

PART I - CHARTER

Footnotes:

--- (1) ---

Editor's note— The Town of Edgewater was originally incorporated under the general law on October 20, 1924, "Municipal Charters" (Volusia County) Vol. 1, p. 117. The present Charter was adopted by Ch. 27532 Sp. Acts of 1951, whereby the town became the "City of Edgewater." House Bill No. 1809 adopting a new City Charter by the 1963 Session of the State Legislature was defeated in a referendum election. Ch. 27532, as amended, is included as Part I of this volume; amendatory enactments are cited in parenthesis following amended sections or subsections. The Charter section numbers appearing herein are those of said Act, rather than the numbers appearing in the 1963 Code book. The following obsolete special acts, not amendatory of the Charter expressly, have been omitted: Sp. Acts Ch. 57-1289, validating franchise; Sp. Acts Ch. 57-1290, annexation procedure; and Sp. Acts Ch. 59-1258, authority to grant sanitary sewer franchise. A comparative table immediately following the Charter compilation shows the disposition of each section herein. Printed herein is Ord. No. 92-O-5, which contained the new Charter adopted on April 20, 1992, and passed at referendum on May 27, 1992. The previous Charter consisted of §§ 1 through 147. For a comprehensive list of the ordinances from which the previous Charter derived, see Charter Comparative Table on page CHTCT:1. Consequently, amendments to the Charter are designated by a historical notation following the amended section; conversely, absence of such a note indicates the section remains unchanged as enacted in Ord. No. 92-O-5. A uniform system of expression of numbers and catchlines has been adopted to conform as closely as possible to the Code of Ordinances. Capitalization as it appeared in the original ordinance is retained.

ARTICLE I. - POWERS

Sec. 1.01. - General powers.

The city 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.

- (a) (1) In order to further protect the public health, safety, general welfare, and aesthetics, no new building height, east of the centerline of U.S. Highway 1, shall exceed 35 feet, nor shall any existing building, east of the centerline of U.S. Highway 1, be altered to cause it to exceed a building height of 35 feet.
- (2) The building height restrictions contained in Section 1.01(a)(1) shall not apply to Business/Commercial, Public/Semi-Public or Industrial buildings, including, but not limited to, retail stores, fire and police stations, hospitals and manufacturing facilities. The 35-foot height restriction shall apply to residential buildings such as condominiums.
- (b) Building height means the vertical distance measured from the required minimum finished floor elevation to the highest point of the roof.
- (c)

The height limits do not apply to spires, belfries, cupolas, flagpoles, antennas, water tanks, fire towers, cooling towers, ventilators, chimneys, radio and television towers, elevator hoistways, not intended for human occupancy.

- (d) Buildings in existence or with approved construction permits or adopted Planned Unit Developments on or before the effective date of this amendment may be completed, repaired or rebuilt to a height not to exceed the previously existing height, within the same building footprint, subject to any other applicable state, federal or local laws. The height limits are not intended to restrict or otherwise adversely affect a property owner's vested rights under constitutional, statutory or common law. If it is determined by a court of competent jurisdiction that a landowner has vested rights, the landowner can elect to proceed with development under the Land Development Code in effect on the date of the adoption of this amendment.
- (e) Those parts of any ordinances in conflict with this section are hereby repealed. This section becomes effective upon adoption. This amendment shall become effective immediately upon approval by the electors.

(Res. No. 2007-R-03, § 3(Exh. A), 3-5-07; Res. No. 2007-R-15, § 7(Exh. A), 11-7-07; Ord. No. 2010-O-09, § 1, 6-21-10; Ord. No. 2016-O-20, Pt. A, 4-4-16)

Sec. 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.

ARTICLE II. - CORPORATE LIMITS

Sec. 2.01. - Description of corporate limits.

The corporate limits of the City of Edgewater shall be as set forth in that certain document entitled "Description of City of Edgewater Corporate Limits" as it appears on the effective date of this Charter and as that document may from time to time be amended through the adoption of annexation and deannexation ordinances. The original of that document shall at all times be maintained as a record of the city by the city clerk.

ARTICLE III. - CITY COUNCIL

Sec. 3.01. - Composition.

There shall be a city council consisting of a mayor and four council members elected at large by the qualified electors of the City. One council member shall be elected from each of four voting districts.

Sec. 3.02. - Districts.

The city council shall by ordinance apportion the city into four voting districts numbered one through four which shall be as nearly equal in population as possible. Within six months after official publication of the decennial census, the city council shall by ordinance adjust the district boundaries as required to provide for four districts as nearly equal in population as possible.

Sec. 3.03. - Qualifications.

- (a) The mayor must be a qualified elector of the city and shall have resided within the city for not less than one year on the date that person qualifies to run for office. The mayor shall continuously reside within the city limits during the mayor's term of office.
- (b) Each council member must be a qualified elector of the city and shall have resided within the city for not less than one year and shall be a resident of the district from which the person seeks to be elected on the date that person qualifies to run for office. Each council member elected from a district shall continuously reside in the district during the council member's term of office, except that any council member who is removed from a district by redistricting may continue to serve during the remainder of the council member's term of office.

(Ord. No. 99-O-20, Pt. A, 9-13-99)

Sec. 3.04 - Elections and terms; term limits; transition rules.

- (a) *Elections and terms.*
 - (1) The City of Edgewater hereby adopts the Volusia County election schedule for even-numbered years as established by Florida law.
 - (2) *Terms of office.* Terms of office shall begin on the first Monday in December of the year elected and shall be four years.
- (b) *Term limits.* No member of the city council, including the mayor, shall serve more than two complete consecutive terms and the portion of an unexpired term occurring by reason of a vacancy.
- (c) *Canvassing board.* The city hereby appoints the county canvassing board to conduct all required canvassing activity for general elections in even-numbered years.

(Ord. No. 97-O-07, Pt. A, 5-19-97; Ord. No. 99-O-20, Pt. B, 9-13-99; Ord. No. 2008-O-07, § 1, 7-28-08; Ord. No. 2016-O-20, Pt. B, 4-4-16)

Sec. 3.05. - Compensation.

Council members shall receive as compensation the sum of \$7,631.00 annually, payable monthly. The mayor shall receive as compensation the sum of \$9,512.00 annually, payable monthly. A salary adjustment shall be awarded to the mayor and council members on a annual basis in an amount stipulated by an average of the Consumer Price Index (CPI) issued in October of the adjustment year. The salary adjustment shall not exceed an amount of three percent increase. The city council is authorized to adjust the annual salary for the mayor and council members by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of a council elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six months. Additionally, changes to compensation shall only be adjusted every five years. Council persons shall receive their actual and necessary expenses incurred in the performance of their duties of office in accordance with city policy.

(Ord. No. 99-O-20, Pt. K, 9-13-99; Ord. No. 2001-O-03, Pt. A, 4-16-01; Res. No. 2020-R-39, § 3, 12-7-20)

Sec. 3.06. - Mayor.

The mayor shall be a member of the city council and preside at meetings of the council. The mayor shall be recognized as head of the city government for all ceremonial purposes, by the governor for purposes of military law, for service of process, and execution of contracts, deeds and other documents, but shall have no administrative duties. Any additional duties of the mayor shall be such as are conferred upon the mayor by the council. At the first council meeting after each regular city election, the council shall elect one of its members as vice mayor. The vice mayor shall act as mayor during the absence or disability of the mayor.

(Ord. No. 99-O-20, Pt. K, 9-13-99)

Sec. 3.07. - General powers and duties; municipal government training.

- (a) All legislative powers of the city shall be vested in the city council, except as provided by law or this Charter, and the city council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.
- (b) Each member of the city council shall complete municipal government training programs provided by the Florida League of Cities titled "Institute for Elected Municipal Officials (Basic)" and "Advanced Institute for Elected Municipal Officials" or their equivalent, subject to funds being available in the city budget for this educational training. The programs shall be completed within two years of the next general election for all current members of the city council and within two years of being elected for all subsequently elected officials.

(Res. No. 2020-R-39, § 3, 12-7-20)

Sec. 3.08. - Prohibitions.

- (a) *Holding other office.* No former member of the city council shall hold any compensated appointive city office or employment with the city until one year after the expiration of the term for which the member was elected.
- (b) *Appointments and removals.* Neither the city council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officer or employee whom the city manager or any subordinate of the city manager is empowered to appoint, but the city council may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.
- (c) *Interference with administration.* Except for the purpose of inquiries and information gathering, the city council or its members shall not deal with city officers and employees who are subject to the direction and supervision of the manager except through the city manager. Neither the city council 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 council from closely scrutinizing through questions and personal observation all aspects of city operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the city council. It is the express intent of this Charter, however, that recommendations for improvement in city operations by individual council members 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.
- (d) *Limitations on borrowing.* The City of Edgewater shall not incur additional debt of more than 0.75 percent of the net taxable value during any forward moving five-year period unless such debt is approved by a referendum of the eligible voters of the city in a general or special election.
- (e) Any City employee who is a City "officer" as defined by the "Resign to Run" law, § 99.012, Florida Statutes, and desires to run as a candidate for an elective City office shall resign their employment in accordance with the "Resign to Run" law. All other City employees elected to a City office shall resign their position prior to being sworn into office.
- (f) *Reserves.* The city is required to maintain reserves at a minimum of 15 percent of all operating funds.

(Ord. No. 99-O-20, Pts. C, D, 9-13-99; Ord. No. 2004-O-25, § 4(Exh. C-1), 8-2-04); Ord. No. 2016-O-20, Pt. E, 4-4-16; Res. No. 2020-R-39, § 3, 12-7-20)

Sec. 3.09. - Vacancies; forfeiture of office; recall; filling of vacancies.

- (a) *Vacancies.* The office of a member of the city council shall become vacant upon his death, resignation, entry upon the office of mayor, or removal from office or forfeiture of office in any manner provided by law.
- (b) *Forfeiture of office.* A member of the city council shall forfeit that office if the member:
 - (1) Is absent from three consecutive regular council meetings without being excused by the council; or
 - (2) Violates any standard of conduct or code of ethics established by law for public officials; or
 - (3) Lacks at any time during the term of office for which the member was elected any qualification for the office prescribed by this Charter or by law; or
 - (4) Violates any express prohibition of this Charter; or
 - (5) 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; or
 - (6) 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.
- (c) *Recall.* City council members shall be subject to the municipal recall provisions of Section 100.361, Florida Statutes.
- (d) *Filling of vacancies.* Except as otherwise prescribed by law, a vacancy on the city council shall be filled as follows:
 - (1) In the case of a vacancy in the office of mayor, if less than six months remain in the unexpired term, the council by a vote of three or more members shall appoint a successor who is eligible for the office under Section 3.03 of this Charter. Such successor shall serve until the next regular city election at which time a mayor shall be elected in the manner prescribed in Article V of this Charter.
 - (2) In the case of a vacancy in the office of mayor, if more than six months remain in the unexpired term, a special election shall be called to fill such vacancy. The special election shall be scheduled not sooner than 60 days, nor more than 90 days following the occurrence of the vacancy and if a primary is necessary it shall be held as required by the election laws of the State of Florida. The person elected to fill the vacancy must be eligible for the office of mayor under Section 3.03 of this Charter and shall serve until the next regular city election at which time a mayor shall be elected in the manner prescribed in Article V of this Charter.
 - (3) In the case of a vacancy in the office of council member, if less than six months remain in the unexpired term or until the next regular city election, the council by a vote of three or more members shall appoint a successor, who is eligible for the office under Section 3.03 of this

Charter. Such successor shall serve until the next regular city election at which time a council member shall be elected in the manner prescribed in Article V of this Charter.

(4) In the case of a vacancy in the office of council member, if more than six months remain in the unexpired term or until the next regular city election a special election shall be called to fill such vacancy. The special election shall be scheduled not sooner than 60 days, nor more than 90 days following the occurrence of the vacancy and if a primary is necessary, it shall be held as required by the election laws of the State of Florida. The person elected to fill the vacancy must be eligible for the office under Section 3.03 of this Charter and shall serve until the next regular city election at which time a council member shall be elected in the manner prescribed in Article V of this Charter.

(e) *Extraordinary vacancies.* In the event that all members of the council are removed by death, disability, forfeiture of office, or if at any time the membership of the council is reduced to less than a quorum, the Governor shall appoint the number of interim council members necessary to constitute a quorum. That interim city council shall call a special election which shall be conducted in the same manner as if it were the first election under this Charter pursuant to Section 3.04. The council members elected during the special election shall serve until the next regular city election at which time council members shall be elected in the manner prescribed in Article V of this Charter.

(Ord. No. 99-O-20, Pt. E, 9-13-99; Ord. No. 2016-O-20, Pt. F, 4-4-16)

Sec. 3.10. - Judge of qualifications.

The city council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published at least 30 days prior to the hearing in a newspaper of general circulation in the city.

Sec. 3.11. - Procedure.

(a) *Meetings.* The city council shall meet regularly at least once a month at such times and places as determined by the city council, except during a state of emergency. Special meetings may be held on the call of the mayor, vice mayor, or majority of the members and, whenever practicable, upon no less than 24 hours' notice to each member and the public. Except as provided by law, all meetings shall be open to the public, except when the Governor suspends the current laws requiring that city meetings be open to the public, during a state of emergency. During a state of emergency the city council is authorized to meet in accordance with any executive order issued by the Governor.

(b)

Rules and journal. The city council shall determine its own rules and order of business except that the agenda for regular council meetings shall include "Citizen Comments" (not to include agenda items) at the beginning of the meeting and directly prior to adjournment of the meeting, except during a state of emergency, and council shall include an opportunity for citizen comments relating to an agenda matter at the time the matter is before council. The city council shall provide for the keeping of a journal of its proceedings. This journal shall be a public record.

- (c) *Voting.* Voting on ordinances and resolutions shall be by roll call and shall be recorded in the journal. Three members of the city council shall constitute a quorum, but a smaller number may adjourn 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 council. Except in the case of an emergency, unless otherwise provided in this Charter or by law, a motion is adopted when approved by the votes of a majority of the members present and an ordinance or resolution is adopted when approved by the votes of three or more members of the city council. An emergency shall mean an imminent threat to the health, safety, and welfare of the citizens of Edgewater.

(Ord. No. 99-O-20, Pt. F, 9-13-99; Res. No. 2020-R-39, § 3, 12-7-20)

Sec. 3.12. - Ordinances and resolutions.

Ordinances and resolutions shall be adopted by the city council in accordance with general law.

Sec. 3.13. - Initiative and referendum.

- (a) (1) *Initiative.* The qualified voters of the city shall have the power to propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.
- (2) *Referendum.* The qualified voters of the city shall have power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.
- (b) *Commencement of proceedings.* Any five qualified voters may commence initiative referendum proceedings by filing with the city clerk or other official designated by the council an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the affidavit of the

petitioners' committee is filed, the clerk or other official designated by the council may, at the committee's request, issue the appropriate petition blanks to the petitioners' committee at the committee's expense.

(c) *Petitions.*

- (1) *Number of signatures.* Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least ten percent of the total number of qualified voters registered to vote at the last regular city election.
- (2) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one 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 ordinance proposed or sought to be reconsidered.
- (3) *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 signature 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 ordinance proposed or sought to be reconsidered.
- (4) *Time for filing referendum petitions.* Referendum petitions must be filed within 30 days after adoption by the council of the ordinance sought to be reconsidered.

(d) *Procedure for filing.*

- (1) *Certificate of clerk: amendment.* Within 20 days after the initiative petition is filed and five days for a reference petition, the city clerk or other official designated by the council shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioner's committee by certified mail, return receipt requested. Grounds for insufficiency are only those specified in subsection (c). A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk or other official designated by the council within two days after receiving the copy of the certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (c)(2) and (c)(3) of Section 3.13, and within five days after it is filed, the clerk or other official designated by the council shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by certified mail, return receipt requested as in the case of an original petition. If a petition or amended petition is

certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request council review under subsection (2) of this section within the time required, the clerk or other official designated by the council shall promptly present his certificate [which] shall then be a final determination as to the sufficiency of the petition.

- (2) *Council review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the council's determination shall then be a final determination as to the sufficiency of the petition.
- (e) *Referendum petitions; suspension of effect of ordinance.* When a referendum petition is filed with the city clerk or other official designated by the council, the ordinance sought to be reconsidered shall be suspended from taking effect. Such a suspension shall terminate when:
 - (1) There is a final determination of insufficiency of the petition; or
 - (2) The petitioners' committee withdraws the petition; or
 - (3) The council repeals the ordinance; or
 - (4) After a vote of the city on the ordinance has been certified.
- (f) *Action on petitions.*
 - (1) *Action by council.* When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided in Article III or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within 30 days, it shall submit the proposed or referred ordinance to the voters of the city.
 - (2) *Submission to voters.* The vote of the city on a proposed or referred ordinance shall be held not less than 30 days and not later than 60 days from the date the petition was determined sufficient. If no regular city election is to be held within the period described in this subsection, the council shall provide for a special election, except that the council may, in its discretion, provide for a special election at an earlier date within the described period. Copies of the proposed or referred ordinance shall be made available at the polls.
 - (3) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the 30th day preceding the day scheduled for a vote of the city by filing with the city clerk or other official designated by the council, a request for withdrawal signed by at least four members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(g) *Results of election.*

- (1) *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance votes in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (2) *Referendum.* If a majority of the qualified electors voting on a referred ordinance votes against it, it shall be considered repealed upon certification of the election results.

(Ord. No. 99-O-20, Pt. G, 9-13-99)

ARTICLE IV. - ADMINISTRATION

Sec. 4.01. - Appointment and termination of the city manager.

The city council shall by a vote of three or more of its members appoint a city manager and establish the terms of employment and fix the level of compensation. The city manager shall be appointed solely on the basis of executive and administrative qualifications. The city council shall by a vote of three or more of its members terminate a city manager.

(Res. No. 2020-R-39, § 3, 12-7-20)

Sec. 4.02. - Powers and duties of the city manager; restriction on employing relatives.

The city manager shall be the chief administrative officer of the city and shall be responsible to the city council for the administration of all city affairs placed in the city manager's charge under this Charter. The city manager shall:

- (1) Appoint, and when necessary, suspend or remove, all officers and employees of the city except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter. The city manager may authorize any officer subject to the city manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department 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.
- (3) Attend all city council meetings. The city manager shall have the right to take part in the discussion but shall not vote.
- (4)

See that all laws, provisions of this Charter and acts of the city council, subject to enforcement by the city manager or by officers subject to the manager's direction and supervision, are faithfully executed;

- (5) Prepare and submit the annual budget and capital program to the city council;
- (6) Submit to the city council 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 council may require concerning the operations of city departments, offices, agencies;
- (8) Keep the city council advised as to the financial condition and future needs of the city;
- (9) Make recommendations to the city council concerning the affairs of the city;
- (10) Provide staff support services for the city council;
- (11) Sign contracts, agreements, or leases on behalf of city to the extent authorized by ordinance; and
- (12) Perform such other duties as are specified in this Charter or may be required by the city council.

No relative of the city manager shall be employed by the city. For purposes of this paragraph, "relative" means an individual who is related to the city manager as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister. This provision shall not apply to a relative of the city manager hired prior to the city manager being appointed by the city council.

(Res. No. 2020-R-39, § 3, 12-7-20)

Sec. 4.03. - Acting city manager.

By memorandum submitted to the city council, the city manager shall designate a qualified city administrative officer to exercise the powers and perform the duties of city manager during the city manager's temporary absence or disability. The council may revoke such designation at any time and appoint another administrative officer of the city to serve until the city manager returns.

Sec. 4.04. - Creation of departments.

The city council may establish city departments, which shall include one or more departments relating to public safety services (Police Department/Fire-Rescue Services Department), offices, or agencies in addition to those created by the Charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically provides, assigned to any other.

(Ord. No. 2004-O-25, § 5(Exh. D-1), 8-2-04)

Sec. 4.05. - City attorney.

The city council shall by a vote of three or more of its members appoint a city attorney and establish the terms of employment and fix the level of compensation. The city attorney must be admitted to the practice of law in the State of Florida. The city attorney shall be the chief legal advisor to, and attorney for, the city council, city manager, city clerk and all city departments, offices, and agencies and shall perform any other duties prescribed by this Charter or as may be required by the city council. The city attorney shall report directly to the city council and shall not be under the supervision and direction of the city manager. The city council shall by a vote of three or more of its members terminate a city attorney.

(Res. No. 2020-R-39, § 3, 12-7-20)

Sec. 4.06. - City clerk.

The city council shall by a vote of three or more of its members appoint a city clerk and establish the terms of employment and fix the level of compensation. The city clerk shall keep the journal of city council proceedings and be the official custodian of public records. The city clerk shall serve as the elections clerk and shall perform any other duties prescribed by general law, this Charter, or as may be required by the city council. The city clerk shall report directly to the city council and shall not be under the supervision and direction of the city manager. The city council shall by a vote of three or more of its members terminate a city clerk.

(Res. No. 2020-R-39, § 3, 12-7-20)

Sec. 4.07. - Personnel system.

- (a) All appointments and promotions of city officers and employees shall be made solely on the basis of merit, fitness, and demonstrated ability.
- (b) Consistent with all applicable federal and state laws, the city council shall provide for the establishment, regulation, and maintenance of a personnel system.

(Ord. No. 99-O-20, Pt. K, 9-13-99)

Sec. 4.08. - Financial and purchasing procedures and regulations.

Consistent with all applicable federal and state laws, the city council shall establish procedures and regulations governing the financial management of the city and the city's purchasing system.

Sec. 4.09. - Administrative code.

The city council shall adopt an administrative code setting forth the administrative procedures of each department and the relationship between the city council and the city officers.

Sec. 4.10. - Code of ethics.

Members of the city council, all appointed officers, and all city employees shall be bound by the requirements of the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes, which includes, but is not limited to: standards of conduct for public officers and employees; restriction on the employment of relatives; regulation of voting conflicts; requirements for disclosure of financial interests and clients represented before agencies; requirements regarding the reporting and prohibited receipt of gifts; regulations regarding the solicitation and disclosure of honoraria; and the provision of penalties.

Sec. 4.11. - Residency requirements for certain city employees.

The city manager, city attorney, city clerk, and all department heads in charge of public safety services (police chief/fire chief) shall reside within the corporate limits of the city within six months after the completion of the probationary period unless the requirement is waived by the city council. Except as to the city manager, the city council may waive the residency requirement if the waiver is deemed to be in the best interests of procuring the services of the most qualified professional applicant. Council may impose reasonable conditions, such as, for example, limits on the time of the waiver. This section shall not apply to any department head or city employee hired prior to the effective date of this section.

(Ord. No. 92-O-6, Pt. B, 4-20-92; Ord. No. 99-O-20, Pt. H, 9-13-99; Ord. No. 2004-O-25, § 6(Exh. E-1), 8-2-04; Ord. No. 2010-O-08, § 1, 5-17-10)

ARTICLE V. - ELECTIONS

Sec. 5.01. - Electors.

Any person who is a resident of the city, who has qualified as an elector of this state, and who registers in the manner prescribed by general law and ordinance of the city, shall be an elector of the city.

Sec. 5.02. - Nonpartisan elections.

All city council elections shall be conducted on a nonpartisan basis without designation of political party affiliation.

Sec. 5.03. - Qualification of candidates.

- (a) Any person seeking to become a candidate for city council shall file a notice of intention to become a candidate with the city clerk. Any person seeking to become a candidate must be in compliance with the requirements of Section 3.03 at the time of filing the notice of intention. In addition to information required by the election laws of the State of Florida, such notice of intention shall include the following information:
 - (1) The candidate's name and address.
 - (2) A declaration that the candidate is a qualified elector of the city.
 - (3) A declaration as to which office the candidate is seeking election and in the case of a council member, the district from which the candidate seeks to be elected. No person shall be a candidate for mayor and council member at the same time and no person shall be a candidate for more than one council seat in the same election.
- (b) Each notice of intention shall be signed by the person seeking to become a candidate and shall include a sworn affidavit attesting to the accuracy of the information contained therein.
- (c) Such notice of intention shall be filed with the city clerk at the time and dates as established by the Florida Election Code of each even-numbered year, unless otherwise set by adoption of a resolution of the city council. The city clerk shall post in city hall notification of the date of the first primary election no later than 90 days prior to the date of the first primary.
- (d) At the time of filing such notice of intention to become a candidate, the candidate shall also comply with all other requirements of the election laws of the State of Florida applicable to candidates for municipal office.

(Ord. No. 2010-O-02, § 1, 1-25-10)

Editor's note— Section 3 of Ch. 95-462, Special Acts of Florida, provided as follows:

"Section 3. Candidates for an elected municipal office in Volusia County shall file such papers and pay such fees as may be required by law with the applicable municipal clerk during normal office hours on any business day during the last two full (Monday through Friday) business weeks of July. The names of all candidates and the offices for which they have filed shall be received by the Supervisor of Elections from the municipal clerks by 5:00 p.m. on the first Friday after the close of qualifying."

Sec. 5.04. - Conduct of elections.

Except as provided in this Charter and by ordinance, all elections shall be conducted in accordance with the election laws of the State of Florida.

Sec. 5.05. - Regular and primary elections.

- (a) *Regular city election.* If only two candidates qualify for the office of mayor or for the office of council member from any one district, then the candidate receiving the highest number of votes at the regular city election shall be declared elected.
- (b) *Primary election.* If more than two candidates qualify for the office of mayor or for the office of council member from any one district, then there shall be a primary election held at the time required by the election laws of the State of Florida. If any candidate in the primary election receives a majority of the votes cast for that office, such candidate shall be declared elected without the necessity of running in the regular city election. If no candidate receives a majority of the votes cast for that office, the two candidates receiving the highest number of votes in the primary election shall be declared candidates for that office and shall run in the regular city election. The candidate receiving the highest number of votes in the regular election shall be declared elected. In the case of a tie vote in the primary election the candidates shall be determined pursuant to the election laws of the State of Florida.

Sec. 5.06. - Public information.

Dissemination of information and education of the public regarding city issues shall be deemed a public purpose for which city funds may be expended. Principles of fairness and the Code of Ethics shall govern the form and content of such efforts.

(Ord. No. 99-O-20, Pt. I, 9-13-99)

ARTICLE VI. - TRANSITION SCHEDULE

Sec. 6.01. - Continuation of former Charter provisions.

All provisions of the Charter of the City of Edgewater in effect immediately prior to the effective date of this Charter which are not contained 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.

Sec. 6.02. - Ordinances and resolutions preserved.

All ordinances and resolutions in effect immediately prior to the effective date of this Charter shall remain in full force and effect to the extent not inconsistent or in conflict with this Charter until repealed or changed as provided by law.

Sec. 6.03. - Rights of officers, employees, and the city council.

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who were city officers or employees immediately prior to the effective date of this Charter. Members of the city council shall continue to hold office until the expiration of their terms.

Sec. 6.04. - Pending matters.

All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the city immediately prior to the effective date of this Charter shall continue except as modified pursuant to the provisions of this Charter.

Sec. 6.05. - Severability and applicability.

If any portion of this Charter is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this Charter. If this Charter or any provisions thereof shall be held to be inapplicable to any person, property, or circumstances, such holding shall not affect its applicability to any other person, property, or circumstance.

Sec. 6.06. - Effective date.

This Charter shall take effect upon approval by a majority of the electors voting in the special election upon this Charter.

Sec. 6.07. - Charter review.

Every five years after the adoption of this Charter, the city council shall appoint a Charter review committee to review the City Charter and recommend additions, deletions, or changes to the city council for its consideration.

(Ord. No. 99-O-20, Pt. J, 9-13-99)

Sec. 6.08. - Charter amendment.

This Charter may be amended in accordance with general law.

(Ord. No. 99-O-20, Pt. J, 9-13-99)

CHARTER COMPARATIVE TABLE - SPECIAL ACTS

This table shows the location of the sections of the basic Charter and the special acts amending the Charter.

Chapter	Section	Section this Code
27532(1951)	1—147	1—147
29049(1953)	1	8, 10, 14
	1	17, 136, 138, 140
	2	129A
30730(1955)	1	7, 8
57-1288	1	7, 8
61-2115	1	9A
	2	104
63-1310	1	8, 135, 138, 139
65-1506	1	8
65-1509	1	8
65-1510	1	7
65-2456	1	8
67-228	1	8
67-1364	1	129
	2	8
	3	14
	4	10
	5	13
	6	140
	7	15
69-1038	1	7A
95-462	2(a)	<u>3.04</u> (note)
	3	<u>5.03</u> (note)
	7	<u>3.04</u> (note)

CHARTER COMPARATIVE TABLE - ORDINANCES/REFERENDA

This table shows the location of ordinances and changes approved by referendum amending the Charter.

Ordinance Number	Adoption Date	Ref. Date	Section	Disopsition
835	7- 2-73		1	67
855	10- 1-73		1	10, 15, 39, 129, 140A
898	12-16-74		1	104
953	5-10-76		1	19
956	7-12-76		1	42-A

963	10-25-76		1	9(note)
				37(note)
967	1-10-77		1	8
78-O-1	10-23-78		1	57
		11- 4-80		8, 13, 20
82-O-10	4- 5-82		1	8
83-O-6	3-28-83	5-10-83	1	Char.(note)
			2 Rpld	9A
84-O-5	6- 4-84		1	42
84-O-6	6- 4-84		1 Rpld	42-A
85-O-1	1-21-85		3	104
85-O-12	7- 1-85		1	8
87-O-29	12-21-87	2- 2-88		9A, 9B
90-O-24	6- 4-90		2(a), (b) Rpld	102, 103
			3	74
92-O-5	4-20-92	5-27-92	Pt. A	<u>1.01, 1.02</u>
				<u>2.01</u>
				<u>3.01—3.12</u>
				<u>4.01—4.10</u>
				<u>5.01—5.05</u>
				<u>6.01—6.03</u>
92-O-6	4-20-92	5-27-92	Pt. B	<u>4.11</u>
97-O-07	5-19-97		Pt. A	<u>3.04</u>
99-O-20	9-13-99	11- 2-99	Pt. A	<u>3.03</u>
			B	<u>3.04</u>
			C Added	<u>3.08(d)</u>
			D Added	<u>3.08(e)</u>
			E	<u>3.08(d)(1), (2)</u>
			F	<u>3.11(b)</u>
			G Added	<u>3.13</u>
			H	<u>4.11</u>
			I Added	<u>5.06</u>
			J Added	<u>6.07, 6.08</u>
			K	<u>3.05, 3.06, 4.07(b)</u>
2001-O-03	4-16-01		Pt. A	<u>3.05</u>
2004-O-25	8- 2-04	11- 2-04	4(Exh. C-1)	<u>3.08(d)</u>
			5(Exh. D-1)	<u>4.04</u>
			6(Exh. E-1)	<u>4.11</u>
2008-O-07	7-28-08	11- 4-08	1	<u>3.04(a)</u>
			Added	(c)
2007-R-03(Res.)	3- 5-07	11- 7-06	3(Exh. A)	<u>1.01(a)(1)</u>
2007-R-15(Res.)	11- 7-07	11- 6-07	7(Exh. A) Added	<u>1.01(a)(2)</u>

2010-O-02	2 <u>8-10</u>		1	<u>5.03(c)</u>
2010-O-08	5-17-10	11- 2-10	1	<u>4.11</u>
2010-O-09	6-21-10	11- 2-10	1	<u>1.01(a)(1)</u>
2016-O-20	4- 4-16	Pt. A	<u>1.01(b)</u>	
		Pt. B	<u>3.04</u>	
		Pt. E	<u>3.08(e)</u>	
		Pt. F	<u>3.09(d)</u>	
2020-R-39(Res.)	12- 7-20	11- 3-20	3	<u>3.05,</u>
				<u>3.07, 3.08(e),</u>
				<u>3.11(a), (b),</u>
				<u>4.01, 4.02,</u>
				<u>4.05, 4.06</u>