

# City Of Alachua Charter

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## ARTICLE I – CREATION AND POWERS

Section 1.01 – Creation and Powers. The City of Alachua is hereby created which 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.

Section 1.02 – Construction. The powers of the City shall be construed liberally in favor of the city, limited only by the Constitution, general law and specific limitations contained herein. Future special acts pertaining to the jurisdiction and exercise of powers by this city shall be considered amendments to the Charter and pursuant to the provisions adopted for incorporation of other Charter amendments, shall be incorporated as official amendments to the Charter.

Section 1.03 – Officers Hold Until Successors Qualify. That all officers heretofore elected or appointed and holding office under the said municipality shall continue to hold their respective offices and to discharge the duties thereof until their successors are elected and confirmed under the provisions of this Charter; and all existing ordinances of the said municipality, not in conflict with the provisions of this Charter, shall continue in effect and unimpaired until repealed, amended or modified by the municipality which is hereby organized and created.

Section 1.04 – Officers Defined. The term “public Officer” includes any person elected or appointed to hold office in any agency, including any person serving on an advisory board.

## ARTICLE II – CORPORATE LIMITS

Section 2.01 – Description of Corporate Limits. The inhabitants of the City of Alachua, Florida, as its limits are now established shall be and continue to be a body politic and corporate to be known and designated as the “City of Alachua,” and as such shall have perpetual succession.

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## ARTICLE III – LEGISLATIVE

Section 3.01 – City Commission Composition. There shall be a Five (5) Member City Commission, hereinafter referred to collectively as the City Commission, comprised of an elected Mayor and four (4) City Commissioners, who shall be elected by the electors of the City.

Section 3.02 – Qualifications. Only electors of the City shall be eligible to hold the office of either the Mayor or a City Commissioner. The City Commission shall be the judge of the election and qualifications of its members. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one (1) or more newspapers of general circulation in the city at least one (1) week in advance of the hearing.

Section 3.03 – Election and Terms. The regular election of Mayor and City Commissioners shall be held on the second (2<sup>nd</sup>) Tuesday in April of each year, in the manner provided in Article V of this charter and shall be for three (3) year terms.

Section 3.04 – Compensation and Expenses. The City Commission may determine the annual salary of the Mayor and commissioners by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of the Mayor and City Commissioners elected at the next regular election, provided that such election follows the adoption of such ordinance, by at least six (6) months.

Section 3.05 – Mayor and Vice-Mayor Powers. The Mayor shall preside at meetings of the City Commission, 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 and other documents; and, as the official designated to represent the city in all agreements with other governmental entities or certifications to other governmental entities, but shall have no administrative duties except as required to carry out the responsibilities herein. The City Commission shall elect from among its members a Vice-Mayor. Election of the Vice-Mayor shall be done annually at the first (1<sup>st</sup>) City Commission meeting after the City election. The Vice-Mayor shall act as Mayor during the absence or disability of the Mayor, and if a vacancy in the office of Mayor occurs, then the Vice-Mayor shall act as Mayor until the seat is filled.

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## Section 3.06 – Prohibitions.

- (a) Appointments and Removals. Neither the City Commission nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees who the City Manager or any of his subordinates are empowered to appoint, but the City Commission may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.
- (b) Interference with Administration. Except for the purpose of inquiries and investigations, the City Commission or its members shall deal with city officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Commission nor its members shall give orders to any such officer or employee, either publicly or privately. Nothing in the foregoing is to be construed to prohibit individual members of the City Commission from closely scrutinizing by questions and personal observations, all aspects of city government operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the City Commission. It is the express intent of the Charter, however, that recommendations for improvement in city government operations by individual city Commissioners be made to and through the City Manager, so that the City Manager may coordinate efforts of all city departments to achieve the greatest possible savings through the most efficient and sound means available.
- (c) Holding Other Office. No former elected City official shall hold any compensated appointive city office or employment until one (1) year after the expiration of the term for which he was elected.

## Section 3.07 – Vacancies; Forfeiture of Office; Filling of Vacancies.

- (a) Vacancies. The offices of Mayor and any City Commissioner shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office, such forfeiture to be declared by the remaining members of the City Commission.

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- (b) Forfeiture of Office. The Mayor and any City Commissioner shall forfeit his office if he lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law. Absence from four consecutive regular meetings of the City Commission shall operate to vacate the seat of a member, unless such absence is excused by the City Commission by resolution setting forth the fact of such excuse duly entered upon the journal.
- (c) Filling of Vacancies. A vacancy of either the Mayor or a City Commissioner shall be filled in one of the following ways: (1) If there are less than six (6) months before the next regular city election, the City Commission by a majority vote of the remaining members shall choose a successor to serve until the newly elected City Commissioner is qualified; (2) if there are more than six (6) months remaining in the unexpired term, the commission shall fill the vacancy on an interim basis as provided in (1) above, and shall schedule a special election to be held not sooner than sixty (60) days, nor more than ninety (90) days following the occurrence of the vacancy. Notwithstanding any quorum requirements established herein, if at any time the membership of the City Commission is reduced to less than a quorum, the remaining members may, by majority vote, appoint members under either (1) or (2) above. If a vacancy is not filled within fourteen (14) days after it shall have occurred, appointment to fill the existing vacancy shall be made by the Governor until a successor is elected under (1) or (2) above.
- (d) Extraordinary Vacancies. In the event that all members of the City Commission are removed by death, disability, law or forfeiture of office, the Governor shall appoint an interim commission that shall call a special election as provided in (c) above and such election shall be held in the same manner as the first (1<sup>st</sup>) election under this Charter.

## Section 3.08 – Procedure.

- (a) Meetings. The City Commission shall meet regularly as prescribed by law at such times and places as the City Commission may adopt by Commission Rules. The Mayor, any two members of the City Commission, or the City Manager may call special meetings of the City Commission upon at least six hours' written notice to each member, served personally, or left at his usual place of business and/or residence. All

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meetings of the City Commission and of the Committees thereof shall be public and any citizen shall have access to the minutes and records thereof at all reasonable times. The City Commission shall determine its own rules and order of business and shall keep a journal of its proceedings.

- (b) Rules and Journal. The City Commission shall determine its own rules, order of business and journal format.
- (c) Voting. Voting on ordinances and resolutions, shall be by roll call on final action and shall be recorded in the journal. A majority of the City Commission shall constitute a quorum; but a smaller number may adjure from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the City Commission. No action of the City Commission except as otherwise provided in the preceding sentence and in sec. 3.07 shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present.

## ARTICLE IV – ADMINISTRATIVE

Section 4.01 – City Manager. The City Commission shall appoint a City Manager who shall be the administrative head of the municipal government under the direction and supervision of the City Commission, and he shall hold office at the pleasure of the City Commission. City Manager shall also serve as the City Clerk.

He shall be chosen solely on the basis of his executive and administrative qualifications, without regard to his political belief. He must be a resident of the City within six (6) months after appointment, unless the City Commission agrees in writing to allow the City Manager to reside outside the City limits. During the absence or disability of the City Manager, the City Commission may designate some properly qualified person to temporarily execute the function of the office.

Section 4.02 – Removal. The City Commission may remove a City Manager in accordance with the following procedures:

- (a) The City Commission shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the

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City Manager from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered promptly to the city Manager;

- (b) Within fourteen (14) days after a copy of the resolution is delivered to the City Manager, he may file with the City Commission a written request for a public hearing. This hearing shall be held at City Commission meeting not earlier than fifteen (15) days nor more than thirty (30) days after the request is filed. The City Manager may file with the City Commission a written reply not later than five (5) days before the hearing.
- (c) The City Commission may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after fifteen (15) days from the date a copy of the preliminary resolution was delivered to the City Manager if a public hearing was not requested in the time frame provided for, or at any time after the public hearing if so requested.

The City Manager shall continue to receive his salary until the effective date of a final resolution of removal.

Section 4.03 Powers and Duties. The City Manager shall be responsible to the City Commission for the proper administration of all affairs of the city and to that end, his powers are and they shall be:

- (a) To see that the laws and ordinances are enforced.
- (b) Except as hereinafter specifically provide, to appoint and remove all subordinate officers and employees of the city; all appointments to be made upon merit and fitness alone.
- (c) To exercise control and direct supervision over all departments and divisions of the municipal government under this Charter, or which may hereafter be created by the City Commission, including public utilities owned by said city.
- (d) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed; and upon knowledge of any violation thereof, to call the same to the attention of the City Attorney whose duty it is hereby made to take such legal steps as may be necessary to enforce the same.

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- (e) To attend all meetings of the City Commission, with right to take part in the discussions, but without having a vote.
- (f) To recommend to the Commission for adoption such measures as he may deem necessary or expedient in the interests of the city.
- (g) To keep the City Commission fully advised as to the financial condition and needs of the city and to submit for its consideration an annual budget.
- (h) To perform such other duties as may be prescribed under this Charter or as may be required of him by ordinance or resolution of the City Commission.
- (i) He shall be purchasing agent for the city. All purchases and sales shall conform to such regulations as the City Commission may from time to time prescribe.

Section 4.04 – Personnel System. All appointments and promotions of city employees, under the direct supervision of the City Manager, shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of Competence, and to this end the City Commission shall, by ordinance, establish personnel procedures and rules.

Section 4.05 – Administrative Code. The City Manager shall develop and keep current an administrative code for the purpose of implementing ordinances passed by the City Commission.

## **ARTICLE V – QUALIFICATIONS AND ELECTIONS**

Section 5.01 – Nonpartisan Elections. All qualifications and elections for any office of the City Commission, including Mayor, shall be conducted on a nonpartisan basis without regard for or designation of political party affiliation of any nominee on any nomination petition or ballot.

### Section 5.02 Qualifications.

- (a) Candidates. Candidates for any office of the City Commission, including Mayor, shall qualify for such office by the filing of a written notice of candidacy with the designated official at such time and in such manner as may be prescribed by ordinance.
- (b) City officers. All officers not receiving compensation from the city shall be electors of the city.

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Section 5.03 – Form of Ballots. The City Commission by ordinance shall prescribe the form of the ballot including the method for listing any candidates for City Commission election, including Mayor, and any other city election. A Charter amendment to be voted on by the city shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: “Shall the above-described amendment be adopted?” Immediately below such question shall appear, in the following order, the words, “for approval” and also the words “against approval” with a sufficient blank space thereafter for placing a symbol to indicate the voter’s choice, with a lever “for approval” or “against approval” if voting machines are used, or by any other method prescribed by law.

Section 5.04 Judge of Its Own Election. The City Commission shall be the judge of the election and qualification of its own members subject to review by the courts. The City Commission may appoint a canvassing board for City elections whose duties, responsibilities, and procedures shall be set by applicable law and Ordinances, as Ordinances may be adopted or amended from time to time. Any member of the City commission who shall be convicted of crime while in the office shall thereby forfeit his office.

Section 5.05 – 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 general law.

## **ARTICLE VI – TRANSITION SCHEDULE**

Section 6.01 – 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 herein.

Section 6.02 – 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 adoption. Elected officers shall continue to hold their offices and discharge the duties thereof until their successors are elected.



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Section 6.03 – 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 6.04 – Time of Taking Full Effect. This Charter shall be in full effect for all purposes on and after the date and time of the first (1<sup>st</sup>) meeting of the City Commission following the election at which this Charter was voted on.

## **ARTICLE VII – ORDINANCE ENACTMENT**

Section 7.01 – Procedure. No ordinance shall be passed until it shall have been read at two (2) meetings not less than two (2) weeks apart; provided, however, that in emergencies this requirement may be dispensed with. Reading in full of any ordinance may be dispensed with and the ordinance read by its number and title only, by a majority vote of the City Commission. If an ordinance is revised between the first and second readings, the amendment shall be read in full. At least ten (10) days prior to adoption, the proposed ordinance shall be noticed once in a newspaper of general circulation in the city. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the city Commission.

Section 7.02 – Action Requiring an Ordinance. In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Commission shall be by ordinance which:

- (a) Adopt or amend an administrative code or establish, alter or abolish any city department or agency;
- (b) Establish a rule or regulation the violation, which carries a penalty;
- (c) Levy taxes authorized by general law;
- (d) Grant, renew, or extend a franchise;
- (e) Set service or user charges for municipal services or grants administrative authority for such charges;
- (f) Amend or repeal any ordinance previously adopted, except as otherwise provided herein.

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Section 7.03 – Emergency Ordinances. To meet a public emergency affecting life, health, property or the public peace, the City Commission may adopt one (1) or more emergency ordinances, but such ordinances may not levy taxes; grant renew or extend a franchise; set service or user charges for any municipal services; or authorize the borrowing of money except as provided under the emergency appropriations provisions of this Charter as applicable.

- (a) Form. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in the preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.
- (b) Procedure. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least two-thirds (2/3) of all the City Commission shall be required for adoption. After its adoption the ordinance shall be published as prescribed for other adopted ordinances.
- (c) Effective Date. Emergency ordinances shall become effective upon adoption or at such other date as may be specified in the ordinance.
- (d) Repeal. Every emergency ordinance except emergency appropriations shall automatically stand repealed as of the sixty-first (61<sup>st</sup>) day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance under regular procedures, or if the emergency still exists, in the manner specified in this section. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.
- (e) Emergency Appropriations. The commission may make emergency appropriations in the manner provided in this section. To the extent that there are no available un-appropriated revenues to meet such appropriations, the City Commission may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

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## ARTICLE VIII – FINANCES

Section 8.01 – Budget Adoption. The City Commission shall by resolution adopt the budget on or before the thirtieth (30<sup>th</sup>) day of September of each year. If it fails to adopt the budget by this date, the City Commission by resolution may direct that the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year for a period of fifteen (15) days and renewed by resolution each fifteen (15) days with all items in it prorated accordingly, until such time as the City Commission adopts a budget for the ensuing fiscal year. A resolution adopting an annual budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated.

### Section 8.02 – Appropriation Amendments During the Fiscal Year.

- (a) Supplemental Appropriations. If during the fiscal year revenues in excess of those estimated in the budget are available for appropriation, the City Commission by resolution may make supplemental appropriations for the year up to the amount of such excess.
- (b) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the commission without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendation as to any other steps to be taken. The City Commission shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it shall by resolution reduce one (1) or more appropriations.
- (c) Limitations; Effective Date. The City Commission may transfer any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation for the current year has proved insufficient or may authorize a transfer to be made between items appropriated to the same office or department, or may amend its budget whenever necessary to accurately reflect the income and expenditures of the municipal government.

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## ARTICLE IX – PLANNING AND ZONING BOARD

Section 9.01 – Authorized; Appointment; Composition; Terms; Vacancies and Compensation. The City Commission is hereby authorized and empowered to create and appoint a board to be known as the “City Planning and Zoning Board”. Such board shall consist of five (5) members. Of the original appointees to such board at least two (2) shall be appointed for a term of two (2) years and the remaining members for a term of three (3) years. The successors of the original appointee shall be appointed for a term of three (3) years. Vacancies upon such board shall be filled by the City Commission of the city for the unexpired term. The members of such board shall serve without pay, except the City Commission may prescribe a per diem for attendance at meetings.

Section 9.02 – Board Organization. Such city planning and zoning board, as soon as practicable after its appointment, shall meet and organize by electing one of its members chairman, and may also appoint a secretary, who may be a member of such board, and shall meet regularly, as prescribed by law, at such times and places, as may be directed by the City Commission, for the transaction of its business.

Section 9.03 – Employment of Staff and Advisors. The City Commission, is hereby authorized and empowered to employ such clerks and subordinates, including technical and expert advisors, and to incur such expenses as in its judgment may be necessary.

Section 9.04 – Duties. The City Planning and Zoning Board shall act in accordance with applicable law and exercise those powers delegated to it by the City Commission through Ordinances, including the City’s Comprehensive Plan and Land Development Regulations, as Ordinances may be adopted or amended from time to time.

Section 9.05 – Scope of Planning Duties. The City Planning and Zoning Board shall, at the direction of the City Commission, make recommendations for the promotion of economic and industrial prosperity and enhancement of the health, comfort and convenience of the people generally.

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## ARTICLE X – CHARTER AMENDMENTS

### Section 10.01- Authentication Recording and Disposition of Charter Amendments, Ordinances and Resolutions.

- (a) Authentication. The Mayor and the City Clerk shall authenticate by their signatures all ordinances and resolutions adopted by the City Commission. In addition, when Charter amendments have been approved by the electors, the Mayor and the City Clerk shall authenticate by their signatures the Charter amendment, such authentication to reflect the approval of the Charter amendment by the electorate.
- (b) Recording. The City Clerk shall keep properly indexed books in which shall be recorded in full all ordinances and resolutions passed by the City Commission. Ordinances shall, at the direction of the City Commission, be periodically codified. The City Clerk shall also maintain the City Charter in current form and shall enter all Charter amendments and send a copy of the revised Charter incorporating amendments to the Secretary of State's office.
- (c) Printing. The City Commission shall, by ordinance, establish a procedure for making all resolutions, ordinances, technical codes adopted by reference, and this Charter available to the people of the city for public inspection and available for purchase at a reasonable price.

### Section 10.02 – Charter Amendment, This Charter may be amended in two (2) ways:

- (a) Initiation by Ordinance. The City Commission may, by ordinance, propose amendments to any part or all of this charter, except Article II prescribing boundaries, and upon passage of the initiating ordinance shall place the proposed amendment to a vote of the electors at the next general election held within the city or at a special election called for such purpose. Amendment of Article II resulting from annexation done in accordance with general law shall be by ordinance of the City Commission and shall not be subject to a vote of the electors except as provided by general law.
- (b) Initiation by Petition. The electors of the city may propose amendment to this Charter by petition signed by at least ten percent (10%) of the total number of qualified voters registered to vote in the last regular city election.

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- (1). Form and Contents – All papers of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the proposed Charter amendment.
- (2) Affidavit of Circulator – Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the proposed Charter amendment.
- (3) Certification of Petition – Upon certification of the petition by the designated official, such certification to include the validity of the names on the petition as qualified voters registered to vote in the last regular city election, the City Commission shall place the proposed amendment to a vote of the electors at the next general election held not less than sixty (60) days after certification or at a special election called for such purpose.

Section 10.03 – Saving Clause. If any section or part of any section of this Charter is held to be unconstitutional, the same shall not invalidate or impair the validity, force or effect of any other section thereof, when said section is wholly or necessarily dependent for its operation upon the section or part thereof so held unconstitutional.

Section 10.04 – Effective Date. That this Charter shall become effective upon majority vote of the electorate at referendum held for said purpose.

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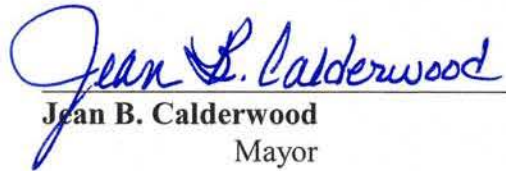
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## PROVIDING AN EFFECTIVE DATE

This Charter as amended in 1989, and again by Referendum on April 14, 2009, shall take effect on the 20<sup>th</sup> day of April 2009.

**CITY COMMISSION OF THE  
CITY OF ALACHUA, FLORIDA**

  
**Jean B. Calderwood**  
Mayor

## **ATTEST:**

  
\_\_\_\_\_  
Clovis Watson, Jr. MBA  
City Manager

## **APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Marian B. Rush, City Attorney