



**ISP**

Institute for Senior Professionals

**CITY OF VALPARAISO  
CHARTER REVIEW**

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**2010**

**NORTHWEST  
FLORIDA  
STATE COLLEGE**

100 College Boulevard  
Niceville, FL 32578

[www.nwfsc.edu/ISP](http://www.nwfsc.edu/ISP)

## PREFACE

The Institute for Senior Professionals (ISP) of Northwest Florida State College is an organization of mostly retired and semi-retired senior men and women who have enjoyed careers as executives and professionals in many and varied fields of endeavor.

ISP is a service organization committed to providing meaningful contributions in support of the community, the college's programs and activities through participation in problem solving and strategic planning.

In March of 2010, the City of Valparaiso's Mayor, Mr. Bruce Arnold requested (attachment #1) ISP conduct a City Charter Review of the current City Charter (attachment #2) adopted by the City in 1921. ISP's general membership approved the acceptance of this project on March 16<sup>th</sup> 2010

ISP's "City of Valparaiso Charter Review" work committee studied and reviewed the current City Charter. The work committee also analyzed the structure of the current city government; along with interviewing key employees (current and past), the City Administrator, the Mayor, the Commissioners, department heads and certain community leaders.

The current Valparaiso City Charter was then compared to other forms of city governments, as defined by the National Civic League's Model City Charter (attachment #3) and The Florida Municipal Officials' Manual (attachment #4). Specific sample city charters were then analyzed for the basis of drafting a new City of Valparaiso Charter. The final recommendations and suggested Valparaiso City Charter is included in this report.

ISP's City of Valparaiso Charter Review work committee would like to extend it's appreciation for the help and support from Mayor Bruce Arnold, the City Commissioners, department heads and city staff during the course of preparing this review.

For ease of presentation and understanding, the following acronyms are used throughout this report:

ISP—Institute for Senior Professionals at Northwest Florida State College

NCL – National Civic League

FS – Florida Statutes

FAC – Florida Administrative Codes

CFR – Code of Federal Regulation

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  1. Request Letter from Mayor Arnold
  2. Current Valparaiso Charter: [http://library8.municode.com/default-test/home.htm?infobase=11649&doc\\_action=whatsnew](http://library8.municode.com/default-test/home.htm?infobase=11649&doc_action=whatsnew)
  3. National Civic League: <http://ncl.org/publications/>
  4. Florida League of Cities:  
<http://www.floridaleagueofcities.com/Resources.aspx>
  5. City of Sanibel Charter: [http://library8.municode.com/default-now/home.htm?infobase=10937&doc\\_action=whatsnew](http://library8.municode.com/default-now/home.htm?infobase=10937&doc_action=whatsnew)
  6. City of Sunrise Charter: [http://library8.municode.com/default-test/home.htm?infobase=11617&doc\\_action=whatsnew](http://library8.municode.com/default-test/home.htm?infobase=11617&doc_action=whatsnew)
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## EXECUTIVE SUMMARY

During the course of this project, the committee conducted interviews of twenty-two current and former city elected officials, employees, volunteers, and interested citizens. Some individuals were interviewed more than once, and city staff was available to answer questions during meetings, all of which were held at Valparaiso City Hall. The committee also had available, and reviewed, the current 1921 city charter, current city budget and financial statements, proposed charter which was the result of a study committee in 1997 (which was not acted upon), charters from various other Florida cities such as Sanibel, Sunrise and Destin and various documents from the Florida League of Cities and the National Civic League. Hyperlinks to those several documents are included with the attachments to this report.

After an initial review of the current charter, we began our interviews with the thought of gathering information to make some changes (such as eliminating the poll tax provision) to make the charter comport with current law. It quickly became apparent, however, that the individuals we interviewed, with relatively few exceptions, envisioned a wholesale change in the charter that would entail an entirely new form of government, going from the current form where the commissioners perform both legislative and executive functions to a form whereby the commissioners are elected policymakers and there is an accountable, professional administrator who is responsible for the day-to-day management of city functions.

While considering the comments and suggestions of the interviewees and reviewing the various reference materials, we also added several provisions specific to the city and Okaloosa County. The result is a suggested charter that, we believe, will serve as a basis for discussion and review by the citizens and officials of Valparaiso as they move forward toward adoption of a more modern, responsive and efficient form of government.

During the course of the committee's work, it is significant to note that Valparaiso is a very special place, a city unlike any other in Okaloosa County, perhaps even Northwest Florida. All persons interviewed exhibited a dedication not only to "their" city, but to each of its residents, people helping people on a daily basis, and thereby enriching the quality of life in Valparaiso. Whatever the need, the residents are there to step forward, taking care of their city and each other. Along with wanting to preserve their traditional character, they understand that the multiple complex needs of their city's work require some changes that will strengthen and protect their city.

Interviewed officials, staff, and residents stressed their concerns, however, on implementing changes that would require additional employees and expenses to the city. The committee sees no additional employees mandated by the recommended changes in the charter and any additional cost of a city manager would be offset by the greater efficiency of city operations.

# CHARTER FOR THE CITY OF VALPARAISO

## PREAMBLE

We, the voters of Valparaiso, Florida exercise our power to the fullest extent possible under the Florida Constitution and laws of the state, and enact this Home Rule Charter.

## Article I NAMES AND BOUNDARIES

Section 1. Title. This charter may be referred to as the 2010 Charter.

Section 2. Name. The City of Valparaiso, Florida, continues as a municipal corporation with the name City of Valparaiso.

Section 3. Boundaries. The city includes all territory within its boundaries as they exist on the effective date of this charter or when legally modified. The city will maintain as a public record an accurate and current description of the boundaries.

## Article II POWERS

Section 4. Powers. The city has all powers that the constitutions, statutes and common law of the United States and Florida expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers, and may exercise any power for municipal purposes except as otherwise provided by law.

Section 5. Construction. The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Florida law.

Section 6. Distribution. The Florida Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the Commission except as the charter otherwise provides. The Commission has legislative, administrative and quasi-judicial authority. The Commission may not delegate its authority to adopt ordinances.

## Article III COMMISSION

Section 7. Commission. The Commission consists of five (5) Commissioners elected at large by city electors. Each Commissioner position shall bear a number from one (1) to five (5). A qualified elector shall be appointed by the four Commissioners to the newly created office of Commissioner position 5 within 30 days of the effective date of this charter and serve until the next city election in 2012. The Commissioners whose terms of office expire in March 2012 are assigned position numbers 1, 3, and 5; the Commissioners whose terms of office expire in 2014 are assigned position numbers 2 and 4. Those offices will be on the ballot in the 2014 election, along with the office of Mayor.

Section 8. Mayor. The Mayor presides over and facilitates Commission meetings, preserves order, enforces Commission rules, and determines the order of business under Commission rules. The Mayor shall be the

presiding officer of the Commission. The Mayor shall not vote except in case of a tie vote of the members of the Commission present at a meeting. With the consent of the Commission, the Mayor appoints members of commissions and committees established by ordinance or resolution. The Mayor must sign all records of Commission decisions.

Section 9. Commission Chairman. At its first meeting of every evenly numbered year, the Commission shall elect a Chairman from its membership. The Chairman presides in the absence of the Mayor and acts as Mayor when the Mayor is unable to perform his/her duties.

Section 10. Rules. The Commission will adopt rules to govern its meetings.

Section 11. Meetings. The Commission shall have its regular meeting once a month at a designated time and place. Special meetings may be called by written request to the Mayor by three members of the Commission and public notice must be given of the date, time and place not later than 48 hours prior. An agenda shall be prepared for the issue(s) requiring the special meeting and no other items not listed in the notice and agenda may be discussed during the special meeting. Emergency meetings may be held on the call of the Mayor or a majority of the Commissioners whenever there is a public emergency affecting life, health, safety or property or the public peace, and whenever practicable, upon no less than three (3) hours notice to each member, and to the public.

Section 12. Quorum. A majority of the Commission members is a quorum to conduct business, but a smaller number may meet and require attendance of absent members as prescribed by Commission rules.

Section 13. Vote Required. The express approval of a majority of a quorum of the Commission present is necessary for any Commission decision, except when this charter requires approval by a majority of the Commission.

Section 14. Record. A written record of Commission meetings must be kept pursuant to Florida state law.

#### **Article IV LEGISLATIVE AUTHORITY**

Section 15. Ordinances. The Commission exercises its legislative authority by adopting ordinances. The enacting clause for all ordinances shall state "The City of Valparaiso ordains as follows :"

Section 16. Ordinance Adoption.

- (a) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the Commission at two meetings.
- (b) The Commission may adopt an ordinance at a single meeting by the unanimous approval of at least a quorum of the Commission, provided the proposed ordinance is available in writing to the public at least one week before the meeting.
- (c) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the Commission adopts the ordinance at that meeting.
- (d) After the adoption of an ordinance, the vote of each member must be entered into the Commission minutes.
- (e) After adoption of an ordinance, the city custodian of records must endorse it with the date of adoption and the custodian's name and title.

Section 17. Effective Date of Ordinances. Ordinances normally take effect on the 30th day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause. However, any ordinance which enacts a tax, increases an existing tax, or repeals or extends a sunset provision shall only take effect upon approval by a majority of the voters, unless the ordinance approved by the voters sets a different effective date.

## **Article V ELECTIONS**

Section 18. Commissioners. The term and position number of a Commissioner in office when this charter is adopted is the term and position number for which the Commissioner was elected. At each general election after the adoption, Commissioners will be elected for four-year terms.

Section 19. Mayor. The term of the Mayor in office when this charter is adopted continues until the expiration of the term. At every other general election after the adoption, a Mayor will be elected for a four-year term in the same cycle as Commissioners 2 and 4.

Section 20. State Law. City elections shall conform to state law except as this charter or ordinances provides otherwise. All elections for city offices must be nonpartisan. City elections shall be conducted by the Okaloosa County Supervisor of Elections from qualifying to post-election audit. Three City officials, elected or appointed, not on the ballot or involved in any political campaign shall serve as the City canvassing board for absentee ballots, except where state law requires the county canvassing board to canvass the election.

Section 21. Qualifications.

- (a) The Mayor and Commissioner candidates shall be qualified electors under state law, and reside within the city for at least one year immediately before election or appointment to office.
- (b) No person may be a candidate at a single election for more than one city office.
- (c) Neither the Mayor nor a Commissioner may be employed or under contract by the city.
- (d) Candidates shall qualify for a specific numbered Commissioner position.

Section 22. Terms. The term of an officer elected in the city election begins at the first Commission meeting after the election, and continues until the successor qualifies, is elected, and assumes the office.

Section 23. Oath. The Mayor and each Commissioner shall swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Florida.

Section 24. Vacancies: The Mayor or a Commissioner office becomes vacant:

- (a) Upon the incumbent's:
  - (1) Death,
  - (2) Adjudicated incompetence, or conviction of a felony, or removal by the governor.
- (b) Upon declaration by the Commission after the incumbent's:
  - (1) Failure to qualify for the office within 10 days of the time the term of office is to begin.
  - (2) Absence from the city for 60 days without Commission consent,
  - (3) Ceasing to reside in the city,
  - (4) Ceasing to be a qualified elector under state law,
  - (5) Resignation from the office, or
  - (6) Removal under Section 26 (h).

Section 25. Filling Vacancies. A Mayor or Commissioner vacancy shall be filled by appointment by a majority of the remaining Commission members. The appointee's term of office runs from appointment until the next general election when the office shall be on the ballot to fill the remaining term of that office, if any.

## **Article VI ADMINISTRATION**

### Section 26. City Manager.

- (a) The office of City Manager is established as the administrative head of the city government. The City Manager is responsible to the Mayor and Commission for the proper administration of all city business. The City Manager shall assist the Mayor and Commission in the development of city policies, and carry out policies established by ordinances and resolutions.
- (b) A majority of the Commissioners shall be required to appoint and remove the Manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.
- (c) The Manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority vote of the Commission, according to the terms of his/her contract. The Commission must fill the office by appointment as soon as practicable after the vacancy occurs.
- (d) The Manager shall:
  - (1) Attend all Commission meetings unless excused by the Mayor or Commission;
  - (2) Make reports and recommendations to the Mayor and Commission about the needs of the city;
  - (3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits and other city decisions;
  - (4) Appoint department heads, with the approval of the Commission;
  - (5) Hire, supervise and remove city employees;
  - (6) Organize city departments and administrative structure;
  - (7) Prepare and administer the annual city budget;
  - (8) Administer city utilities and property;
  - (9) Encourage and support regional and intergovernmental cooperation;
  - (10) Promote cooperation among the Commission, staff and citizens in developing city policies, and building a sense of community;
  - (11) Perform other duties as directed by the Commission;
  - (12) Delegate duties, but remain responsible for acts of all subordinates.
- (e) The Manager has no authority over the Commission.
- (f) The Manager and other employees designated by the Commission may sit at Commission meetings but have no vote. The Manager may take part in all Commission discussions.
- (g) When the Manager is temporarily unable to act as Manager or when the office of Manager becomes vacant, the Commission must appoint a Manager pro tem. The Manager pro-tem has the authority and duties of Manager, except that a pro tem Manager may appoint or remove employees only with Commission approval.
- (h) No Commission member may directly or indirectly attempt to coerce the Manager or a candidate for the office of Manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority vote of the Commission after a public hearing. In Commission meetings, Commissioners may discuss or suggest anything with the Manager relating to city business.



Section 27. City Clerk. The City Clerk shall be selected by the city commission and shall hold this office at the pleasure of the Commission. The city clerk shall hold office under the Laws in the State of Florida. The City Clerk shall be an employee of the city.

Section 28. City Attorney. The city attorney shall serve under contract approved by the Commission and shall serve as chief legal advisor to the Commission and administration and shall represent the city in all legal proceedings and perform such other related duties as the Commission may deem necessary.

## **Article VII PERSONNEL**

Section 29. Compensation. The Commission shall authorize the compensation of city management and employees as part of its approval of the annual city budget.

Section 30. Merit Systems. The City Manager shall establish the policies and rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.

## **Article VIII PUBLIC IMPROVEMENTS**

Section 31 Procedure. The Commission may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement. A proposed public improvement may be suspended for six months upon petition by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action shall be determined by ordinance.

Section 32. Special Assessments. The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.

## **Article IX MISCELLANEOUS PROVISIONS**

Section 33. Debt. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.

Section 34. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.

Section 35. Repeal. All charter provisions adopted before this charter takes effect are repealed.

Section 36. Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.

Section 37. Official Conduct and Standard of Ethics. All elected officials and employees of the city shall be subject to the standards of conduct for public officers and employees set by general law, this charter and ordinance.

Section 38. Time of Effect and Charter Review. This charter takes effect \_\_\_\_\_ and the commission shall appoint a Charter Review Commission at least every 10 years from this effective date. The Charter Review Commission will give a report of their findings to the Commission at a regular meeting.



City of Valparaiso

**CITY OF VALPARAISO**  
465 VALPARAISO PARKWAY • (850) 729-5402  
VALPARAISO, FLORIDA 32580

City of Valparaiso

December 28, 2009

Institute for Senior Professionals  
169 College Boulevard  
Neville, Florida 32578

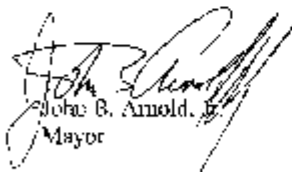
Dear Sirs:

The City of Valparaiso is desirous of retaining the services of the Institute for Senior Professionals in providing the Mayor and City Commissioners with a detailed City Charter review. The purpose of this review is to make recommendations that either provide effective improvements to our current form of government or if so determined, a complete change of our government structure.

We sincerely appreciate your assistance in this most important decision-making process. Our timeline is to complete the study in the first quarter of 2010, advertise the necessary public hearings for debate and to place any recommendation for a change to our charter on the November 2010 ballot.

Please contact Mr. Carl Scott, our City Administrator, or myself to work out the necessary arrangements at 729-5402.

Sincerely,

  
John B. Arnold, Jr.  
Mayor

RECEIVED  
JAN 5 2010  
BY: \_\_\_\_\_

*Home of the World's Largest Citrus Festival, beginning in 1926, in Valparaiso, Florida*