

ORDINANCE #2021-4

AN ORDINANCE OF THE TOWN COUNCIL OF THE HISTORIC TOWN OF EATONVILLE, FLORIDA TO CREATE THE OFFICE OF TOWN COUNCIL AMENDING ORDINANCE #2016-14 ESTABLISHING BUDGET CONTROL LEVEL POSITION AUTHORITY AND APPROPRIATIONS TO ALIGN ITS FUNCTIONS AND ADMINISTRATION WITH THE TOWN'S CURRENT CHARTER, PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND EFFECTIVE DATE.

**WHEREAS** the Town of Eatonville updated and adopted a revised Charter in 2016; and

**WHEREAS (1.03) – Intergovernmental Relations** – The Town may participate by contract or otherwise with any governmental entity of this State or any other State or States of the United States in the performance of any activity which one or more of such entities has the authority to undertake; and

**WHEREAS (3.01) (a) -- General Provisions: Creation of Departments-** the Town Council may establish Town departments, officers, or agencies in addition to those created by this Charter, and may prescribe the functions of all departments, offices, and agencies. No function assigned by this Charter to a particular department, office, or agency may be discontinued or unless this Charter specifically so provides, assigned to any other; and

**WHEREAS (3.01) (c) General Provisions: Grievance Process** – The Town Council shall establish and maintain a written grievance process for all Town employees; and

**WHEREAS (3.02)** The Town Council shall appoint an officer of the Town who shall have the title of Town Clerk. The Clerk shall be appointed and may be removed by a simple majority vote of the Council. The Town Clerk shall be the custodian of all members and the public; shall keep minutes of its proceedings and post such minutes to the Town's website and perform such other duties as are assigned by this Charter or the Town Council; and

**WHEREAS (3.03)** There shall be a Town Attorney appointed by the Town Council. The Attorney shall be appointed and may be removed by a simple majority vote of the Council and shall be a member in good standing with the Florida Bar. The Town Attorney shall serve as Chief Legal Advisor to the Council, the Mayor and all Town departments, offices, and agencies; shall represent the Town in legal proceedings and shall perform any other duties prescribed by the State Law by this Charter, or by Ordinance; and

**WHEREAS (3.04)** the Town Council shall confirm the appointment of the Chief Administrative Officer; and

**WHEREAS (4.04)** the Budget shall provide a complete financial plan of all Town funds and activities for the ensuing fiscal year and except as required by law or this Charter shall be in such form as the Mayor deems desirable or the Town Council may require for effective management; and

**WHEREAS (4.05)** the Town Council shall adopt an annual budget in accordance with all applicable state statutory provisions including but not limited to Section 166.241, 200.001, 200.06, and 200.068, Florida Statutes as amended; and

**WHEREAS (4.07)** the Town Council shall provide by Ordinance, the procedures for Administration and fiduciary oversight of the Budget; and

**WHEREAS (4.08)** Pursuant to the provisions of Section 11.45, 119.07, 163.31801, 166.21, 218.39, and 218.391, Florida Statutes, as amended the Town Council shall provide for an independent annual audit of all Town accounts and may provide for more frequent audits as it deems necessary; and

**WHEREAS** the Charter does not prescribe a process or specific path of accountability for follow-up of Resolutions and/or Ordinances; and

**WHEREAS** the Council deems it to be in the public's interest to devote a chapter of the Charter for the creation of the Office of Town Council in promotion of Administrative, Judicial, and Fiduciary Oversight of the Town's financial performance, transparency, and ethical government; and

**WHEREAS** the Council would like to create an accountability framework that allows for a uniform procedure for compliance and resolution of ratified Ordinances and Resolutions; and

**WHEREAS** an amendment to ARTICLE III, DEPARTMENTS, OFFICES, AND AGENCIES; SECTION 3.01. GENERAL PROVISIONS is required to implement such changes.

**NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE HISTORIC TOWN OF EATONVILLE, ORANGE COUNTY, FLORIDA AS FOLLOWS:**

**SECTION ONE:** The 2021 Adopted Budget is amended with the creation of the office of the Town Council under the Legislative Department- 511.

**SECTION TWO: Funding Appropriation.** The appropriations for the following items in the budget are modified as follows:

| Item | General Sub Fund     | Department      | Budget Control Level   | Amount      |
|------|----------------------|-----------------|------------------------|-------------|
| 2.1  | General Sub Fund/511 | Legislative     | Office of Town Council | \$64,937.57 |
| 2.2  | General Sub fund     | Finance General | Reserves               |             |

Funding in Future years will be appropriated through the annual budget process.

**Section Three (3): Position Authority.** To carry out the purposes of the appropriation in 2.1 the following positions are reallocated to the newly created Office of the Town Council, reporting directly to the Town Council, as a collective body barring all interference from other staffing roles and positions.

| Item | Department  | Position Title   | Position Status                                    |
|------|-------------|--|--|
| 3.1  | Legislative | Town Clerk   | Full-Time  |
| 3.2  | Legislative | Legal Counsel  | Contractual  |
| 3.3  | Legislative | Comptroller/Auditor  | P/T Contractual                                    |
| 3.4  | Legislative | Development Services <ul style="list-style-type: none"><li>• Planning</li><li>• Building</li><li>• Engineering</li><li>• Innovative Policing Program</li></ul> | Interlocal Agreement with CRA/Contractual Services |

- e. Compile all meetings agendas for Council based on timely receipt of Agenda items.
- f. Clear all Council meeting agenda items as necessary with legal Counsel for adherence to Charter and Florida Statutes rules and laws.
- g. Review Agenda with Town's Mayor for completion, preparedness, and presentation formality.
- h. Provide the Council, its committees, and members with information, data, and policy analysis, necessary to the proper conduct of legislative business and maintain a Council Library.
- i. Coordinate all legal consultations, meetings, document reviews and all legal matters that support Town Council's or Town's missions and objectives as prescribed by the Charter.
- j. Keep the Town Council informed of any matters that may require legislative intervention or authority.

**SECTION SIX: CONFLICTS:** All Resolutions and or Ordinances; or parts of Resolutions and or Ordinances, in conflict with any of the provisions of this Ordinance are hereby repealed.

**SECTION SEVEN: SEVERABILITY:** If any section(s) or portion(s) of a section of this Ordinance is found to be invalid, unlawful, or unconstitutional it shall not be held to invalidate or impair the validity, force or effect of any other section or part of this Ordinance.

**SECTION EIGHT: EFFECTIVE DATE:** This Ordinance shall become effective upon signature by the Mayor (within 48 hours of effective date), thereafter, by the Vice Mayor, two (2) Council members, or upon becoming effective by majority Council decision.

FIRST READING held this 20<sup>th</sup> day of APRIL 2021 A.D.

|                             | AYE               | NAYE              | ABSENT            |
|-----------------------------|-------------------|-------------------|-------------------|
| Eddie Cole, Mayor:          | <u>          </u> | <u>X</u>          | <u>          </u> |
| Vice Mayor Theo Washington: | <u>X</u>          | <u>          </u> | <u>          </u> |
| Councilwoman Angie Gardner: | <u>X</u>          | <u>          </u> | <u>          </u> |
| Councilman Rodney Daniels:  | <u>          </u> | <u>X</u>          | <u>          </u> |
| Councilman Tarus Mack:      | <u>X</u>          | <u>          </u> | <u>          </u> |

SECOND AND FINAL READING: held this 4<sup>th</sup> day of MAY, 2021, A.D.

|                             | AYE               | NAYE              | ABSENT            |
|-----------------------------|-------------------|-------------------|-------------------|
| Eddie Cole, Mayor:          | <u>          </u> | <u>X</u>          | <u>          </u> |
| Vice Mayor Theo Washington: | <u>X</u>          | <u>          </u> | <u>          </u> |
| Councilwoman Angie Gardner: | <u>X</u>          | <u>          </u> | <u>          </u> |
| Councilman Rodney Daniels:  | <u>          </u> | <u>X</u>          | <u>          </u> |
| Councilman Tarus Mack:      | <u>X</u>          | <u>          </u> | <u>          </u> |

|     |             |  |           |
|-----|-------------|--|-----------|
|     |             | • Code Enforcement                         |           |
| 3.5 | Legislative | Deputy Town Clerk/Administrative Assistant | Full-Time |

These positions are reallocated upon the effective date of this Ordinance. (See attachment (A) for accompanying Organizational Chart).

Section Four: The Historic Town of Eatonville hereby establishes the Office of the Town Council (OTC).

Section Five: A new Subchapter is to be added to the Town of Eatonville Municipal Code as necessary.

## **OFFICE OF THE TOWN COUNCIL**

### **2.01 Office created- Purpose.**

There is hereby created the Office of the Town Council which shall be a department of the Legislative branch. All laws relating generally to the Administration of Government shall so far as applicable, govern the Office of the Town Council. The Town Council as a collective body shall be the head of the department and shall assign the daily administrative duties and responsibilities to the Clerk. Through this designation, the Town Clerk shall be responsible for all matters of staff support for the Council. This office shall include: A Legislative Services Division, an Administrative Services Division, and a Public Information Division.

### **2.01 D. Office to be under the Town Council.**

The Department of the Town Council shall be under the daily management of the Town Clerk, who shall be appointed by the Council without regard to political affiliation and who shall serve at the pleasure of the Town Council and who shall not be in the classified service of the Town and who shall not be subject to the civil service laws affecting the Town. The Town Clerk shall be responsible for the divisions and functions of the department and shall exercise direct control and supervision and/or support for all department staff. The Town Council may appoint an Administrative Assistant to the Town Clerk who shall serve at the pleasure of the Town Clerk and who may be assigned by the Town Clerk to assist Council members, individually. The Administrative Assistant to the Town Clerk shall not be in the classified service of the Town and shall not be subject to the civil service laws affecting the Town.

**Section 2.01-E.** The rules of the Town Council are adopted by Ordinance pursuant to the requirements of F.S. Ch. 166. These rules and their adopting Ordinances are declared to be general and permanent Ordinances of the Town and they shall continue in force according to their tenor notwithstanding that they are not codified in the Ordinance Code.

### **Section 2.01-E. Functions of Office.**

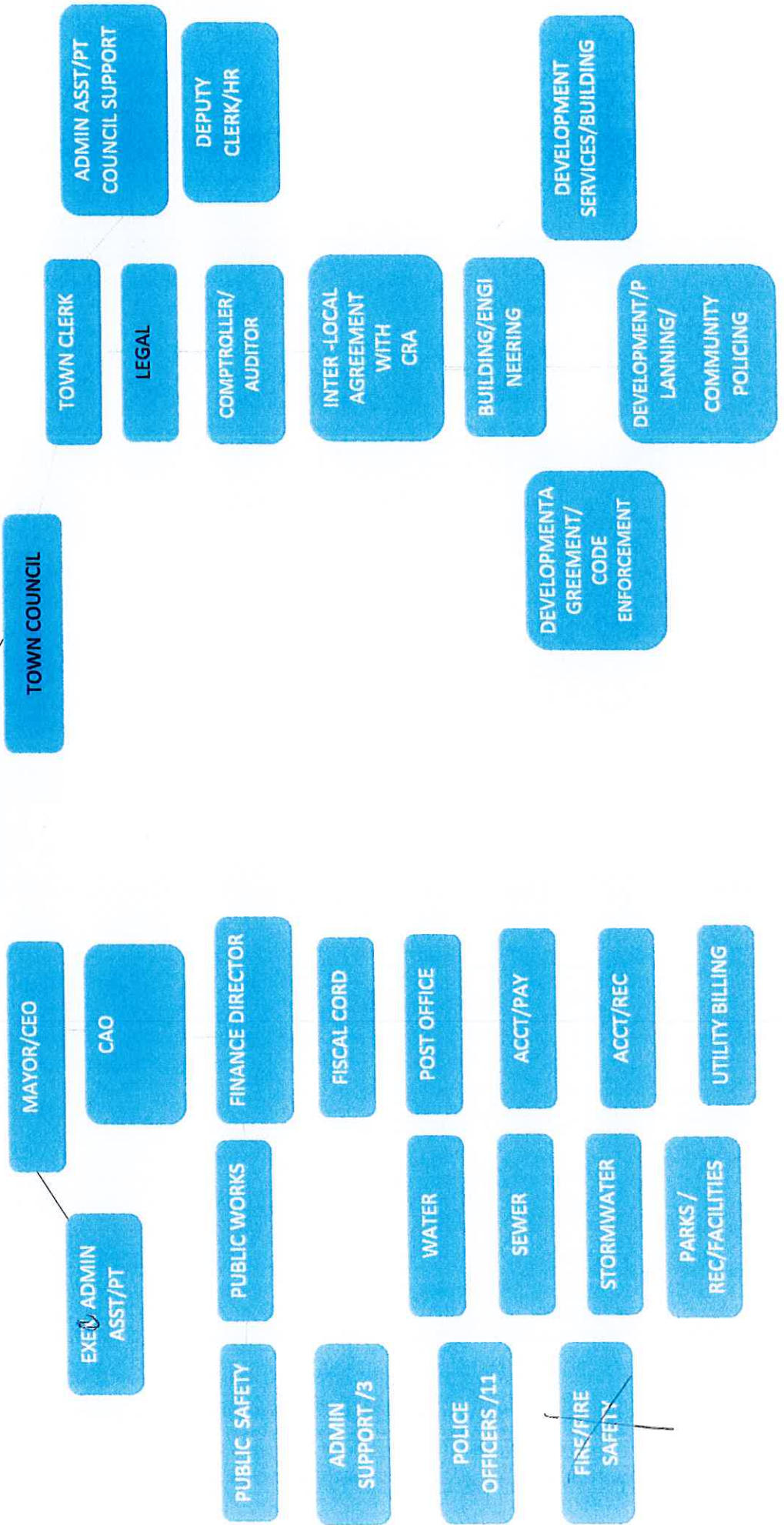
#### **The Town Clerk:**

- a. Keep the records of the Council and be the official signatory and perform all duties which are assigned by the Charter or by law.
- b. Maintain the offices and conference rooms of the Town Council.
- c. Provide clerical, secretarial, or administrative assistance to Council committees and advisory boards that function as an extension of the Town Council, either directly or through delegation.
- d. Provide, maintain, and update the office legislative files, committee calendars, and other documents necessary to the conduct of legislative business, and be responsible for all official records of the Legislative branch of Government.



# TOWN OF EATONVILLE ORGANIZATION CHART

## CITIZENS





PASSED AND ADOPTED this 4<sup>th</sup> day of MAY 2021.

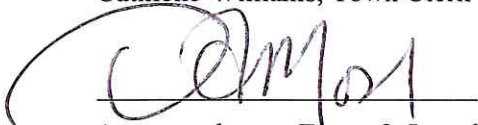
ATTEST:



Cathlene Williams, Town Clerk



Eddie Cole, Mayor



Approved as to Form & Legality  
Dean Mosley, Town Attorney

