

2023 CHARTER REVIEW

TOWN OF EATONVILLE

Section 1.01 – Powers of the Town.

The Town shall have all powers possible for a Municipality to have under the constitution and Laws of the state of Florida as fully and completely as though they were specifically enumerated in this Charter.

AREAS FOR DISCUSSION-None.

Section 1.02 - Construction.

The powers of the Town under this Charter shall be construed liberally in favor of the Town, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power granted in this article.

AREAS FOR DISCUSSION-None.

Section 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 or the United States in the performance of any activity which one or more of such entities has the authority to undertake.

AREAS FOR DISCUSSION-None.

Section 1.04 – Corporate Boundaries.

The corporate boundaries of the Town of Eatonville remain as they exist on the date this amended Charter takes effect, provided that the Town shall have the power to change its boundaries in the manner prescribed by law. A dated description of the boundaries is posted on the Town's website, is on file at the Town Hall, and is available to the public.

AREAS FOR DISCUSSION-None.

Section 1.05 – Form of government.

The Town of Eatonville is a Municipal Corporation with a **Mayor-Council** form of Government.

AREAS FOR DISCUSSION:

Does the Town wish to consider changing to a Council-Manager form of government? NOTE: If yes, this decision will require additional amendments to other sections of the Charter which are not yet drafted and have yet to be considered.

REASONS FOR DISCUSSION:

Council pleasure.

HOW IT WOULD READ WITH ALL CHANGES:

The Town of Eatonville is a Municipal Corporation with a Council-Manager form of Government.

Section 2.01 – Office created: Purpose; management; functions.

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.

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.

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.

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.

AREAS FOR DISCUSSION:

Relevant portions of this section should be moved and combined with Section 3.02 addressing the appointment, removal, duties, and functions of the Town Clerk. Recommend eliminating the "Office of Town Council." The entire Article 2 would be renamed "Town Council."

REASONS FOR DISCUSSION:

Redundancy, confusion.

HOW IT WOULD READ WITH ALL CHANGES:

Section 3.02-Office of Town Clerk.

The Town Council shall appoint an officer of the town who shall have the title of Town Clerk. 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. The Town Clerk shall be appointed without regard to political affiliation and shall serve at the pleasure of the Town Council. The Town Clerk shall be appointed and may be removed by a simple majority vote of the Council.

The Town Clerk shall:

- a. Keep the records of the Council 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.
- e. Be the custodian of all Town Council records.
- f. Give notice of Council meetings to its members and the public, keep minutes of its proceedings, and perform such other duties as are assigned by this Charter or the Town Council.

The Town Clerk shall be responsible for all matters of staff support for the Council.

The Town Clerk shall be responsible for the divisions and functions of the office of the Town Clerk and shall exercise direct control and supervision and/or support for all employees and staff of the office of the Town Clerk. 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 2.02 – Eligibility, terms, and composition.

(a) *Eligibility.* Only registered voters of Orange County who have resided within the Town of Eatonville Town limits for twelve consecutive months prior to the date of qualifying shall be eligible to hold the office of Mayor or Council Member.

(b) *Terms.* The term of office of the Mayor and Council Members shall be four (4) years elected in accordance with Article V. The terms of all such persons shall commence at the first regularly scheduled Council meeting following the certification of election results by the Canvassing Board. All such elected officials shall hold office until their Successors have been elected and qualified or until their tenure of office has otherwise been terminated in accordance with law.

(c) *Composition.* There shall be a Town Council composed of five (5) members, one of whom will qualify for and be designated as Mayor, elected by the voters of the Town, at large, in accordance with the provisions of Article V.

AREAS FOR DISCUSSION-None.

Section 2.03 – Mayor; general duties.

The Mayor shall be the Chief Executive Officer of the Town and shall be responsible to the electorate for the Administration of all Town affairs placed in the Mayor's charge by or under this Charter. The Mayor shall:

(a) Appoint and suspend or remove all Town employees and appointive Administrative Officers provided for by or under this Charter. Department heads shall be appointed by the Mayor within one-hundred-twenty (120) days of any vacancy and confirmed by the Town Council. The Mayor may authorize any administrative officer who is subject to the Mayor's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;

(b) Direct and supervise the administration of all departments, offices, and agencies of the Town, except as otherwise provided by this Charter or law;

(c) Chair and be a voting member of the Town Council;

(d) See that all laws, provisions of this Charter and acts of the Town Council, subject to enforcement by the Mayor or by officers subject to the direction and supervision of the Mayor, are faithfully executed;

(e) Prepare, or have prepared, and submit the annual budget, budget message, and capital program to the Town Council and implement the final budget approved by Council to achieve the goals of the Town;

(f) Submit to the Town Council and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year;

(g) Make such other reports as the Town Council may require concerning operations;

(h) Keep the Town Council fully advised as to the financial condition and future needs of the town;

(i) Encourage and provide staff support for regional and intergovernmental cooperation; and

(j) Promote partnerships among Council, staff, and citizens in developing public policy and building a sense of community.

AREAS FOR DISCUSSION-None **UNLESS there is a change in the form of government to Council-Manager.**

Section 2.04 – Vice Mayor.

A Vice Mayor will be recommended by the Mayor and elected by the Town Council annually from among its members no later than the second regular Council meeting in March. The Vice Mayor will assume the duties of Mayor in the Mayor's absence.

AREAS FOR DISCUSSION:

~~“ . . . recommended nominated by the Mayor and elected by the Town Council annually from among its members no later than the second regular Council meeting in March. In the event the candidate nominated by the Mayor does not receive sufficient votes from the Town Council to be elected, the floor will be open to nominations from other members of the Town Council and voting will continue until a nominated candidate receives at least three votes. Should a tie occur, whereby two candidates for the position receive only two votes each, the tie will be broken by the drawing of lots in a method chosen by the Town Council. The Vice Mayor will assume the duties of Mayor in the Mayor's absence.~~

REASONS FOR DISCUSSION:

To avoid impasses and provide a reliable method for the selection of a Vice Mayor for the Town.

HOW IT WOULD READ WITH ALL CHANGES:

A Vice Mayor will be nominated by the Mayor and elected by the Town Council annually from among its members no later than the second regular Council meeting in March. In the event the candidate nominated by the Mayor does not receive sufficient votes from the Town Council to be elected, the floor will be open to nominations from other members of the Town Council and voting will continue until a nominated candidate receives at least three votes. Should a tie occur, whereby two candidates for the position receive only two votes each, the tie will be broken by the drawing of lots in a method chosen by the Town Council. The Vice Mayor will assume the duties of Mayor in the Mayor's absence.

Section 2.05 - Compensation; expenses.

The Town Council may determine the annual salary of the Mayor and Council Members by Ordinance, but no Ordinance increasing such salary shall become effective until the date of commencement of the terms of council members elected at the next regular election. The Mayor and Council Members shall receive their actual and necessary expenses incurred in the performance of their duties of office.

AREAS FOR DISCUSSION:

~~“ . . . , but no Ordinance increasing such salary shall become effective until the date of commencement of the terms of council members elected at the next regular election.”~~

REASONS FOR DISCUSSION:

Confusion as to when any such increase would be effective and to whom it would apply. By leaving it open, Council could place the effective date in the ordinance itself.

Section 2.06 - Prohibitions.

(a) *Holding other office.* Except where authorized by law, neither the Mayor nor any Council Member shall hold any other elected public office during the term for which the Mayor or Member was elected to the Council. No Council Member shall hold any other Town of Eatonville office or employment during the term for which the Mayor or Member was elected to the Council.

Nothing in this section shall be construed to prohibit the Council from selecting any current or former Council Member to represent the Town on the governing board of any regional or other intergovernmental agency.

(b) *Appointments and removals.* Neither the Town Council nor any of its Members shall in any manner control or demand the appointment or removal of any Town administrative officer or employee whom the Mayor or any

subordinate of the Mayor is empowered to appoint, but the Council may express its views and fully and freely discuss with the Mayor anything pertaining to appointment and removal of such officers and employees.

(c) *Interference with administration.* The Council or its Members shall deal with town officers and employees who are subject to the direction and supervision of the Mayor solely through the Mayor, and neither the Council nor its Members shall give orders to any such officer or employee, either publicly or privately.

AREAS FOR DISCUSSION-None.

Section 2.07 - Vacancies; forfeiture of office; filling of vacancies.

(a) *Vacancies.* The office of the Mayor or a Council Member shall become vacant upon the member's death, resignation, suspension, or removal from office or forfeiture of office in any manner authorized by law.

(b) *Forfeiture of office.* The Mayor and Council Members shall forfeit that office if the Mayor or Council member:

- (1) Fails to maintain the residency requirements as set forth in Section 2.02(a);
- (2) Violates any express prohibition of this Charter;
- (3) Is convicted of a crime involving a felony; or
- (4) Fails to attend four (4) consecutive regular meetings of the Council without being excused by the Council.

(c) *Filling of vacancies.* Should a vacancy in the office of Town Council occur when there are (60) days or less left in the unexpired term, no appointment shall be made and that vacancy will be filled at the next regular municipal election. Should a vacancy occur when there are more than sixty (60) days left in the unexpired term that vacancy shall be filled by the Town Council within thirty (30) days of the date of the vacancy with any qualified resident so appointed to serve until a successor is elected at the next regular municipal election.

If a vacancy is not filled by the Town Council within thirty (30) days after the vacancy occurs as described above, a special election shall be held within ninety (90) days after such vacancy occurs or as soon thereafter as such election may be held; and the person so elected shall serve the remaining unexpired term of office.

Should a vacancy occur in the office of Mayor, the Vice Mayor will assume the office of Mayor until the next regular Municipal election. If there is time remaining in the term of the Vice Mayor after the election, the Vice Mayor shall return to the Council to fill the remainder of the term.

(d) *Extraordinary vacancies.* In the event that all council members are removed by death, disability, resignation, or forfeiture of office, or any combination thereof, the governor shall appoint interim Council Members who shall call a special election within not fewer than thirty (30) days or more than sixty (60) days after such appointment. Such election shall be held in the same manner as the elections under this Charter. Appointees must meet the all requirements for candidates as provided in this Charter.

AREAS FOR DISCUSSION:

(b)(5) A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in a newspaper of general circulation in the town at least one calendar week in advance of the hearing.

REASONS FOR DISCUSSION:

This section should be moved here from Section 2.08, where it doesn't really fit.

Section 2.08 - Judge of qualifications.

The Town Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office. **A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public**

hearing on demand, and notice of such hearing shall be published in a newspaper of general circulation in the town at least one calendar week in advance of the hearing.

AREAS FOR DISCUSSION:

~~“A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in a newspaper of general circulation in the town at least one calendar week in advance of the hearing.”~~

REASONS FOR DISCUSSION:

This section on procedure should be included in Section 2.07(b) regarding forfeiture of office.

Section 2.10 - Procedure.

(a) *Meetings.* The Town Council shall meet regularly at least once in every month at such times and places as the Council may prescribe by rule. Special meetings may be held on the call of the Mayor or of two (2) or more Members and, when practicable, upon no less than twenty-four (24) hours' notice to each Member. Emergency Meetings: The Mayor or any two (2) members of the council may convene an emergency council meeting upon reasonable notice of such meeting given to each council member. The first order of business at an emergency council meeting shall be the determination, by affirmative vote of at least three (3) members of the Council that an emergency situation involving health, safety, or public welfare warranting council action exists. Only matters relating to the emergency may be considered at the emergency meeting and any action taken at such meeting must be approved by at least three (3) members of the Council, except for emergency ordinances which shall be adopted in accordance with state law.

(b) *Rules and minutes.* The Town Council shall determine its own rules and order of business and shall provide for keeping digital minutes of its proceedings.

(c) *Quorum.* Three (3) members of the Council shall constitute a quorum. No action of the Council shall be valid or binding unless adopted by the affirmative vote of three (3) or more members of the Council.

AREAS FOR DISCUSSION-None.

Section 2.11 - Ordinances in general.

All ordinances, including emergency ordinances shall be adopted pursuant to Section 166.041, Florida Statutes, as amended. Every adopted ordinance shall become effective as provided in the body of the ordinance.

AREAS FOR DISCUSSION-None.