

# **CITY OF OAK HILL CITY CHARTER 2014**



*To be presented to the Public for vote on November 4, 2014*

## **ARTICLE I CORPORATE NAME/PURPOSE OF THE CHARTER**

### **Section 1.01 - Purpose of the Charter**

We, the people of Oak Hill, do ordain and establish this amendment and revision to the Charter of Oak Hill, as created and established on June 6, 1927, in order to avail ourselves of all municipal home rule powers consistent with the constitution and laws of the State of Florida and in accord with F.S. § 166.031 and article VIII of the state constitution.

This is an amendment and revision of the whole of the existing Charter of the City of Oak Hill, except the boundaries thereof. Any provision of the existing Charter or special acts in conflict with this amendment and revision are hereby repealed. This amendment and revision shall be known as the revised Charter of the City of Oak Hill, Florida, of 2014 and shall be the organic authority for the structure and operation of the government of Oak Hill.

## **ARTICLE II BODY CORPORATE\***

**\*State law references:** Municipal annexation or contraction, F.S. Ch. 171.

### **Section 2.01 - Corporate boundary**

The area within the boundaries and corporate limits of the City of Oak Hill now existing and the residents therein shall continue to be the body corporate and politic under the name of City of Oak Hill and as such, shall have perpetual succession. Existing boundaries and corporate limits may be amended from time to time as provided by law. The area described in appendix "A" of this Charter shall constitute the corporate boundary of the City of Oak Hill.

**Editor's note:** Appendix A is on file in the office of the city clerk.

## **ARTICLE III GENERAL POWERS OF THE MUNICIPALITY\***

### **Section 3.01 - Powers possible**

The City of Oak Hill shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government; perform municipal functions; and render municipal services; and may exercise any power for municipal purposes except as otherwise provided by law. The powers of the City of Oak Hill shall be construed liberally in favor of the municipality, limited only by the constitution of the United States and the constitution of the State of Florida, federal and state laws, and specific limitations contained herein.

### **Section 3.02 Joint exercise of powers**

The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any one or more states, counties, municipalities, or any agencies thereof; or the United States, or any agency thereof; or any foreign entity, or any agency thereof.

### **Section 4.01 - Commission Members**

- (A) There shall be a city commission, hereinafter referred to as the commission, with all legislative powers of the city vested therein, consisting of five members, all of whom shall be elected from the city at large.
- (B) Commencing with the 2008 regular election, commission seats shall be designated as the mayor's seat and seats #1, #2, #3, and #4. During the regular election of 2008, the name designation of seat #3 shall be changed to the mayor's seat. At the first regularly scheduled commission meeting immediately following the 2008 regular election, seat #5 shall be changed in name only to seat #3. This change of seat name shall not affect the election schedule or the terms of office of the commissioner holding seat #5 prior to the 2008 regular election. From this time forward, seat #3 shall retain the election schedule consistent to the previous schedule of seat #5, and the name designation of seat #5 shall no longer be used. Candidates shall be required to seek election to a specific seat on the commission.
- (C) Each member of the commission shall be a qualified elector of the county and shall be a permanent resident within the corporate limits of the municipality for a minimum of twelve months prior to qualifying for election and shall maintain a permanent residency within the City limits at all times while serving as a commissioner.
- (D) Except as otherwise prescribed herein or provided by law, legislative and police powers of the city shall be vested in the commission, including the establishment of boards, commissions and committees. The commission shall provide for the exercise of its powers and for the performance of all duties and obligations imposed on the municipality by law.

*(Ord. No. 2008-01, § 1(4.01), 2-11-2008)*

### **Section 4.02 - Mayor**

The mayor shall preside at all meetings of the city commission and perform such other duties consistent with that office; and shall have a voice and vote in the proceedings of the city commission, but no veto power, present an

annual state of the city message, and perform other duties specified by the commission. The mayor shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties, unless the commission designates specific duties for the Mayor to perform.

#### **Section 4.03 - Vice Mayor**

At the first regularly scheduled meeting after each election and the newly elected commission members take office, the commission shall nominate candidates for vice mayor from among its members. After all nominations are heard, nominations shall be closed and a ballot vote taken. The candidate receiving a plurality of votes is elected as the vice mayor. In the case of a tie, the vice mayor shall be chosen from among the tied candidates by lot conducted by the city administrator. The vice mayor shall serve as mayor during the absence or disability of the mayor and, if a vacancy occurs, shall become interim mayor pursuant to section 4.07 of this Charter. If a vacancy occurs in the position of vice mayor, an interim vice mayor shall be selected from among the members of the commission by a plurality vote of the commission.

#### **Section 4.04 - Compensation**

- (A) An ordinance establishing, increasing or decreasing compensation of the mayor or commission may be adopted at any time. Nevertheless, in no event shall any establishment of compensation or any increase in compensation become effective prior to the first day of the first month following the next regular election after adoption of such ordinance.
- (B) The commission may provide for reimbursement of actual expenses incurred by its members while performing their official duties.

#### **Section 4.05 - Vacancies**

The office of a member of the commission shall become vacant upon the member's inability to fulfill the duties of the office, resignation, or removal from office as authorized by law or this Charter.

#### **Section 4.06 - Forfeiture of Office**

A member of the commission may forfeit the office, if the member:

- (A) Lacks at any time during the term of office any qualification for the office as prescribed by this Charter or by law;
- (B) Has three consecutive unexcused absences from regularly scheduled commission meetings.

Excused absences shall mean any absence due to illness, job conflicts, or other unavoidable conflicts for which the administrator or the mayor has been provided prior notice. Any absences for which prior notification was not available may be determined by the commission at its next regularly scheduled meeting to be excused for emergency reasons. All commission members should attempt to avoid conflicts and attend all meetings to properly conduct city business and perform their elected duties.

If any of these grounds for forfeiture should be alleged to have occurred, the city attorney shall forthwith prepare a notice of grounds of forfeiture to be served upon the particular commission member and the commission member shall be provided ten days in which to respond, in writing, to the notice by denial, admission, or resignation. A public hearing shall be noticed by the city clerk on the agenda for the next regularly scheduled commission meeting after notification as follows: a commission member charged with conduct constituting grounds for forfeiture of office shall be notified by certified mail and notice of the public hearing shall be published in one or more newspapers of general circulation in the city at least one week in advance of the hearing.

The city attorney, or a duly appointed special attorney, shall present the evidence of the alleged grounds for forfeiture to the commission. The accused commission member will be provided an opportunity to present witnesses or evidence in his/her defense.

Upon conclusion of the evidence being presented the commission shall judge the grounds for forfeiture of any office and for that purpose shall have powers to subpoena witnesses, administer oaths, and require the production of evidence. If the commission determines the grounds exist, the member shall be declared to have forfeited office by a majority vote of the commission.

#### **Section 4.07 - Filling of Vacancies**

A vacancy on the commission shall be filled by appointment of a qualified elector as defined in sections 4.01 by majority vote of the commission members remaining, and said appointment shall be effective until a successor is seated at the next regular election, immediately following the vacancy. If the commission cannot agree on a nomination within 60 days, the Mayor may appoint one of the qualified nominated individuals to the vacant seat. In the event that all members of the commission are removed by death, disability, law or forfeiture of office, the governor shall appoint an interim commission that shall serve as the commission until the next scheduled election. If the mayor becomes unable to fulfill the duties of that office, ceases to be qualified, or is removed from office as provided by law or this Charter, the vice mayor shall assume the full powers and duties of the mayor until a mayor is elected at the next regularly scheduled election.

## **Section 4.08 - Meetings**

The commission shall meet regularly at least once every month. Other regular meetings may be called at such times as the commission may deem necessary. Meetings will normally be held at city hall but may be held at other locations within the city boundaries as the commission may prescribe. Special meetings may be held on the call of the mayor or, in his or her absence, at the call of the vice mayor. Special meetings may also be called upon the request of a majority of the commission members. When the agenda of a special meeting is annexation of property the commission may meet within the area being considered for annexation.

No regular or special meeting shall be scheduled to commence prior to 7:00 a.m. or later than 10:00 p.m. and the public will be notified no less than 24 hours prior to the meeting. The commission shall provide a reasonable period of time at each regularly scheduled meeting for members of the public to address the commission upon matters relating to the city or of concern to its citizens.

Emergency meetings may be called by the mayor or any member of city government so authorized by the mayor to deal with a crisis situation.

## **Section 4.09 - Quorum/Voting**

Three members of the commission shall constitute a quorum. No action of the commission shall be valid or binding unless three (3), commission members are present. Unless otherwise required by law, when only three (3) commission members are present unanimity is required to carry ordinances or resolutions, failing to have three (3) unanimous votes automatically tables the item until the next regularly scheduled city commission meeting.

## **Section 5.01 - Elections**

The regular general election shall be held in even-numbered years on the date established by the Florida Election Code for the general election and a primary election, if necessary, shall be held on the date established by the Florida Election Code for the primary election, or at such other time that the city commission may designate.

*(Ord. No. 2009-03, § 1, 2-9-2009)*

## **Section 5.02 - Commencement of term**

The term of the mayor and commission members shall commence on the first regularly scheduled meeting after the election.

*(Ord. No. 2008-01, § 1(5.02), 2-11-2008)*

## **Section 5.03 - Terms of Office**

The terms for mayor and all commission seats, #1, #2, #3, and #4 shall be for a nominal four years, the terms shall be staggered. The current term for the offices of the mayor and commission members shall be as follows:

Mayor	2012 - 2016
Commission seat 1	2010 - 2014
Commission seat 2	2012 - 2016
Commission seat 3	2010 - 2014
Commission seat 4	2012 - 2016

*(Ord. No. 2008-06, § 1, 6-23-2008; Ord. No. 2009-02, § 1, 1-26-2009; Ord. No. 2009-03, § 2, 2-9-2009)*

**Section 5.04 - Multiple Candidates**

When more than two (2) candidates qualify for election to a single seat then it shall be the duty of the city commission to call a primary election, to be participated in by the qualified electors of the city. In such primary election, only those seats shall appear on the ballot for which more than two (2) candidates have been qualified.

Electors shall have the right to vote for a candidate for each seat upon the ballot.

The two (2) candidates for each seat who receive the greatest number of votes cast for such office in such primary election shall have their names submitted to the voters for election at the next regular general election.

Whenever a candidate in any primary election shall receive a majority of the entire votes cast for a particular seat, then that candidate shall be declared elected to the office, and no regular election for that particular seat shall be held.

**Section 6.01 – Appointment of a City Administrator**

The city commission by 4/5ths vote of its total membership shall appoint a City Administrator for an indefinite time and fix the administrator compensation. The City Administrator shall be appointed solely on the basis of education and experience in the accepted competencies and practices of local government management. The Administrator need not be a resident of the city or state at the time of appointment, but may reside outside of the city limits while in office only with the approval of the commission.

**Section 6.02 – Duties**

The city administrator shall be accountable directly to the city commission for the proper discharge of the duties of this office and for all actions taken or

performed by the city administrator and by all city employees under the city administrator's supervision or control. In order to maintain the concept of such accountability and to preserve the integrity of the office of city administrator, neither the city commission nor any of its commissioners shall attempt to direct any city employee under the supervision or control of the city administrator to take any action or condone to be done anything that will interfere with or impair the authority of the city administrator with respect to such employee or with respect to the employment or dismissal of such employee; provided that the city commission shall have the right at any time to discuss with the city administrator any matter relating to the performance of the duties of the city administrator's office, including the performance of and other matters relating to city employees under the city administrator's supervision or control and to express opinions and make recommendations concerning the same. This provision shall not prohibit a commissioner from speaking with city employees for the purpose of obtaining information only.

The City Administrator shall be the chief executive officer of the city, responsible to the commission for the management of all city affairs placed in the administrator's charge or under this charter. The City administrator will also serve as the City Clerk as required by law. The City Administrator shall:

- (A)** Appoint and suspend or remove all city employees and appointive department administrative officers provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. The City Administrator may authorize any administrative officer subject to the administrator'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 city, except as otherwise provided by this charter or by law;
- (C)** Attend all commission meetings. The City Administrator shall have the right to part take in the discussion but shall not vote.
- (D)** See that all laws, provisions of this charter and acts of the city commission, subject to enforcement by the City Administrator or by officers subject to the administrator's direction and supervision, are faithfully executed;
- (E)** Prepare and submit the annual budget and capital program to the city commission, and implement the final budget approved by commission to achieve the goals of the city;

- (F) Submit to the city commission and make available to the public a complete report on the finances and administrative activities to the at the end of each fiscal year;
- (G) Make such other reports as the city commission may require concerning operations;
- (H) Keep the city commission fully advised as to the financial condition and future needs of the city;
- (I) Make recommendations to the city commission concerning affairs of the city and facilitate the work of the city commission in developing policy;
- (J) Provide staff support services for the mayor and commission members;
- (K) Assist the commission to develop long term goals for the city and strategies to implement these goals;
- (L) Encourage and provide staff support for regional and intergovernmental cooperation;
- (M) Promote partnerships among commission, staff and citizens in developing public policy and building a sense of community; and
- (N) Perform such other duties as are specified in this charter or may be required by the city commission.
- (O) The commission may appoint a commission member with technical experience in a certain department or agency to provide technical assistance to the city administrator, but they shall have no administrative duties. This shall not restrict the other commission members from discussing any city matter with the city administrator.

### **Section 6.03 – Removal**

The city commission may remove the administrator at any time, with or without cause.

### **Section 6.04 – Acting City Administrator**

By letter filed, the City Administrator shall designate a city officer or employee to exercise the powers and perform the duties of the City Administrator during the temporary absence or disability; the city commission may revoke such designation at any time and appoint another officer of the city to serve until the City Administrator returns.

## **Section 7.01 - Authority of the City Commission**

The city commission may at any time appoint/create advisory boards or committees, to act in an advisory capacity to the city commission, the mayor, or to any department of the city government with respect to the conduct and the management of any property or institution or the exercise of any public functions of the city. The members of such boards or committees shall serve without compensation for the time fixed in their appointment, or at the pleasure of the city commission and their duties shall be to consult and advise the municipal officers and make written recommendations which shall become part of the records of the city.

## **SECTION 7.02 – City Attorney**

There shall be a City Attorney appointed by the Commission, who will represent the City in all legal proceedings and shall perform all other duties assigned by the Commission. The Commission may remove the City Attorney for any reason by motion requiring three affirmative votes.

## **SECTION 7.03 - POLICE**

The City of Oak Hill, Florida shall provide adequate Police services, either by City police force or outside contractor, subject to the rules and regulations prescribed by the City Commission by applicable ordinances and resolutions.

## **SECTION 8.01 - Ordinances preserved**

All ordinances 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 by law.

## **Section 8.02 - 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 its adoption. Members of the city commission shall continue to hold and discharge the duties of their offices until their successors are elected, as if they had been elected under the provisions of this charter.

## **Section 8.03 - Pending matters**

All rights, claims, actions, orders, contracts, and legal or administrative proceedings involving the city shall be unaffected and shall continue, except as they may be subsequently modified pursuant to the provisions of this charter.

### **Section 9.01 - Charter Review**

The Charter shall be reviewed at least every ten (10) years. A Charter review committee consisting of at least five members shall be appointed by the commission