, nonuse, or failure to begin construction within the time prescribed, or otherwise to comply with the terms prescribed.

b. To require proper and adequate extension of plant and service, and the maintenance of the plant and fixtures at the highest practicable standard of efficiency.

c. To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.

d. To prescribe the form of the accounts and, at any time, to examine and audit the accounts and other records of any such utility. However, if a public service commission or any other authority shall be given the power by law to prescribe the form of accounts for public utilities throughout the state, the form so prescribed shall be controlling so far as they go. Nevertheless, the City Commission may prescribe more detailed forms for the utilities within its jurisdiction.

e. To impose such other regulations as may be conducive to the safety, welfare, and accommodation of the public.

2. Nothing in this Charter with reference to regulation or control of rates or service, or the extension of plant or the keeping of records and accounts, or the rendering of reports, shall apply to any public utilities, the rates or services of which are by law placed under the jurisdiction of the state public service commission or federal agency except as provided by law.

3. Every public utility franchise hereafter granted shall be subject to all the terms and conditions of this Charter, whether or not such terms are specifically mentioned in the franchise.

4. Nothing in this Charter shall operate to limit in any way, except as specifically stated, the discretion of the City Commission or the electors of the City in imposing terms and conditions in connection with any franchise grant.

Section 7-4. – Compilation of record of public utilities fixtures.

The City shall compile and maintain a public record of all public utility fixtures in the streets and other public places of the City.

Section 7-5. – Municipally-owned utilities.

The City shall have power to:

1. Purchase, hire, construct, own, maintain, operate, or lease local public utilities, including, but not limited to, buses, transportation systems, electric light, water, wastewater, stormwater, and all other manner of utilities.

2. Sell the services of such utilities to consumers both within and without the limits of the City.

3. Provide and perform all such utility services as are authorized by state and federal law.

Section 7-6. – Rates.

The City shall have authority to establish, impose, and enforce rates and charges for electricity, water, wastewater, and all other public utilities or other service or conveniences operated, rendered, or furnished by the City or by any other person. These regulations shall in no manner interfere with regulations prescribed by the state public service commission or any other state or federal governing board or commission duly organized and functioning by virtue of federal or state law.

Section 7-7. – Rules and rate as to conduits.

The City shall have authority to require the placing of all electric wires, cable, and telephone wires in conduits underground and prescribe rules and regulations for the construction and use of said conduits and to enforce compliance therewith, and in case of failure or refusal of the public utilities companies to place such cables or wires underground and comply with the rules and regulations thereof, to construct such conduits and place the cables or wires underground and maintain a lien against the franchise and property of such companies. This section shall not apply to public utilities that are regulated by the state public service commission or other federal board or agency except as provided by general law.

ARTICLE VIII. – GENERAL PROVISIONS

Section 8-1. – General provisions.

1. *Charter amendment.* This Charter may be amended in accordance with the provisions of the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, as the same may be amended from time to time, or as may otherwise be provided by state law. The form, content, and certification of any petition to amend shall be established by ordinance.

2. *Charter review: schedule; Charter Review Committee.*

a. *Schedule.* The Charter shall be reviewed at least once every ten (10) years.

b. *Charter Review Committee.* A Charter Review Committee shall be appointed. Each Commission Member shall appoint one member from the City, and the Mayor-Commissioner shall appoint one member. If any Commission Member fails to appoint a member, the Manager shall be empowered to appoint a member in his or her discretion. The City Commission shall provide support to the committee in order to help it achieve its goals. The Charter Review Committee shall be appointed at least one year before the next scheduled general election and complete its work and present any recommendations for change no later than sixty (60) days before the deadline set by the Supervisor of Elections to have a referendum placed on the ballot of the general election. The City Commission shall hold a minimum of two (2) public hearings on the proposed changes to the Charter prior to placing the proposed changes on the scheduled general election ballot. At its discretion, the City Commission may hold a special election with respect to any proposed changes in lieu of the general election.

3. *Initiative and referendum.* At least twenty-five (25) percent of the qualified electorate of the City shall have the power to petition the City Commission to propose an ordinance or to require reconsideration of an adopted ordinance, or to propose an amendment to this Charter. If the City Commission fails to adopt such ordinance or amendment so proposed, or to repeal such adopted ordinance, without any change in substance, then the City Commission shall place the proposed

ordinance or amendment, or the repeal of the adopted ordinance, on the ballot at the next general election.

Section 8-2. – General laws applicable.

All state law applicable to municipal corporations, now existing or which may hereafter be enacted, and which are not in conflict with the provisions of this Charter or the ordinances or resolutions now in force or hereafter enacted by the City Commission, shall be applicable to this City. However, nothing contained in this Charter shall be construed as limiting the power of the City Commission to enact any ordinance or resolution not in conflict with the laws or constitutions of this state and of the United States, or with the express provisions of this Charter.

Section 8-3. – Saving clause.

The provisions of this Charter are severable, and if any section, part of a section, paragraph, sentence, or clause of this Charter shall be adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of any other portion thereof, but shall be restricted and limited in its operation and effect to that specific portion hereof involved in the controversy in which such decision shall have been rendered. Upon a determination by a court of competent jurisdiction that a portion of this Charter is void, unconstitutional, or unenforceable, all remaining portions shall remain in full force and effect.

ARTICLE IX. – TRANSITION SCHEDULE

Section 9-1. – Continuation of former Charter provisions.

All provisions of the former Charter of the City of Wildwood, as amended by special law or otherwise which are not embraced herein and which are not inconsistent with this Charter, shall become ordinances of the City subject to modification or repeal in the same manner as other ordinances of the City.

Section 9-2. – Ordinances preserved.

All ordinances, resolutions, rules, and regulations lawfully passed and now in force in effect upon the adoption of this Charter, to the extent not inconsistent with it, shall remain in force until repealed or changed as provided herein.

Section 9-3. – Obligations of contracts preserved.

No debt or contract of the municipality, including bonds heretofore issued, shall be impaired or voided by the modification of this Charter.

Section 9-4. – Rights of officers and employees.

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are City officers or employees at the time of adoption. Elected or appointed officers shall continue to hold their offices and discharge the duties thereof as provided for in this Charter.

Section 9-5. – Pending matters.

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

Section 9-6. – Schedule.

Time of taking full effect. This Charter shall be in full effect for all purposes when approved by a majority of the electors and certified by the City Commission as prescribed by state law. After this certification the first order of business of the City Commission shall be to reorganize under the provisions of this Charter.

Section 9-7. – Effective date.

This Charter shall become effective as of 12:01 a.m. on the day following the City Commission's canvass of the referendum results.

Exhibit B

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PART I - CHARTER

Senate Bill No. 1330

An act to abolish the present municipality known as the City of Wildwood, in Sumter County, Florida, and to create, establish and organize a municipality to be known and designated as "The City of Wildwood" situated in Sumter County, Florida; to fix the territorial limits, jurisdiction, and powers of said City and the jurisdiction and powers of its officers; to provide for its government authority, rights, privileges, and franchises; to authorize the imposition of penalties for the violation of the rules, regulations, and ordinances of the City of Wildwood; to repeal all laws and ordinances in conflict herewith.

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

FOOTNOTE(S):

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Editor's note— Printed herein is the City Charter as enacted by Senate Bill No. 1330, Laws of Florida, Regular Session 1973. Amended and renumbered sections are indicated by a history note in parentheses following the amended sections. Absence of a history note indicates that the section remains unchanged since the original adoption of the Charter. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets or editor's notes.

State Law reference— Municipal Home Rule Powers Act, F.S. ch. 166. [\(Back\)](#)

ARTICLE I. - ESTABLISHMENT OF MUNICIPALITY

Section 1-1. - Abolishment of existing municipality.

The present existing municipal government existing under the name of the City of Wildwood as created by Chapter 9950 of the Special Acts of Florida of 1923 as amended and as re-created by Chapter 57-1950 of the Special Acts of Florida of 1957 as amended, be and the same is hereby abolished.

Section 1-2. - Municipality created.

A municipality to be called the "City of Wildwood," in the County of Sumter, State of Florida, is hereby created, organized, and established as a municipal body politic and corporate in perpetuity, under the name of "THE CITY OF WILDWOOD."

Section 1-3. - Rights and liabilities in succession.

The City of Wildwood created and organized under this act shall succeed to, own and possess all property, real, personal or mixed, all uncollected taxes, dues, claims, judgments, decrees and choses in action, heretofore owned, possessed or held by the City of Wildwood under its former organization and shall have, exercise and enjoy all the rights, immunities, powers, benefits, privileges and franchises which are now possessed or held by it.

Section 1-4. - Obligations unimpaired.

No lawful debts, obligations, or contracts of the said City of Wildwood as created by Chapter 57-1950 of the Special Acts of Florida of 1957 as amended shall be impaired or voided by this Charter; but such debts and obligations shall pass to and be binding upon the municipality which is hereby organized and created.

Section 1-5. - Former ordinances and resolutions to remain in force.

All ordinances, resolutions, rules and regulations lawfully passed and now in force in said city under its former organization shall remain in force until altered or repealed by the city commission provided for under the provisions of this Charter unless heretofore repealed by the state legislature or city commission for the City of Wildwood.

Section 1-6. - Officers hold until successors qualify.

All officers and employees heretofore elected or appointed and holding office under the said municipality hereby abolished, if said offices are incorporated in this Charter, shall continue to hold their

respective office and discharge the respective duties thereof under the new municipality hereby created until their successors are elected and qualified under the provisions of this Charter.

Section 1-7. - Validity of prior assessments unimpaired.

Nothing in this act shall be construed to impair the validity of any assessment of taxes by the City of Wildwood prior to the passage of the same or any tax sale made pursuant to any such prior assessment.

Section 1-8. - Assessments, etc., validated.

All tax sales and general and special assessments heretofore made by said city are hereby ratified and confirmed and declared to be legal and valid.

Section 1-9. - Authority continues to levy taxes and ad valorem taxes.

Neither the provisions of this Charter nor the taking effect of the same shall in any way affect, alter or impair the authority of the City of Wildwood to continue the levy in the same manner and to the same extent as it would be able to do were it not for the enactment of this Charter.

Section 1-10. - Boundaries.

The corporate limits and territorial boundaries of the City of Wildwood, in Sumter County, Florida, shall embrace and include and be composed only of the following described territory to-wit:

- (1) The SW $\frac{1}{4}$ of the NE $\frac{1}{4}$; NW $\frac{1}{4}$ of the NW $\frac{1}{4}$; S $\frac{1}{2}$ of the NW $\frac{1}{4}$; SW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 5; NE $\frac{1}{4}$; E 112 of SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 6; E 112 of the NW $\frac{1}{4}$ and NE $\frac{1}{4}$; E $\frac{3}{4}$ of S 112 of Section 7; N $\frac{1}{2}$ of the NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 8; and the E $\frac{3}{4}$ of Section 18; all in Township 19 South, Range 23 East, in Sumter County, Florida

and such other territory as has been or will be legally annexed into the city at any time after June 1, 1973.

(Ord. No. 411, § 2, 10-13-03, approved at referendum 12-2-03)

Section 1-11. - Citing.

This act shall hereafter be referred to as the Charter of the City of Wildwood, a municipal corporation of Florida.

ARTICLE II. - GENERAL MUNICIPAL POWERS

Section 2-1. - Territorial jurisdiction.

The jurisdiction and powers of the City of Wildwood shall extend over all streets, alleys, sewers, parks and all lands within said area, whether platted or unplatted and the air above same; and to and over all waters, waterways, streams, drainage ditches and canals; and to and over all persons, firms and corporations, property and property rights, occupations, businesses and professions, whatsoever within its boundaries.

The title to and jurisdiction over all streets, thoroughfares, parks, alleys, public lots, sewers within the city and all other property and municipal plants of the city now owned, possessed or operated by it and all property of every kind and character which the city now has or may hereafter acquire within or outside the city or which may vest in it or be dedicated to it, for its use or for the public use shall be vested in the City of Wildwood as created under this Charter.

Section 2-2. - Amendments to this Charter.

- (a) The Charter of the City of Wildwood may from time to time be amended by duly enacted acts of the legislature of the State of Florida; but no special act of the legislature shall have the effect of amending the Charter of the City of Wildwood unless notice of local legislation has been published as required by state statute before such amendment is introduced in the legislature.
- (b) The Charter of the City of Wildwood may also be amended by ordinance, subject to referendum, in conformity with the general law of the state.

State law reference— Charter amendments, F.S. § 166.031.

Section 2-3. - Seal.

The official seal of the City of Wildwood shall bear the legend "City of Wildwood, Sumter County, Florida" (SEAL), "originally established May 16, 1889 and subsequently reestablished in 1973 or as amended by the city commission of the City of Wildwood."

(Ord. No. 411, § 3, 10-13-03, approved at referendum 12-2-03)

Section 2-4. - Fiscal year.

The fiscal year of the city shall begin on the first day of October each year and end on the last day of September next following.

(Ord. No. 411, § 3, 10-13-03, approved at referendum 12-2-03)

State law reference— Fiscal year, F.S. §§ 166.041, 218.33.

Section 2-5. - Powers, rights and liabilities.

The City of Wildwood shall have, and may exercise, all governmental, corporate, proprietary, and other powers allowed by law without limitation to enable it to conduct municipal government, perform municipal functions, and render municipal services. These powers shall include, but not be limited, to any powers provided for under the Florida Statutes and other law at the time of enactment of this amendment to the City of Wildwood Charter. The City may exercise any power for municipal purposes except as expressly prohibited by law.

(Ord. No. 411, § 3, 10-13-03, approved at referendum 12-2-03)

Section 2-6. - Construction.

The powers of the city shall be construed liberally in favor of the city, limited only by the constitution, general and special law, and specific limitations in this Charter.

(Ord. No. 411, § 3, 10-13-03, approved at referendum 12-2-03)

ARTICLE III. - CITY COMMISSION ADMINISTRATION

DIVISION 1. - GENERALLY

Section 3-1. - Form of government.

The form of government of the City of Wildwood provided for under this act shall be known as "the commission-manager plan." The city commission shall constitute the governing body with powers as provided in this Charter to pass ordinances, adopt resolutions and appoint a chief administrative officer to be known as the "city manager," and to exercise all other powers provided for by this Charter.

DIVISION 2. - CITY COMMISSION

Section 3-2. - Composition of city commission.

A city commission is hereby created to consist of a mayor-commissioner whose term of office shall be for four years and four commissioners, whose terms of office shall be for four years; all of whom shall be elected at large and qualified as prescribed in this charter; which terms of office shall begin on the second Monday in January and following their election.

(Ord. No. 411, § 4, 10-13-03, approved at referendum 12-2-03)

Section 3-3. - Powers of the city commission generally.

The city commission shall have the power to pass ordinances, adopt resolutions, appoint such officers, boards and commissions by resolution as is provided in this Charter and to exercise, all other powers provided for by this Charter and federal, state, and local law.

(Ord. No. 411, § 4, 10-13-03, approved at referendum 12-2-03)

Section 3-4. - Powers of city vested in city commission, exceptions.

All powers of the City of Wildwood, except as otherwise provided by this Charter or by the constitution or statutes of the State of Florida, are hereby vested in the city commission; and except as otherwise provided by this Charter or by the constitution or statutes of the State of Florida, the city commission may by ordinance or resolution prescribe the manner in which any powers of the city shall be exercised.

Section 3-5. - Misconduct.

The city commission may punish its own members for misconduct and may compel attendance of members.

Section 3-6. - Powers of impeachment.

The city commission shall have the power and authority to impeach or remove the mayor-commissioner or any member of the city commission for incompetence, corruption, misconduct, malfeasance in office, unexcused absence from four consecutive regularly scheduled meetings, or for other good and sufficient causes, after due notice to said member and an opportunity to be heard in his defense. The mayor-commissioner and any member of the city commission shall be subject to removal from office only upon the concurring vote of all remaining members of the city commission. The city commission shall have broad discretion to determine what constitutes an excused absence. Such determination shall be by a majority vote.

(Ord. No. 411, § 4, 10-13-03, approved at referendum 12-2-03)

Section 3-7. - Recall of city commission.

(a) *Procedure generally.* Any or all of the members of the city commission, including the mayor-commissioner, may be removed from office by the electors of the city by the following procedure:

- (1) A petition must be prepared naming therein the commissioner sought to be recalled, and containing a "Statement of Grounds for Recall" in not more than 200 words and signed by at least 100 electors of the city, hereinafter called the "committee," who make the charges contained in the statement of grounds for recall. A definite person shall be designated therein as chairman of the committee to act for and in behalf of such committee. Only qualified electors of the city are eligible to sign such petition. Each signer shall sign his name in ink or indelible pencil, and shall state therein his place of residence and voting precinct, and date of signature. The circulator of the petition must affix thereto an affidavit that he saw each signature affixed to such petition, and that each signature is the genuine signature of the person named. All signatures must be obtained within a period of 30 days, and the petition must be filed within 30 days after the date of earliest signature upon such petition.
- (2) The petition shall be filed with the city clerk by the person designated as chairman of the committee, and when so filed the clerk shall forthwith determine from the supervisor of registration if the petition contains signatures of 100 qualified electors of the city.
- (3) If it is determined that the petition does not contain the signature of 100 qualified electors the city clerk shall so certify to the city commission, and file the petition without taking any further steps, and the matter shall be at an end. No additional names may be added to such petition and said petition cannot be used in any other proceeding.
- (4) If it is determined that such petition shall have been signed by 100 qualified electors of the city, then the city clerk shall at once serve upon the commissioner sought to be recalled a certified copy of such petition. Within five days after service of same the commissioner sought to be recalled may file with the city clerk a defensive statement of not more than 200 words. The city clerk shall within five days cause to be prepared a sufficient number of typewritten, printed or mimeographed copies of the recall petition, and statement of grounds for recall and defensive statements thereto, as well as the names and affidavits upon the original petition, and shall deliver same to the person who has been designated as chairman of the committee, and take his receipt therefor. Such prepared copies shall be entitled "Recall Petition and Defense" and shall contain lines and spaces appended thereto for signature of registered electors, place of residence, election precinct number and date of signing, together with an affidavit to be executed by the circulator thereof, stating the number of signatures appearing upon such counterpart portion of the recall proceedings, and that he personally saw each person sign same, and that all signatures are genuine, and made in his presence upon the date indicated. The city clerk shall deliver forms sufficient to carry the signatures of 30 percent of the registered electors.

- (5) Upon receipt of such duplicate counterparts of recall petition and defense the chairman and members of the committee may proceed to circulate same to obtain the signature of 25 percent of the registered electors. Any elector who signs a recall petition shall have the right to demand in writing that his name be stricken or deleted from the petition. Such written demand, signed by the elector, shall be filed with the city clerk, and upon receipt, the city clerk shall strike and delete the name of such elector from the petition and place his initials to the side of the signature stricken. No signature may be stricken after the city clerk has certified the total of registered electors to the commission.
- (6) Within 60 days after delivery of such copies of recall petitions and defenses to the chairman of the committee, said chairman shall file with the city clerk such of said petitions and defenses as bear the signatures of electors of the city. The city clerk shall assemble all signed copies, check to see that each counterpart is properly verified by the affidavit of the circulator, and shall ascertain the number of different signatures upon such petitions, purge the names withdrawn, and report his findings to the city commission. If he determines that persons totaling 25 percent of the number of qualified electors of the city have properly signed such petitions he shall forthwith deliver such petitions to the supervisor of registration of Sumter County, who shall within ten days determine and certify whether 25 percent of the qualified electors of the city have in fact signed the petitions.
- (7) If the petitions do not contain the signatures of 25 percent of the qualified electors of the city, the city clerk shall report such fact to the city commission and file said petitions and the proceedings shall be terminated, and said petitions cannot again be used. If such signatures do amount to 25 percent of the qualified electors, he shall forthwith serve notice of that fact upon the commissioner sought to be recalled by the petition, and also deliver to the city commission a certificate as to the percentage of qualified voters who signed the petitions.
- (b) *Resignation of commissioner; recall election.* If any commissioner sought to be recalled in the petition files his written resignation with the city clerk within five days after the last mentioned notice, the city clerk shall notify the city commission of that fact, and such resignation shall be irrevocable, and the city commission shall proceed to fill the vacancy or vacancies so created. In the absence of any such resignation, the city commission shall forthwith order and fix the day for holding a recall election upon the question of the removal of the commissioner sought to be recalled. Any such election shall be held not less than 30 days nor more than 60 days after the expiration of the period of five days last mentioned, and at the same time as any other general or special election held within such period, but if no such other general or special election be held within such period, the city commission shall call a special recall election to be held within the period aforesaid.
- (c) *Form of ballot at election.* The ballots at a recall election shall conform to the following requirements: With respect to each person whose removal is sought, this question shall be submitted: "Shall (name of person) be removed from the office of city commission by recall?" Immediately following each such question there shall be printed on the ballot the two propositions in the order here set forth:

"For the recall of (name of person)"

"Against the recall of (name of person)"

Immediately to the left of each of the propositions shall be placed a square in which the electors by making a cross mark (X), may vote for either of such propositions. Voting machines may be used, if desired.

- (d) *Required vote; filling of vacancies upon recall.* In such an election, where at least one-third of the registered qualified voters shall participate and a majority of the votes cast on the question of the removal of any commissioner is affirmative, the person whose removal is sought thereon shall be deemed removed from office upon the announcement of the official canvass of the election, and the vacancy caused by such recall shall be filled according to the provisions of this Charter.

State law reference— Recall of municipal officials, F.S. § 100.361.

Section 3-8. - Vacancies on city commission.

A vacancy shall exist on the city commission whenever a duly elected member of the city commission fails to qualify within ten days after notice of his election, dies, resigns, disposes of all his taxable real property within the city, is recalled, removes himself from the city, absents himself or herself from four consecutive regularly scheduled meetings of the city commission unless formally excused therefrom, is convicted of a felony while in office or is judicially declared incompetent. In case of vacancy the remaining members of the city commission shall, by majority vote and within 30 days after such vacancy occurs, choose some properly qualified person to fill such vacancy until his successor elected at the next ensuing general municipal election has duly qualified.

(Ord. No. 411, § 4, 10-13-03, approved at referendum 12-2-03)

State law reference— Provisions relative to vacancies required, F.S. § 166.031(6).

Section 3-9. - Rules.

The city commission shall conduct its meetings in accordance with Roberts Rules of Order except as may be amended from time to time by resolution or ordinance.

Section 3-10. - Disruptive, disorderly persons; contempt.

The city commission shall have the power to expel any member of the audience who is disorderly while the city commission is in session.

(Ord. No. 411, § 4, 10-13-03, approved at referendum 12-2-03)

Section 3-11. - Designation of depositories.

The city commission shall, by resolution, designate from time to time banks to be the depositories of the funds related to the daily operations of said city. Such banks must be state-approved depositories. Investments of surplus funds shall be placed by the city clerk in a manner consistent with state law or ordinance.

(Ord. No. 411, § 4, 10-13-03, approved at referendum 12-2-03)

Section 3-12. - Committees.

The city commission shall provide by ordinance or resolution for such standing and ad hoc committees as they deem necessary, fixing the number of members that shall compose each respective committee, and prescribing their responsibilities and duties.

(Ord. No. 411, § 4, 10-13-03, approved at referendum 12-2-03)

Section 3-13. - Regular meetings.

At 7:00 p.m. on the second Monday in January, the city commission shall meet at the usual place of holding meetings, at which time the newly elected city commissioners shall take office. Thereafter the members of the city commission shall meet at such times as may be prescribed by ordinance or resolution and shall meet in regular session at least once in each calendar month.

(Ord. No. 411, § 4, 10-13-03, approved at referendum 12-2-03)

Section 3-14. - Manner of calling special meetings.

The mayor-commissioner, any two members of the city commission, or the city manager, may call special meetings of the city commission upon reasonable notice, served personally or left at his usual place of residence, to each member, the city manager, city clerk, city attorney and chief of police. The regularity or validity of any proceedings, taken at any special meeting at which a majority of members of the city commission and the city manager is present, shall not be questioned on account of any omission or irregularity in calling such special meeting.

(Ord. No. 411, § 4, 10-13-03, approved at referendum 12-2-03)

Section 3-15. - Manner of holding meetings.

All regular meetings of the city commission shall be held at the usual place of holding meetings of the city commission; but a special meeting may be held elsewhere if approved by a majority vote of the

city commission. Meetings of the city commission shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times and under the supervision of the city clerk or his or her designee.

(Ord. No. 411, § 4, 10-13-03, approved at referendum 12-2-03)

State law reference— Public meetings, F.S. § 286.011 et seq.

Section 3-16. - Independent annual audit.

Prior to the end of each fiscal year the city commission shall designate qualified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the city government and shall submit their report to the commission and to the city manager. Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. They shall not maintain any accounts or records of the city business, but, within specifications approved by the commission, shall post-audit the books and documents kept by the department of finance and any separate or subordinate accounts kept by any other office, department or agency of the city government.

State law reference— Annual audits, F.S. § 218.32.

Section 3-17. - Interest of city commissioners in contracts of city.

It shall be unlawful for any city commissioner to directly or indirectly contract with any association, partnership, firm or corporation in which he is financially interested, for the doing of any work or the furnishing of any material or equipment to or for the City of Wildwood, unless after public advertisement or competitive conditions, such association, partnership, firm or corporation shall be the lowest responsible and competent bidder.

Section 3-18. - Interference with appointment of employees or city officers.

Neither the city commission nor any of its members shall dictate the appointment of any person to office or employment by the city manager or in any manner prevent the city manager from using his own judgment in selecting those officers or employees which he is entitled to appoint or select under the provisions of this Charter. The city commission and its members shall deal with the administrative service solely through the city manager and neither the city commission nor any member thereof shall give orders to the subordinates of the city manager, either public or privately.

DIVISION 3. - LEGISLATION

Section 3-19. - Distinction between resolutions and ordinances.

All enactments of a permanent and general nature, and which may become a part of a "code of ordinances," shall be enacted by the passage of an ordinance, and enactments of a temporary nature shall be enacted by the adoption of a resolution, unless otherwise specified or directed by law. All enactments of a penal nature or providing for the imposition of a penalty for the violation thereof shall be by ordinance. Municipal budgets and tax levies may be adopted by resolution.

State law reference— Ordinance and resolution defined, F.S. § 166.041(1).

Section 3-20. - Legislation imposing penalty to be by ordinance.

In addition to such acts of the city commission as are required by statute or by this Charter to be by ordinance, every act of the city commission establishing a fine or other penalty shall be by ordinance.

Section 3-21. - Subject of ordinances and resolutions.

Every proposed ordinance or resolution shall embrace but one subject and matter properly connected therewith, which subject shall be briefly expressed in the title; however, the general budget or appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated; and provided further that no ordinance shall be held to be invalid for lack of title.

State law reference— Similar provisions, F.S. § 166.041(2).

Section 3-22. - Ordinance record book.

It shall be the duty of the city clerk to record within ten days after their final passage, all ordinances adopted by the city commission, in a book kept for that purpose, and to properly index said book. A copy of any ordinance therefrom, certified by the city clerk under the seal of the city shall be received in evidence in any court of the State of Florida.

State law reference— Recording of ordinances, F.S. § 166.041(5).

Section 3-23. - Codification of ordinances.

The city commission shall have the authority to cause to be edited, revised and codified, the general and permanent ordinances of the city and to cause such ordinances to be published as the "Code of Ordinances of the City of Wildwood, Florida," which publication, when published at the direction of the city commission, shall be prima facie evidence of the general and permanent ordinances of the city. The city commission may direct that the Code of Ordinances be published in looseleaf form and may further direct that such looseleaf Code be supplemented with such frequency as the city commission shall decide. A supplement so prepared at the direction of the city commission and, upon printing, maintained in an official copy in the office of the city clerk, shall be prima facie evidence of the general and permanent ordinances of the city adopted subsequent to the Code of Ordinances and not more recently than the latest ordinance of a general and permanent nature contained in the supplement.

Section 3-24. - Publication of ordinances.

Every ordinance shall, upon its final passage be recorded in a book kept for that purpose and shall be authenticated by the signatures of the presiding officer and the city clerk.

(Ord. No. 411, § 4, 10-13-03, approved at referendum 12-2-03)

State law reference— Recording of ordinances, F.S. § 166.041(5); publication of ordinances, F.S. § 166.041(3).

Section 3-25. - Form of resolution.

Resolutions may be introduced and passed at any regular or special meeting of the city commission. The adopting clause of all such resolutions shall be "Be It Resolved by the City Commission of the City of Wildwood, Florida." All resolutions shall become effective immediately unless otherwise specified therein.

Section 3-26. - Record of resolutions.

Every resolution shall upon its final passage be recorded in a resolution book kept for that purpose, and shall be authenticated by the signature of the presiding officer and the city clerk. The record shall be verified with the resolution passed, and the resolution book shall be properly indexed. After any resolution has been copied into the resolution book and authenticated by the signature of the presiding officer and the city clerk, such shall be the official resolution, and certified copies of same may be obtained upon request. Such certified copies may be received in evidence in all the courts.

State law reference— Similar provisions, F.S. § 166.041(5).

Section 3-27. - Required vote for city commission action.

The affirmative vote of three members of the city commission shall be necessary to adopt any ordinance, resolution, order or vote, except that a vote to adjourn or regarding the attendance of absent members may be adopted by a majority of the members present. No members shall be excused from voting, except on matters involving the consideration of his own official conduct or when his financial interests are involved. The vote on all ordinances and resolutions shall be taken by yeas and nays and entered upon the minutes.

State law reference— Required vote for ordinances and resolutions, F.S. § 166.041(4).

Section 3-28. - Form and adoption of ordinances, resolutions.

The enacting clause of all ordinances shall be: "Be it ordained by the city commission of the City of Wildwood, Florida." The city commission shall follow the procedures set by state statute in enactment of ordinances and resolutions. Unless otherwise provided for by law, a proposed ordinance must be introduced on two occasions and must be read at least by title. A proposed resolution shall be read at least once by title.

(Ord. No. 411, § 4, 10-13-03, approved at referendum 12-2-03)

State law reference— Ordinance adoption procedures, F.S. § 166.041.

Section 3-29. - Emergency measures.

An emergency measure is an ordinance for the immediate preservation of public peace, property, health or safety or providing for the usual daily operation of a municipal department in which the emergency is set forth and defined in a preamble thereto. No measure making a grant, renewal or extension of a franchise or other special privilege or regulating the rate to be charged for its services by a public utility shall ever be passed as an emergency measure. The affirmative vote of at least four city commissioners shall be required to pass any ordinance or regulation as an emergency measure.

State law reference— Emergency ordinances, F.S. § 166.041(3)(b).

Section 3-30. - Certified copies of official documents admissible in evidence.

Certified copies of the records, papers, and books of the city and the city officials shall be admissible in evidence in all courts when certified to by the lawful custodian of same and attested by said custodian under seal of the city.

ARTICLE IV. - ADMINISTRATIVE OFFICERS AND DEPARTMENTS

DIVISION 1. - GENERALLY

Section 4-1. - Officers and departments designated.

The administrative powers of the city, not otherwise provided for in this charter, shall be vested in and exercised by the following officers and departments:

- (a) The mayor-commissioner and city commissioners;
- (b) The city manager;
- (c) The city clerk;
- (d) A city attorney;
- (e) A chief financial officer;
- (e) Advisory boards as determined necessary by the city commission;
- (f) The city commission may combine the duties of clerk and chief financial officer.

(Ord. No. 411, § 5, 10-13-03, approved at referendum 12-2-03)

Section 4-2. - Appointment of officers.

The city attorney, and the city manager shall be appointed by the city commission. The city manager shall make recommendations to the city commission as to the persons to be appointed to the office of the chief of police, the fire chief if one is deemed necessary and to the various boards and advisory boards, set up by ordinance; however, the final approval and appointment shall be by the city commission. The city manager may hire and/or appoint, without the city commission's approval, all other officers and employees.

(Ord. No. 411, § 5, 10-13-03, approved at referendum 12-2-03)

Section 4-3. - Suspension or discharge of appointed officers and employees.

The city manager shall have the power to suspend or discharge any officer, employee or head of department whom he can appoint without the city commission's approval.

Section 4-4. - Departmental organization.

At the head of each department there shall be an officer of the city who shall have supervision and control of the department subject to the city manager. Two or more of the departments or offices of the city may be combined or headed by the same individual and the director of any department may also serve as a chief or superintendent in a division under a department. The work of each department, division or classification may be distributed in the manner provided by ordinance or under direction of the city manager. The city commission may by ordinance, create, change, combine and abolish Offices, departments, boards or agencies established by this Charter. The city commission may by ordinance combine or assign additional functions or duties to offices, departments, boards or agencies established by this Charter.

State law reference— Abolishment of departments, F.S. § 166.031(5).

Section 4-5. - Compensation of officers and employees.

Pursuant to the authority granted by this Charter, the city commission shall by resolution fix the compensation of its members, including the mayor-commissioner; and any increase voted under the foregoing by the city commission shall not become effective until after the next regular city election. The city commission shall by resolution or contract fix the compensation of the city attorney and the city manager. The city manager, with the approval of the city commission, shall fix the compensation and rate of pay of all other officers and employees of the city.

(Ord. No. 411, § 5, 10-13-03, approved at referendum 12-2-03)

Section 4-6. - Official bonds.

The city commission shall by resolution determine and fix the bonds of all officers, clerks or employees required to furnish bond, as determined by the city commission, Where a bond is required, it shall be procured from a regularly accredited surety company, authorized to do business under the laws of the state and maintaining an office in the city. The City of Wildwood shall pay the premium on such bonds. All such bonds shall be payable to city and filed in the office of the city clerk.

Section 4-7. - Oath of office.

(a) Every elected official of the city shall, before entering upon the duties of his or her office, take and subscribe to an oath or affirmation to be filed and kept in the office of the city clerk, which oath shall be in the form prescribed, as follows:

"OATH"

"I do solemnly swear (or affirm) that I am a citizen of the United States and a resident of the State of Florida and of the City of Wildwood, Florida, and have all the qualifications as required by the charter for the office upon which I am about to enter; that I will support the Constitution of the United States, the Constitution of the State of Florida, and the laws and ordinances of the City of Wildwood; and that I will faithfully perform the duties of the office upon which I am now about to enter. So help me God!"

Officer

"Title of Office: _____"

(b) Every other officer, official or employee of the city shall, before entering upon the duties of his or her office or position, take and subscribe an affirmation to be kept in the office of the city clerk, which such oath shall be in the form prescribed, as follows:

"OATH"

I do solemnly swear (or affirm) that I am a resident of the State of Florida and the United States of America, and that as an employee, officer, or official of the City of Wildwood, Florida, I will support the Constitution of the United States, the Constitution of the State of Florida, and the laws and ordinances of the City of Wildwood.

Employee, Officer or Official

(Ord. No. 411, § 5, 10-13-03, approved at referendum 12-2-03)

DIVISION 2. - MAYOR-COMMISSIONER

Section 4-8. - Functions and power of the mayor-commissioner.

The mayor-commissioner shall be recognized as the official head of the city by the courts for the purpose of serving civil processes and by the Governor of the State of Florida for military purposes; he shall be the official host and ceremonial head of the city, and as such shall receive, welcome, and entertain the city's guests and shall represent the city upon all ceremonial and public occasions, festivals and celebrations, and all other occasions where such representation shall be right and proper. The mayor-commissioner shall, upon request of the city commission, act as personal representative of the city and of the city commission within the city and abroad. In times of public danger or emergency, he shall, when requested so to do by the city commission, take command of the police and maintain order and enforce the laws. The mayor-commissioner shall preside at the meetings of the city commission and shall perform such other duties and have such powers consistent with his office and this act as may be imposed or conferred upon him by the city commission in pursuance of the provisions of this Charter, and no others. He shall have the right to vote upon all questions and matters before the city commission, but there shall be no vote power vested in the mayor-commissioner; he shall vote last upon the roll call of commissioners. The mayor-commissioner shall be the first executive officer of the city, shall act and serve as chairman of the city commission. The mayor-commissioner, along with the city commissioners, shall have the general supervision of all city affairs and shall see that the provisions of this Charter and all ordinances, laws and rules are complied with and enforced. The mayor-commissioner shall sign all deeds, contracts which must be approved by the city commission, bonds, revenue certificates, negotiable instruments, evidence of indebtedness or other instruments in writing to which the city shall be a party when authorized so, to do by the city commission.

(Ord. No. 411, § 5, 10-13-03, approved at referendum 12-2-03)

Section 4-9. - Selection and duties of mayor-commissioner pro tem.

At the first regular meeting following each regular municipal election, at which meeting newly elected city commissioners assume their duties of office, the five city commissioners shall select one of their number, exclusive of the mayor-commissioner, to act as mayor-commissioner pro tem, which mayor-commissioner pro tem, when selected by a majority vote of the city commissioners voting, shall have all the powers and duties of the mayor-commissioner in the absence from the city of the mayor-commissioner or his inability to act, whether by reason of his death, resignation, impeachment, sickness, mental or physical, or for any other reason and the city clerk shall certify as to the absence from the city of the mayor-commissioner or his inability to act, upon demand, when the mayor-commissioner is so absent from the city or unable to act.

DIVISION 3. - CITY MANAGER

Section 4-10. - Appointment, qualifications and compensation.

The city commission may appoint a city manager who shall be the administrative head of the city government, under the direction and supervision of the city commission, and who shall hold office at the pleasure of the city commission. He or she shall receive such compensation as the city commission may by resolution or contract fix and determine. He or she shall be chosen solely on the basis of his or her executive and administrative qualifications, without regard to his or her political belief, and shall be over the age of 21 years. The city commission shall have discretion to require that the city manager reside in a geographic area close to or within the City during his [or her] term of office, but he or she need not be a resident of the city, county, or state at the time of his or her appointment.

(Ord. No. 411, § 5, 10-13-03, approved at referendum 12-2-03; Ord. No. O2010-15, § 1, 8-23-2010, approved at referendum 12-7-2010)

Section 4-11. - Acting city manager.

During the absence or disability of the city manager, the city commission may by resolution designate some properly qualified person to temporarily execute the functions of his office. The person thus designated shall have the same powers and duties as the city manager, and shall be known while so serving as "acting city manager."

Section 4-12. - Removal.

The city manager or acting city manager may be removed by the city commission at any time, but if removed at any time after having served six months, the city manager may be removed only by the passage of a resolution, designating such removal; however, the city commission may suspend him from office pending such removal; such suspension may last up to 90 days unless extended. There shall be no appeal by the city manager from the city commission's action and the action of the city commission shall be final and conclusive and the city manager is deemed to have knowledge of this provision of the Charter at the time of his employment and such provision shall be construed as a part of his contract of employment. The city commission may provide for removal provisions in any contract entered into by the city commission and city manager.

(Ord. No. 411, § 5, 10-13-03, approved at referendum 12-2-03)

Section 4-13. - Powers and duties.

The city manager shall be responsible to the city commission for the proper administration of all affairs of the city coming under his jurisdiction. The city manager's powers include, but are not limited to the following:

- (a) To see that the laws and ordinances of the city are enforced;
- (b) To appoint or remove all subordinate officers and employees in conformity with this Charter and any other applicable law;
- (c) To control, direct, and exercise supervision over all departments and divisions and offices of the municipal government;
- (d) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed and, upon knowledge of any violation thereof, to call the same to the attention of the city attorney, whose duty it is hereby made to take such legal steps as may be necessary to enforce the franchise;
- (e) To enforce the city's personnel rules;
- (f) To attend all meetings of the city commission, with a right to take part in the discussion but without having a vote;
- (g) To recommend to the city commission for adoption such measures as he may deem necessary or expedient in the interest of the city;
- (h) To keep the city commission fully advised as to the financial conditions and needs of the city and, at the proper time, to submit to the city commission for its consideration an annual budget;
- (i) To advise and consult with all officers and official heads of the several departments of the city relative to the affairs of the departments, and to make recommendations to the city commission respecting such departments as he or she may see fit;
- (j) To perform such other duties as may be prescribed under this Charter, or may be required of him or her by motion, direction, ordinance or resolution of the city commission;
- (k) To purchase supplies and equipment for the various departments of the city; and, as purchasing agent, the city manager shall have the following powers:
 - (1) Purchases of not more than \$2,000.00 may be made by the city manager whenever he or she deems it necessary and proper to do so, on the open market without the necessity of

the formal or informal solicitation of bids. Purchases of more than \$2,000.00 must be approved by the city commission.

- (2) Purchases of more than \$10,000.00 and less than the amount set by state law that triggers the need for state agencies to formally solicit bids to purchase goods or commodities may, subject to the approval of the city commission, be made by informal solicitation. Where the informal solicitation procedures are used, the city manager may, by telephone, letter, or otherwise, contact three or more known reliable vendors of the goods, materials, or services needed by the city and request quotations from such vendors. Upon receipt of the quotations, the city manager, as purchasing agent, shall, after taking all pertinent factors into account, award the contract to the best low bidder.
- (3) Where purchases of the amount set by state law that triggers the need for state agencies to formally solicit bids to purchase goods or commodities or more are to be made, formal solicitation of bids shall be made; this shall also apply to all contracts for public improvements. Newspaper solicitation of bids shall be made in the manner provided by law, and the contract shall be awarded to the best low bidder.
- (4) Notwithstanding any other provision of this section, where the city commission shall determine by resolution that a unique purchasing opportunity is available to the city, it may authorize any single purchase or contract without the necessity of bidding.
- (5) When the city commission determines in writing that the use of competitive sealed bidding is not practicable, commodities or contractual services may be procured by competitive sealed proposals. Competitive sealed bidding may be deemed not practicable if it appears that use of proposals would result in a substantial savings to the city, when time restraints make the use of bidding procedure a problem for the city or in any circumstance when the city commission determines it is reasonable to forego the public bidding process because the best interest of the city would be served by using some other purchasing method.
- (6) If the city commission determines that there is an immediate danger to the public health, safety, or welfare, or other substantial loss to the city which requires emergency action, then the city may purchase commodities or contractual services which exceed the amount set by state law that triggers the need for state agencies to use formal solicitation of bids to purchase goods or commodities without the need of formal bidding.
- (7) Where the city commission determines that commodities or contractual services are available only from a single source if it is determined that the services or goods are available only from a single source and if such determination is documented and the amount is less than \$150,000.00 or such amount set by the city commission in an ordinance, the city commission may authorize purchase of commodities or goods or contractual services without the need for formal solicitation of bids or quotes.
- (8) Where the city commission has entered into a contract with a contractor after competitive sealed bidding, the city commission may approve and execute a change order if the contractor agrees, allowing the city to purchase directly from the suppliers used by the contractor to formulate the bid without the need for further competitive bidding.
- (9) If less than two responsive bids or proposals for commodity or contractual services purchases are received, the city may negotiate on the best terms and conditions. The city shall document the reasons that such action is in the best interest of the city in lieu of resoliciting competitive sealed bids or proposals.
- (10) If less than two responsive bids or proposals for commodity or contractual services purchases are received, the department or the agency may negotiate on the best terms and conditions. The agency shall document the reasons that such action is in the best interest of the state in lieu of resoliciting competitive sealed bids or proposals. The agency shall report all such actions to the department on a quarterly basis, in a manner and form prescribed by the department.

- (11) The city may piggyback any bid received through a public solicitation of bids by any other public entity, including any city, county, or other state or public agency for a period of six months after the public solicitation occurred.
- (l) To act as director of any departments as needed, if so instructed by the city commission.
 - (m) To have prepared and submit to the city commission, within six months after the close of each fiscal year, a complete audit of the financial condition of the city for the preceding fiscal year.
 - (n) To sign all checks, and agreements or other documents approved by the city commission or required for daily business needs of the city issued by the City of Wildwood except as otherwise provided herein.
 - (o) To sign such other documents approved by the city commission or required for the daily business of the city.
 - (p) To approve and sign contracts in amounts not exceeding a minimum set by the city commission.
 - (q) To coordinate and provide for computer technical needs of the city departments.
 - (r) To perform such other duties as required by the Charter or as directed by the city commission.
- (Ord. No. 399, § 1, 7-8-02; Ord. No. 411, § 5, 10-13-03, approved at referendum 12-2-03)

DIVISION 4. - CITY ATTORNEY

Section 4-14. - Appointment; assistants; terms; qualifications; compensation.

The city commission shall appoint a city attorney and such assistant city attorney as may be necessary, who shall serve at the pleasure of the city commission. The city attorney shall be a lawyer admitted to, and having authority to, practice in all courts of the state; he or she shall receive such compensation as the city commission may, by resolution, fix and designate.

(Ord. No. 411, § 5, 10-13-03, approved at referendum 12-2-03)

Section 4-15. - Duties.

The city attorney shall be the legal advisor, attorney and counselor for the city and all of its officers in matters relating to their official duties, and to that end he or she shall:

- (a) Attend all regular city commission meetings and other meetings as needed. To attend the meetings of the city commission and advise the city commission of all points of law and parliamentary procedure;
- (b) Preparation of ordinances and resolutions. To prepare or review all ordinances and resolutions required by the city commission for adoption or enactment;
- (c) Preparation and approval of contracts and other documents. To prepare or review all contracts, and other instruments in writing, in which the city is concerned, and to endorse on each his or her approval of the form and correctness thereof (except that municipal bonds need not be endorsed with the approval of the city attorney as to form and correctness thereof), and no contract with the city shall take effect until such approval is so endorsed thereon;
- (d) Defend or prosecute on behalf of the city. When required to do so by the city commission, to prosecute and defend on behalf of the city all complaints, suits and controversies to which the city is a party, or file any action on behalf of the city;
- (e) Opinions of questions of law. To furnish the city commission, the city manager, the head of any department or an officer or board, his or her opinion on any question of law relating to their respective powers and duties;
- (f) Advisor to boards and departments. To act as the official advisor of any city advisory board or department, when so designated;
- (g) Codification of ordinances; assistance. To, from time to time, compile and codify the laws and ordinances of city into a code of ordinances; however, in connection therewith the city may

secure the aid and assistance for him or her of other persons and may allow special compensation for such work;

- (h) Other duties generally. Perform such other professional duties as may be required of him or her by this charter or by ordinance or resolution, of the city commission;
- (i) Duties of assistants. Assistant city attorneys shall perform their duties under the supervision of the city attorney;
- (j) Representation of the city before boards or special masters. To represent the city in matters brought before the code enforcement, planning and zoning, or other boards if necessary, and to take necessary legal action to prosecute or defend the city in such proceedings.

(Ord. No. 411, § 5, 10-13-03, approved at referendum 12-2-03)

DIVISION 5. - OTHER OFFICERS

Section 4-16. - City clerk and chief financial officer.

- (a) The city commission may by ordinance establish the office of city clerk, who shall be appointed by and work under the direction and supervision of the city manager; he shall be required to furnish such bond as the city commission deems proper.
- (b) The city clerk shall perform the following duties:
 - (1) Act as chief financial officer of the city.
 - (2) Record of moneys. Keep an accurate account of all moneys collected from taxes, assessments, departmental revenues and other sources, and of all receipts and disbursements by the municipality.
 - (3) Separate accounts. Keep separate account of each fund or appropriation and of the debits and credits pertaining thereto.
 - (4) Monthly report to city manager. Provide the city manager a monthly report of receipts and expenditures of the city.
 - (5) Record of bonds and revenue certificates. Keep a list of outstanding city bonds and revenue certificates, to whom issued, for what purpose, when and where payable, and the rate of interest such obligations respectively bear; and recommend such action from time to time to the city commission, through the city manager, as will insure punctual payment of principal and interest of such bonds.
 - (6) Financial statement to city manager. Furnish the city manager at the time of his or her monthly report any such data and information as may be necessary to fully inform the city manager as to the financial condition of the city, and such estimates of the expenses of the city government as may be necessary to form the basis of the annual budget and to determine the revenue necessary to be raised each year.
 - (7) Attest written contracts of city. Attest all written contracts made on behalf of the city; and no written contracts made on behalf of the city or to which the city is a party shall be valid unless attested to by the city clerk.
 - (8) Books of accounts. Keep regular books of accounts and records, in which shall be entered all indebtedness of the city and which shall at all times show the financial condition of the city and assets and liabilities.
 - (9) Countersign bonds, revenue certificates, etc. Countersign all bonds, revenue certificates or other indebtedness of the city and keep accurate account thereof, and keep records showing what purpose such evidence of indebtedness was issued, to whom, and the amount thereof.
 - (10) Accounts of officers and employees of city. Keep accounts with all officers and employees of the city showing the amounts they have received from different sources of revenue and the amounts they have disbursed as authorized under to ordinances of the city.

- (11) Certify demands against city. Examine, audit and certify the correctness of all claims and demands against the city, and submit same to the city manager for his approval or disapproval, before same are presented to or allowed by they city commission.
- (12) Audit accounts of departments; inspection of books. Audit accounts of the several departments, officers and employees and make report thereof to the city commission monthly or oftener as required or desired. He or she shall at all times have access to and may inspect and take copies of books on which entries are made or are required to be made, relating to the receipt or expenditure of money on account of the city and of all vouchers, accounts, bills, warrants, drafts, contracts or other papers relating thereto.
- (13) Investigation of claims against city. Administer any oath required by the laws and ordinances of City of Wildwood for the purpose of obtaining the facts relating to any charge or claim against the city or in connection with any public transaction with the city; inquire into and inform himself or herself as to the legality of all claims to be paid out of the city treasury, the reasonableness of the prices charged or claimed for materials, supplies or labor, and the acts as to the delivery thereof to or for the use of the delivery thereof to or for the use of the city, and for such purposes as he or she shall have the power to require sworn evidence that the amount of any claim is justly due and in conformity with laws and ordinances, and for that purpose he or she may summon before him or her every officer, agent or employee of any department of the municipality and examine same upon oath or affirmation relative thereto.
- (14) Attend commission meetings; minutes. The city clerk or the city clerk's designee shall attend all meetings of the city commission, in his or her capacity as clerk, and keep minutes of its proceedings, the correctness of which proceedings shall be certified to by the signature of the clerk or his or her designee and by the signature of the presiding officer of the city commission at such meeting; and the official minutes of the city commission, when duly certified by the signature of the clerk or his or her designee and city manager, or acting city manager, shall be prima facie evidence of the facts and happenings therein stated.
- (15) Custodian of seal and archives. Be the official custodian of the seal of the city and of all records and papers of a general charter pertaining to the affairs of the municipality; and whenever an official seal is required or any official document of the City of Wildwood, same shall be affixed by the city clerk or deputy clerk.
- (16) List of security held by city. Keep a list of all security held by the city commission for the benefit of the city, or any securities of City of Wildwood held in trust for the benefit of any particular fund or funds, including any insurance reserve fund which may be established. He or she shall keep an accurate list of all bonds held by the city and know when and where interest coupons or other interest shall be paid.
- (17) Payment of indebtedness of city. Remit and transmit to the proper depository or payee bank all sums of money failing due from time to time as principal or interest on obligations of City of Wildwood; and in connection therewith he or she shall see that all necessary moneys are properly budgeted and allocated for the payment of the principal and interest upon the city indebtedness as same become due from time to time.
- (18) Issue warrants. Issue warrants for the payment of money from a fund of the municipality only to the extent that there are moneys to the credit of the fund to be drawn on with which to pay such warrant.
- (19) Official registrar. Be the official registrar for City of Wildwood.
- (20) Keep an inventory of all machinery, automobiles, and personal property which exceed a value of an amount which may be set by the city commission from time to time.
- (21) Perform duties required by charter. Perform any and all duties required by this charter or the ordinances of City of Wildwood, or any duties applicable and proper to be performed by the city clerk.

- (22) Custodian of moneys. Be custodian of all moneys of the municipality and keep and preserve the same in the city depositories designated by the city commission; and it shall be his or her duty to deposit in such depositories as savings accounts or otherwise, any and all moneys belonging to the city, and collected and held as sinking funds; such investments to be the kind of securities authorized by this charter and as determined by the city commission.
- (23) Receive and collect moneys; records. Receive and collect all moneys belonging to the city, including taxes, water collections, special assessments, license moneys, fines, and income from all other sources, and keep accurate records thereof and make proper reports.
- (24) Receipts for moneys collected; report. Prepare receipts in duplicate for all moneys paid into the city treasury, delivering the original receipt to the person paying the same and retaining one copy for the files of his or her office; making report from time to time to the city manager of all moneys collected.
- (25) Deposits in proper funds. Deposit in a separate fund all moneys received on account of any special assessment; and payment from such special assessment funds shall be made only on account of the improvement or improvements for which such assessments were made, or for the replenishment of the revolving fund out of which payment of the cost of improvements or any portion thereof was made.

(Ord. No. 411, § 5, 10-13-03, approved at referendum 12-2-03)

DIVISION 6. - DEPARTMENTS

Section 4-17. - Police department.

- (a) The police department of city is hereby created and established and shall consist of a chief of police and as many subordinate officers, patrolmen and employees as shall be necessary for the functioning of the department. The city commission may provide for police services by any other means allowable by law if it deems it to be in the public interest.
- (b) The city manager may appoint additional patrolmen and officers for temporary service. No person shall act as a special patrolman, special detective or other special officer for any purpose whatsoever, except on written authority of the city manager or the written authority of the mayor-commissioner, at times of grave emergency. Such persons shall be under the direction and control of the chief of police for the specified or limited time in case of riot, emergency, elections or special occasions.
- (c) The chief of police shall be appointed by the city commission upon recommendation of the city manager and shall serve under the direction and supervision of the city manager. The chief of police shall aid in the enforcement of order in the city. He shall attend in person or by deputy all meetings of the city commission, and perform such duties appropriate to his or her office as may be imposed upon him or her by the law, the ordinances of the city, the direction of the city manager or the city commission. He or she shall be head of the police department and charged with the responsibility of seeing that the laws and ordinances of city and state are enforced. The chief of police may be removed only by majority vote of the city commission.
- (d) The chief of police and all officers must be certified as required by Florida Statutes.
- (e) The chief of police shall assume such other duties as directed by the city commission or city manager.

(Ord. No. 411, § 5, 10-13-03, approved at referendum 12-2-03)

Editor's note—

Ord. No. 411, § 5, adopted Oct. 13, 2003, and approved at referendum Dec. 2, 2003, repealed former § 4-17 of the Charter and renumbered former § 4-18 as § 4-17 and amended § 4-17. Former § 4-17 pertained to the city treasurer and derived without amendment from the original Charter.

Section 4-18. - Fire department.

- (a) The city commission may establish a volunteer or paid fire department as it deems necessary or may provide for fire services in any other manner allowable under the law.
- (b) There shall be a chief of the fire department, who shall be the head of the fire department and shall also be fire marshal if the city opts to use a volunteer or paid fire department for fire services; he or she shall have the exclusive supervision and control of the stationing and transfer of all firemen and other officers and employees of the fire department if the city opts to use a volunteer or paid fire department for fire services.
- (c) The chief of the fire department shall assume such other duties as directed by the city commission or city manager.

(Ord. No. 411, § 5, 10-13-03, approved at referendum 12-2-03)

Editor's note—

Ord. No. 411, § 5, adopted Oct. 13, 2003, and approved at referendum Dec. 2, 2003, renumbered former § 4-19 of the Charter as § 4-18 and amended § 4-18

Section 4-19. - Department of public works and streets.

- (a) The department of public works and streets is hereby established as an administrative branch or division of the city and may, when directed by the city commission, be comprised of the following divisions, to-wit: streets refuse; and any such other division as designated by ordinance by the city commission. The public works department shall be responsible for stormwater control and maintenance and repair of signage, curbs, rights-of-way, public parking, streetlights, and such other city property as designated by the city commission or the city manager.
- (b) When deemed necessary, the city commission may by resolution temporarily or permanently combine any of the divisions under the department of public works, or may combine the duties of any position under such department.
- (c) The position of "director of public works and streets" may be established. The director of public works and streets shall be appointed by the city manager, with the approval of the city commission and shall serve at the pleasure of the city manager. The director of public works and streets shall serve under the direction of the city manager and assist in carrying out the policies and programs of the city commission. He or she shall coordinate the work and activities of the various departments. He or she shall make periodical inspections of streets, public buildings, public works, public machinery, and all public property, and make report thereof to the city manager. He or she shall perform such other duties as may be delegated to him or her.
- (d) The public works department may be responsible for mosquito or other insect control and health and sanitation issues if so directed by the city commission.
- (e) The public works department shall assume such other duties as the city commission or city manager deems appropriate. The city commission shall have the discretion to determine that the various functions of the public works department should be performed by divisions within the public works department; or to create new departments to carry out some portions of the responsibilities of the public works department.

(Ord. No. 411, § 5, 10-13-03, approved at referendum 12-2-03)

Editor's note—

Ord. No. 411, § 5, adopted Oct. 13, 2003, and approved at referendum Dec. 2, 2003, renumbered former § 4-20 of the Charter as § 4-19 and amended § 4-19

Section 4-20. - Community development department.

- (a) There is hereby established the community development department of the city, which shall have charge of all inspections necessary in connection with the construction, erection, alteration,

modification, repair, demolition, and all other aspects allowed or required by law of or for buildings; the improvement, development, and use of land; all permitting required by statutes, ordinances, or other law; the enforcement of the building, zoning, and other ordinances of the city except as otherwise provided by statute; and such other enforcement as provided for by law. The community development department shall act as a building department as defined by the Florida Statutes and as the city's economic development entity. The community development department shall perform all code enforcement functions as defined by Florida Statutes.

- (b) The city commission may create by ordinance divisions within the community development department to perform its various functions. The city commission shall have the discretion to determine that the various functions of the community development department should be performed by divisions within the community development department or to create new departments to carry out some of the responsibilities of the community development department. The requirements of state law shall be met in setting up the divisions of this department, including planning and zoning, building, and any other related divisions.
- (c) The community development department shall assume such other responsibilities as directed by the city commission or city manager.
- (d) The position of "community development director" may be established. The community development director shall be appointed by the city manager, with the approval of the city commission and shall serve at the pleasure of the city manager. The community development director shall serve under the direction of the city manager and assist in carrying out the policies and programs of the city commission. He or she shall coordinate the work and activities of the various divisions within the community development department. He or she shall perform such other duties as may be delegated to him.
- (e) The community development director shall assume such other duties as city commission deems appropriate.

(Ord. No. 411, § 5, 10-13-03, approved at referendum 12-2-03)

Editor's note—

Ord. No. 411, § 5, adopted Oct. 13, 2003, and approved at referendum Dec. 2, 2003, renumbered former § 4-21 of the Charter as § 4-20 and amended § 4-20

Section 4-21. - Water department.

- (a) The city may provide water services in any manner provided by law.
- (b) The city may establish or continue a water department and such employees as may be necessary may be employed from time to time in this department. The city commission may determine the duties and responsibilities of the water department through approval of policies, and passage of resolutions or ordinances.
- (c) The position of "water department director" may be established. The water department director shall be head of the water department, performing the duties assigned to him or her in compliance with all applicable state, federal and local laws. The water department director shall be appointed by the city manager, with the approval of the city commission and shall serve at the pleasure of the city manager. The water department director shall serve under the direction of the city manager and assist in carrying out the policies and programs of the city commission. He or she shall perform such other duties as may be delegated to him or her.

(Ord. No. 411, § 5, 10-13-03, approved at referendum 12-2-03)

Editor's note—

Ord. No. 411, § 5, adopted Oct. 13, 2003, and approved at referendum Dec. 2, 2003, repealed former §§ 4-22, 4-23 of the Charter, renumbered former §§ 4-24—4-26 as §§ 4-21—4-23, amended §§ 4-21—

4-23, and repealed former §§ 4-27—4-29. Former §§ 4-22, 4-23 pertained to the right of the county health department to enforce city health ordinances and the street department, respectively, and derived without amendment from the original Charter. Former §§ 4-27—4-29 pertained to the superintendent of parks, cemetery board, and authority of city commission to appoint advisory boards, respectively, and derived without amendment from the original Charter.

Section 4-22. - Wastewater department.

- (a) The city may provide wastewater services in any manner provided by law.
- (b) The city may establish or continue a wastewater department and such employees as may be necessary may be employed from time to time in this department. The city may determine the duties and responsibilities of the wastewater department through approval of policies, and passage of resolutions or ordinances.
- (c) The position of "wastewater director" may be established. The wastewater director shall be head of the wastewater department, performing the duties assigned to him or her in compliance with all applicable state, federal and local law. The wastewater director shall be appointed by the city manager, with the approval of the city commission and shall serve at the pleasure of the city manager. The wastewater director shall serve under the direction of the city manager and assist in carrying out the policies and programs of the city commission. He or she shall coordinate the work and activities of the various departments. He or she shall perform such other duties as may be delegated to him or her.

(Ord. No. 411, § 5, 10-13-03, approved at referendum 12-2-03)

Note—See the editor's note following § 4-21

DIVISION 7. - ADVISORY BOARDS AND COMMISSIONS

Section 4-23. - Standing and ad hoc boards.

The city commission may appoint standing boards by ordinance and ad hoc boards by resolution.

(Ord. No. 411, § 5, 10-13-03, approved at referendum 12-2-03)

Note—See the editor's note following § 4-21

ARTICLE V. - ELECTIONS

FOOTNOTE(S):

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State Law reference— Florida Election Code, F.S. chs. 97—107. [\(Back\)](#)

Section 5-1. - Time of holding; terms of officers; special elections.

The city commission, composed of one mayor-commissioner and four commissioners shall run in five groups. The mayor-commissioner seat shall be designated as group 1. The city commissioner seats presently designated as group 2, group 3, group 4 and group 5 shall continue to be so designated. Each candidate for a seat on the city commission shall indicate or have indicated at the time of his or her qualification the group for which he or she is a candidate. The regular election for the offices of the city commissioners shall be held on the first Tuesday after the first Monday in November of each state general election year. The mayor commissioner and the city commissioners in groups 2 and 4 serving at the time of enactment of this ordinance shall remain in the seats for which they currently hold office and each office shall be extended until 2014. An election shall be held for the offices of mayor commissioner and the city commissioners in groups 2 and 4 in 2014 for a 4 year term and every four years thereafter. An election shall be held for the offices of the city commissioners in groups 3 and 5 in 2012 for a 4 year term and every four years thereafter. Officers elected shall qualify and take office on the second Monday in January. The present members of the city commission shall serve as commissioners under this act until

their successors are duly qualified, elected, and installed in office. Special elections shall be held from time to time as may be authorized by ordinance or this Charter.

(Ord. No. 411, § 6, 10-13-03, approved at referendum 12-2-03; Ord. No. O2010-15, § 2, 8-23-2010, approved at referendum 12-7-2010)

Section 5-2. - Qualifications of city commissioners.

To be eligible to hold the office of city commissioner or mayor-commissioner of the city or to qualify for nomination of election as such, the candidate shall be a bona fide resident of the City of Wildwood, the State of Florida, and a citizen of the United States of America and shall be duly qualified to vote at each respective city, state and national election and shall be otherwise qualified as is provided in this Charter and shall hold no other public elective office. Candidates for nomination or election for the office of city commission or mayor-commissioner shall comply with all the rules and regulations set out in this Charter as to their conduct. Any commissioner who shall cease to possess the qualifications required herein shall forthwith forfeit his or her office.

(Ord. No. 411, § 6, 10-13-03, approved at referendum 12-2-03)

Section 5-3. - Election procedure.

All elections shall be held in accordance with the provisions of the state election code and changes therein and future amendments thereto except as otherwise provided by this Charter, or by the present or future ordinances of the city.

Section 5-4. - Registration of electors.

Any citizen of the United States who has resided within the city for a period of 90 days shall be eligible to register as a city elector so long as residency is maintained. Registration shall be permanent and shall be in conformity with the general law of the state.

(Ord. No. 411, § 6, 10-13-03, approved at referendum 12-2-03)

State law reference—Registration of electors, F.S. §§ 97.032 et seq., 166.032.

Section 5-5. - Canvassing and qualification.

1. Unless a majority of the city commission votes to utilize the supervisor of elections for qualifying of candidates and conducting the election and the county canvassing board for canvassing the election, the city commission shall conduct the election and shall have the authority to determine the qualification of its members, subject to review by the courts.
2. If the city commission has not authorized the county canvassing board to canvass the election, at the time that the city commission meets to canvass the results of any election, any registered elector of the city shall be entitled to file with the city commission an affidavit setting out the facts showing that a candidate has violated the provisions of this Charter as to the manner of his election, or is otherwise unqualified to hold office, and the city commission shall take proof at such meeting and declare the results.
3. The city commission may by ordinance authorize the supervisor of elections to provide for qualifying for candidates and conduct the election and for the county canvassing board to canvass the election. If the city commission provides the supervisor of elections and the county canvassing board with such authority, then the supervisor of elections shall be responsible for the qualifying of candidates and conducting the election and the county canvassing board shall canvass the election. Once an ordinance is enacted authorizing the transfer of these responsibilities, the supervisor of elections and the county canvassing board shall retain this authority at all subsequent elections unless the city commission enacts a subsequent ordinance transferring such responsibility back to the City. Any such ordinance must be enacted and provided to the supervisor of elections and county canvassing board at least one year prior to the next general election.

(Ord. No. O2010-15, § 3, 8-23-2010, approved at referendum 12-7-2010)

Section 5-6. - Candidates for city commission prohibited from making certain promises.

No candidate for the office of city commission shall promise any money, office employment or other thing of value to secure a nomination or election or any vote therein. A violation of this provision shall disqualify the candidate from holding the office if elected, and the person receiving the next highest number of votes, who has observed the foregoing conditions, shall be entitled to the office.

(Ord. No. 411, § 6, 10-13-03, approved at referendum 12-2-03)

Section 5-7. - Qualification of candidates for city commission.

Unless the city commission has voted to authorize the supervisor of elections to provide qualifying for candidates, candidates for city commission shall qualify as candidates upon application to the city clerk, in conformity with the general law of the state and ordinances pursuant thereto. If the city commission has authorized the supervisor of elections to provide qualifying for candidates, the candidate shall qualify upon application to the supervisor of elections. Qualifications shall occur at the same time as qualification for the state general election and shall be pursuant to state law.

(Ord. No. O2010-15, § 4, 8-23-2010, approved at referendum 12-7-2010)

Section 5-8. - Nonpartisan elections.

All qualifications and elections for the office to the city commission shall be conducted on a nonpartisan basis.

(Ord. No. 411, § 6, 10-13-03, approved at referendum 12-2-03)

ARTICLE VI. - FINANCE AND TAXATION

FOOTNOTE(S):

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State Law reference— Municipal finance and taxation, F.S. § 166.201 et seq.; financial matters pertaining to political subdivisions, F.S. ch. 218. ([Back](#))

Section 6-1. - Fiscal year; annual audit; quarterly reports.

The city's fiscal year shall begin on October 1 of each calendar year and end on September 30 of each calendar year; provided that the city commission hereafter, by ordinance, may determine when the fiscal year of the city shall begin and end. An annual audit report proposed in compliance with state law shall be provided to the city commission after the close of the fiscal year. The city manager shall provide revenue and expenditure analysis reports at least quarterly to the city commission.

(Ord. No. 411, § 7, 10-13-03, approved at referendum 12-2-03)

State law reference— Fiscal year, F.S. §§ 166.041, 218.33; annual audits, F.S. § 218.32.

Section 6-2. - Adoption of budget; notice; amount of millage.

The city commission shall follow state law in setting millage rates and adopting an annual budget. The city commission shall provide for notice and public hearings related to the budget in compliance with requirements of state law.

(Ord. No. 411, § 7, 10-13-03, approved at referendum 12-2-03)

State law reference— Determination of millage, F.S. ch. 200.

Section 6-3. - Authority of city to levy taxes.

The city commission shall have the power to raise such a sum of money by taxation and levy upon the taxable property in the city such a millage or tax as it shall determine to be necessary for the annual budget subject to any limitations of state law.

(Ord. No. 411, § 7, 10-13-03, approved at referendum 12-2-03)

Editor's note—

Ord. No. 411, § 7, adopted Oct. 13, 2003, and approved at referendum Dec. 2, 2003, repealed former § 6-3 of the Charter and renumbered former § 6-4 as § 6-3 and amended § 6-3. Former § 6-3 pertained to objections to budget, levy of taxes and certification of taxes and derived without amendment from the original Charter.

Section 6-4. - Property which is taxable.

All property, real and personal, in the city not expressly exempt by laws of the state shall be subject to taxation by the city.

(Ord. No. 411, § 7, 10-13-03, approved at referendum 12-2-03)

Editor's note—

Ord. No. 411, § 7, adopted Oct. 13, 2003, and approved at referendum Dec. 2, 2003, renumbered former § 6-5 of the Charter as § 6-4

Section 6-5. - Budget changes.

The city commission shall have the power, after adoption of the annual budget, to reappropriate to any municipal purpose any funds not needed for the purpose originally appropriated or to appropriate any unappropriated surplus to any municipal purpose.

(Ord. No. 411, § 7, 10-13-03, approved at referendum 12-2-03)

Editor's note—

Ord. No. 411, § 7, adopted Oct. 13, 2003, and approved at referendum Dec. 2, 2003, renumbered former § 6-6 of the Charter as § 6-5 and amended § 6-5

Section 6-6. - Unencumbered balance to revert to fund; expenditure of money to comply with budget.

At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the respective fund from which it was appropriated and shall be subject to future appropriation, except that special funds shall remain intact. No money shall be drawn from the depository of the city, nor shall any obligation for the expenditure of any money be incurred, except pursuant to the appropriation made by the city commission.

(Ord. No. 411, § 7, 10-13-03, approved at referendum 12-2-03)

Editor's note—

Ord. No. 411, § 7, adopted Oct. 13, 2003, and approved at referendum Dec. 2, 2003, renumbered former § 6-7 of the Charter as § 6-6 and amended § 6-6

Section 6-7. - Payment of claims.

No warrant for the payment of any account or claim shall be issued by the city clerk until such account shall have been approved by the head of the department for which the indebtedness was incurred and by the city manager, and such officers and their sureties shall be liable to the city for all loss and damage sustained by the city by reason of corrupt or improper approval of any such claim or account against the municipality.

(Ord. No. 411, § 7, 10-13-03, approved at referendum 12-2-03)

Editor's note—

Ord. No. 411, § 7, adopted Oct. 13, 2003, and approved at referendum Dec. 2, 2003, renumbered former § 6-8 of the Charter as § 6-7 and amended § 6-7

Section 6-8. - Authority of city to issue bonds generally.

The city is authorized to issue bonds of said city of such form, denomination, bearing such rate of interest and becoming due in such time and upon such conditions as may be determined, in an amount not exceeding in the aggregate percentage of the assessed valuation of the taxable property in the city at the time of issue allowable by state law, for any.

(Ord. No. 411, § 7, 10-13-03, approved at referendum 12-2-03)

Editor's note—

Ord. No. 411, § 7, adopted Oct. 13, 2003, and approved at referendum Dec. 2, 2003, repealed former § 6-9 of the Charter and renumbered former §§ 6-10—6-12 as §§ 6-8—6-10 and amended §§ 6-8, 6-10. Former § 6-8 pertained to the failure to adopt or levy tax and derived without amendment from the original Charter.

State law reference— Issuance of bonds, F.S. § 166.121.

Section 6-9. - Issuance of general obligation bonds.

The city shall issue general obligation bonds in conformity with the general law of the state.

(Ord. No. 411, § 7, 10-13-03, approved at referendum 12-2-03)

Note—See the editor's note following § 6-8

State law reference— Issuance of bonds, F.S. § 166.121.

Section 6-10. - Issuance of revenue bonds.

The city commission shall have the power to provide by resolution for the issuance and sale of revenue bonds and certificates in compliance with the general laws of the State of Florida to provide funding for any lawful municipal purpose.

(Ord. No. 411, § 7, 10-13-03, approved at referendum 12-2-03)

Note—See the editor's note following § 6-8

State law reference— Issuance of bonds, F.S. § 166.121.

Section 6-11. - Special assessments for local improvements authorized.

The city, by its city commission, shall have power and authority to cause local improvements to be constricted, wholly or in part, at the cost of the property owners benefited thereby, by levying and collecting special assessments in a manner consistent with state law for any such improvements as are allowable by state law or are not precluded by state law.

(Ord. No. 411, § 7, 10-13-03, approved at referendum 12-2-03)

Editor's note—

Ord. No. 411, § 7, adopted Oct. 13, 2003, and approved at referendum Dec. 2, 2003, repealed former § 6-13 of the Charter and renumbered former § 6-14 as § 6-11 and amended § 6-11. Former § 6-13 pertained to time anticipation warrants and derived without amendment from the original Charter.

State law reference— Supplemental and alternative method of making local municipal improvements, F.S. ch. 170.

ARTICLE VII. - PLANNING AND ZONING

FOOTNOTE(S):

--- (4) ---

State Law reference— Planning, F.S. § 163.2511 et seq. [\(Back\)](#)

Section 7-1. - General zoning authority.

The city shall have authority in the interest of the public health, safety, order, convenience, comfort, prosperity, or general welfare, to adopt a plan or plans for the districting or zoning of the city in compliance with state law.

(Ord. No. 411, § 8, 10-13-03, approved at referendum 12-2-03)

Section 7-2. - Planning and zoning board.

- (a) The city shall have authority to create by ordinance a city planning and zoning board which shall be comprised of not less than five members who shall be appointed by at least a majority of the city commission.
- (b) Each member of the planning and zoning board shall be a qualified elector and a freeholder of the city.
- (c) The members of the planning and zoning board shall serve for a term of two years from the date of appointment.
- (d) Vacancies in the membership of the planning and zoning board shall be filled for the unexpired term in the same manner as original appointments are made.
- (e) The planning and zoning board shall have such powers and authority and shall perform such duties concerning, relating to, or connected with city planning and zoning as shall be defined and prescribed by ordinance.
- (f) The city may provide planning and zoning authority to a special master in lieu of a planning and zoning board. The special master shall have the same authority as a planning and zoning board.

(Ord. No. 411, § 8, 10-13-03, approved at referendum 12-2-03)

Section 7-3. - Plats required for subdivisions.

Any owner of lots or grounds within the city who subdivides the same for sale shall cause to be made an accurate plat of said subdivision describing with certainty all grounds laid out or granted for streets or other public uses. The requirements for such plats shall be provided for by ordinance or state law.

(Ord. No. 411, § 8, 10-13-03, approved at referendum 12-2-03)

Section 7-4. - Plats of ways and streets.

- (a) The city commission shall provide regulations governing the platting of all lands so as to require all streets and alleys to be of proper width and continuous with adjoining streets and alleys and otherwise to conform to regulations prescribed by the city commission.
- (b) Whenever any portion of territory within the city limits within which territory the necessary streets or alleys have not already been accepted by the city, but may become streets or alleys, is platted, the city commission shall endorse its written approval on said plats, if said plats are in accordance with rules prescribed by the city commission.
- (c) No plat subdividing lands within the city limits shall be entitled to record in the offices of the clerk of the circuit court in and for Sumter County, Florida, without such written approval endorsed thereon.
- (d) The acceptance of a plat by the city does not infer that the city has accepted responsibility for maintenance of the streets indicated on the plat. Once the streets have been developed and have

been certified to meet city and all other specifications, the city may accept responsibility for the streets. Any such acceptance of responsibility must be by written ordinance, resolution, or contract.

(Ord. No. 411, § 8, 10-13-03, approved at referendum 12-2-03)

Section 7-5. - Unplatted ways and streets prohibited.

No streets or alleys, except those laid out on the plats required by this Charter, and bearing the approval of the city commission, shall be accepted as public streets or alleys by the city nor shall any public funds be expended in the repair or improvement of streets and alleys not so platted and approved. This restriction shall not apply to a street or alley laid out by the city, nor streets, alleys or public grounds laid out on a plat made by or bearing thereon the written approval of the city commission or to public rights of way gained by prescription.

Section 7-6. - Dedication of streets.

No streets or alleys hereafter dedicated to public use by the owner of land in the city shall be deemed a public street or alley, or under the care and control of the city commission, unless such dedication is accepted by the city commission and confirmed by ordinance passed for such purpose, or unless the provisions of the general law relating to subdivisions shall have been complied with in every respect.

Section 7-7. - City map.

The city commission may by ordinance provide for the preparation of a city map, showing thereon any or all of the lands of the city, each lot and block, tract or parcel of land being thereon so indicated by number or other designation as to be easily and intelligently referred to by way of description, and for the filing thereof in the office of the clerk of the circuit court for Sumter County Florida, as a part of the public records of Sumter County, Florida; and after such filing thereof, the lands therein indicated may be described and assessed upon the city tax assessment roll by reference to such map, which shall be plainly endorsed "Wildwood Map" as a sufficient designation.

ARTICLE VIII. - FRANCHISES AND PUBLIC UTILITIES

Section 8-1. - Authority of city commission to grant franchises, limitations.

- (a) The city shall have power to grant or lease the right to use the streets, highways, alleys, public grounds, or buildings, and to grant franchises, to any private person, persons, firm or corporation, provided that no exclusive franchise or renewal shall ever be granted.
- (b) No such grant or lease or franchise or renewal thereof shall be transferable except with the approval of the city commission expressed by ordinance.
- (c) A copy of all transfers and mortgages or other documents affecting the title to the use of the grants, renewals, leases or franchises provided herein shall be filed with the city clerk within ten days after the execution thereof.
- (d) No franchise given by the city shall authorize the licensee to molest or interfere with any trees, shrubs, or other plants, on said streets, parks and public grounds but said licensee shall secure such permission from the city commission in the form of resolution. All such grants or renewals shall be made as hereinafter provided.
- (e) No grant or lease or renewal to the right to use the streets, highways, alleys, public grounds or buildings of the city shall in any event be for a longer period of time than 30 years.

Section 8-2. - Franchises for public utilities generally.

- (a) The city shall have authority to grant franchises for public utilities subject to the provisions of subsection (b).
- (b) No ordinance granting a franchise for public utilities shall become a law or become effective in any way unless the same be passed by a vote of four-fifths of all members of the city commission.
- (c) Nothing in such grant or renewal shall prevent the city from acquiring the property by condemnation proceedings or in any other lawful manner when deemed by the city commission for the best interest of the city or the public.

- (d) The right at all times to control the appropriation or distribution of space in, over, across or under any street, alley, public ground, waterfront, riparian property or submerged lands, occupied by any public utility, shall remain in the city commission. And all rights granted for the construction and operation of public utilities shall be subject to the continuing right of the city commission to require such reconstruction, relocation, change or discontinuance of the lines, equipment and appliances used by the utility as shall be necessary or desirable for the best interest of the city, and the public welfare.
- (e) No consent of the owner of any property abutting the street, alley, park, public ground or waterfront shall be necessary in order to perfect the rights granted by the franchise or any renewal, as provided in this section, but the franchise itself shall be sufficient; provided that no liability shall accrue against the city in the event such public utility is of such character that its construction or operation will work any additional burden or detriment to the property rights of the owners of abutting property.

Section 8-3. - Terms and conditions of public utility franchises.

- (a) All grants, renewals, extensions or amendments of public utility franchises whether it be so provided in the ordinance or not, shall be subject to the following rights of the city:
 - (1) To repeal the same by ordinance at any time for misuse, nonuse or failure to begin construction within the time prescribed, or otherwise to comply with the terms prescribed.
 - (2) To require proper and adequate extension of plant and service, and the maintenance of the plant and fixtures at the highest practicable standard of efficiency.
 - (3) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.
 - (4) To prescribe the form of the accounts and at any time to examine and audit the accounts and other records of any such utility; but if a public service commission or any other authority shall be given the power by law to prescribe the form of accounts for public utilities throughout the state, the form so prescribed shall be controlling so far as they go, but the commission may prescribe more detailed forms for the utilities within its jurisdiction.
 - (5) To impose such other regulations as may be conducive to the safety, welfare and accommodation of the public.
- (b) Nothing in this Charter with reference to regulation or control of rates or service, or the extension of plant or the keeping of records and accounts, or the rendering of reports, shall apply to any public utilities, the rates or services of which are by law placed under the jurisdiction of the state public service commission or federal agency except as provided by law.
- (c) Every public utility franchise hereafter granted shall be subject to all the terms and conditions of this Charter, whether or not such terms are specifically mentioned in the franchise.
- (d) Nothing in this Charter shall operate to limit in any way, except as specifically stated, the discretion of the commission or the electors of the city in imposing terms and conditions in connection with any franchise grant.

(Ord. No. 411, § 9, 10-13-03, approved at referendum 12-2-03)

Section 8-4. - Temporary permits.

Permits unconditionally revocable at the will of the city commission for minor or temporary privileges in the streets, public ways and public places of the city may be granted and revoked pursuant to motion or resolution from time to time and such permits shall not be deemed franchises as the term is used in this Charter.

(Ord. No. 411, § 9, 10-13-03, approved at referendum 12-2-03)

Section 8-5. - Extensions of public utilities.

- (a) All extensions of public utilities within the city shall become a part of the aggregate property of the public utility, shall be operated as such and shall be subject to all the obligations and reserved rights contained in this Charter and in any original grant hereafter made.

- (b) The right to use and maintain any extension shall terminate with the original grant. In case of an extension of a public utility operated under a franchise hereafter granted, such right shall be terminable under the same conditions as the original grant.

Section 8-6. - Compilation of record of public utilities fixtures.

The city shall compile and maintain a public record of all public utility fixtures in the streets and other public places of the city.

Section 8-7. - Municipally-owned utilities.

The city shall have power to:

- (a) Purchase, hire, construct, own, maintain, operate, or lease local public utilities, including busses, and all transportation systems by land, electric light, and works for supplying the city and its inhabitants with water and also all other manner of utilities.
- (b) Sell the services of such utilities to consumers both within and without the limits of the city.
- (c) Perform all such utility services as are authorized by state and federal law.

(Ord. No. 411, § 9, 10-13-03, approved at referendum 12-2-03)

Section 8-8. - Rates.

The city shall have authority to establish, impose and enforce rates and charges for electricity, water, wastewater, and all other public utilities or other service or conveniences operated, rendered or furnished by the city or by any other person; all such regulations shall in no manner interfere with regulations prescribed by the state public service commission or any other state or federal governing board or commission duly organized and functioning by virtue of federal or state law.

(Ord. No. 411, § 9, 10-13-03, approved at referendum 12-2-03)

Section 8-9. - Rules and rates as to conduits.

The city shall have authority to require the placing of all electric wires and also all cable, telephone, wires in conduits underground and prescribe rules and regulations for the construction and use of said conduits and to enforce compliance therewith, and in case of failure or refusal of the public utilities companies to place such cables or wires underground and comply with the rules and regulations thereof, to construct such conduits and place the cables or wires underground and maintain a lien against the franchise and property of such companies. Provided, however, that this section shall not apply to public utilities that are regulated by the state public service commission or other federal board or agency except as provided by general law.

(Ord. No. 411, § 9, 10-13-03, approved at referendum 12-2-03)

ARTICLE IX. - MISCELLANEOUS

Section 9-1. - Notice prerequisite to actions against the city.

No person shall have a cause of action for damages against the City of Wildwood for any reason unless written notice of damage or loss was within 30 days after the receiving of the alleged damage or injury; given to the city commission or the city manager with such reasonable specifications as to time, place and witnesses as would enable the proper city officials to investigate the matter. The city commission may take such reasonable settlement of any such damages as may be agreed upon by the city commission. Suits on all causes of action whatever kind or nature, accruing against the city shall be instituted within 12 months after the cause of action accrues. This is in addition to any such notice required by state law.

(Ord. No. 411, § 10, 10-13-03, approved at referendum 12-2-03)

Section 9-2. - General laws applicable.

All general laws of the state applicable to municipal corporations, now existing or which may hereafter be enacted, and which are not in conflict with the provisions of this act or the ordinances or resolutions now in force or hereafter enacted by the city commission, shall be applicable to this city provided, however, nothing contained in this act shall be construed as limiting the power of the city commission to enact any ordinance or resolution not in conflict with the constitutions of this state and of the United States, or with the express provisions of this act.

Section 9-3. - Charter and ordinances as evidence in courts.

The courts of this state shall take judicial cognizance of the Charter and ordinances of the city and a certified copy or officially printed copy of the same shall be taken as evidence in any trial in which the same may be competent, without proof of the due passage and approval thereof.

Section 9-4. - Definitions.

Whenever in this act the word "city" is used, it shall be construed to mean the City of Wildwood, if the context shall permit such construction. Whenever the word "Charter" is used, it shall mean this "act". Whenever publication or notice is required in any newspaper, it shall mean a newspaper published in the county, or one of general circulation in the county. A freeholder shall be any person who has an immediate beneficial ownership interest, legal or equitable, in the title to a free simple estate in land; this must be evidenced by an instrument recorded in the public records of Sumter County, Florida.

(Ord. No. 411, § 10, 10-13-03, approved at referendum 12-2-03)

Section 9-5. - Contracts extending beyond one year.

No contract involving the payment of money out of the appropriations of more than one year shall be made for a period of more than five years; nor shall any such contract be valid unless made or approved by ordinance.

Section 9-6. - Liberal construction in favor of city.

This act shall be liberally construed in favor of the powers and authorities of the city herein granted, and in favor of such as are fairly inferable from those therein specified or under general laws of the state.

Section 9-7. - Saving clause.

The provisions of this act are severable, and if any section, part of section, paragraph, sentence, or clause of this act shall be adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of any other portion thereof, but shall be restricted and limited in its operation and effect to that specific portion hereof involved in the controversy in which such decision shall have been rendered. Upon a determination by a court of competent jurisdiction that a portion of this charter is void, unconstitutional or unenforceable, all remaining portions shall remain in full force and effect.

(Ord. No. 411, § 10, 10-13-03, approved at referendum 12-2-03)

Section 9-8. - Conflicting laws.

All laws or parts of laws, insofar as they are in conflict or inconsistent with the provisions of this act, be and the same are hereby repealed.

Section 9-9. - Effective date.

This act shall become effective immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 27, 1973.

Section 1-1. - Abolishment of existing municipality.

The present existing municipal government existing under the name of the City of Wildwood as created by Chapter 9950 of the Special Acts of Florida of 1923 as amended and as re-created by Chapter 57-1950 of the Special Acts of Florida of 1957 as amended, be and the same is hereby abolished.

Section 1-2. - Municipality created.

A municipality to be called the "City of Wildwood," in the County of Sumter, State of Florida, is hereby created, organized, and established as a municipal body politic and corporate in perpetuity, under the name of "THE CITY OF WILDWOOD."

Section 1-3. - Rights and liabilities in succession.

The City of Wildwood created and organized under this act shall succeed to, own and possess all property, real, personal or mixed, all uncollected taxes, dues, claims, judgments, decrees and choses in action, heretofore owned, possessed or held by the City of Wildwood under its former organization and shall have, exercise and enjoy all the rights, immunities, powers, benefits, privileges and franchises which are now possessed or held by it.

Section 1-4. - Obligations unimpaired.

No lawful debts, obligations, or contracts of the said City of Wildwood as created by Chapter 57-1950 of the Special Acts of Florida of 1957 as amended shall be impaired or voided by this Charter; but such debts and obligations shall pass to and be binding upon the municipality which is hereby organized and created.

Section 1-5. - Former ordinances and resolutions to remain in force.

All ordinances, resolutions, rules and regulations lawfully passed and now in force in said city under its former organization shall remain in force until altered or repealed by the city commission provided for under the provisions of this Charter unless heretofore repealed by the state legislature or city commission for the City of Wildwood.

Section 1-6. - Officers hold until successors qualify.

All officers and employees heretofore elected or appointed and holding office under the said municipality hereby abolished, if said offices are incorporated in this Charter, shall continue to hold their respective office and discharge the respective duties thereof under the new municipality hereby created until their successors are elected and qualified under the provisions of this Charter.

Section 1-7. - Validity of prior assessments unimpaired.

Nothing in this act shall be construed to impair the validity of any assessment of taxes by the City of Wildwood prior to the passage of the same or any tax sale made pursuant to any such prior assessment.

Section 1-8. - Assessments, etc., validated.

All tax sales and general and special assessments heretofore made by said city are hereby ratified and confirmed and declared to be legal and valid.

Section 1-9. - Authority continues to levy taxes and ad valorem taxes.

Neither the provisions of this Charter nor the taking effect of the same shall in any way affect, alter or impair the authority of the City of Wildwood to continue the levy in the same manner and to the same extent as it would be able to do were it not for the enactment of this Charter.

Section 1-10. - Boundaries.

The corporate limits and territorial boundaries of the City of Wildwood, in Sumter County, Florida, shall embrace and include and be composed only of the following described territory to-wit:

- (1) The SW ¼ of the NE ¼; NW ¼ of the NW ¼; S ½ of the NW ¼; SW ¼ and the W ½ of the SE ¼ of Section 5; NE ¼; E 112 of SW ¼ and SE ¼ of Section 6; E 112 of the NW ¼ and NE ¼; E ¾ of S 112 of Section 7; N ½ of the NW ¼ and NW ¼ of the NE ¼ of Section 8; and the E ¾ of Section 18; all in Township 19 South, Range 23 East, in Sumter County, Florida

and such other territory as has been or will be legally annexed into the city at any time after June 1, 1973.

(Ord. No. 411, § 2, 10-13-03, approved at referendum 12-2-03)

Section 1-11. - Citing.

This act shall hereafter be referred to as the Charter of the City of Wildwood, a municipal corporation of Florida.

CHARTER COMPARATIVE TABLE

The City Charter was enacted by Senate Bill No. 1330, Laws of Florida, Regular Session 1973. This table gives the disposition of subsequent acts and ordinances amendatory of the basic Charter.

Ord. No.	Adoption Date	Referendum Date	Section	Section this Charter
399	7- 8-02			4-13(j)
411	10-13-03	12- 2-03	2	1-10
			3	2-3—2-6

			4	3-2, 3-3,
				3-6, 3-8
				3-10—3-15,
				3-24, 3-28
			5	4-1, 4-2,
				4-5, 4-7,
				4-8, 4-10
				4-12—4-16
			Rpld	4-17
			Rnbd	4-18—4-21
			as	4-17—4-20
			Amd	4-17—4-20
			Rpld	4-22, 4-23
			Rnbd	4-24—4-26
			as	4-21—4-23
			Amd	4-21—4-23
			Rpld	4-27—4-29
			6	5-1, 5-2
				5-4, 5-6
				5-8
			7	6-1, 6-2
			Rpld	6-3
			Rnbd	6-4—6-8
			as	6-3—6-7
			Amd	6-3
				6-5—6-7
			Rpld	6-9
			Rnbd	6-10—6-12
			as	6-8—6-10
			Amd	6-8, 6-10
			Rpld	6-13
			Rnbd	6-14
			as	6-11
			Amd	6-11
			8	7-1—7-4

			9	8-3, 8-4
				8-7—8-9
			10	9-1, 9-4,
				9-7
O2010-15	8-23-2010	12- 7-2010	1	4-10
			2	5-1
			3	5-5(tit.), (1), (2)
			Added	5-5(3)
			4	5-7