

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.