

Chapter C

CHARTER

[HISTORY: Adopted as Ch. 5333, No. 214, of the Laws of Florida, 1911, approved 5-23-1911; amended in its entirety 5-5-2014 by Ord. No. 2014-O03.¹ Amendments noted where applicable.]

§ C-1. Name of municipality; boundary description.

A municipality to be called and known as the "Town of Callahan" was established in Nassau County, Florida, by Chapter 533, Number 214 of the Laws of Florida, 1911, which Act was approved on May 23, 1911. The territorial boundaries of the Town as of August 12, 2010, are depicted on a Map of Callahan, Nassau County, Florida, dated August 12, 2010, prepared by Ellis, Curtis & Kooker, Inc. and signed and sealed by Harlo C. Everett, Jr., P.C.S. number 3287 and Louis J. Everett, P.C.S. number 4099, the above described lands being in Sections twenty-nine and thirty and the Seymour Pickett Grant Section forty, in township two, north of range twenty-five east, Nassau County.

§ C-2. Powers of municipal corporation.

Said corporation shall have perpetual succession and shall have all powers granted or available to municipal governments in the State of Florida.

§ C-3. Corporate authority.

The corporate authority of said Town shall be vested in Mayor and Town Council, and such other officers as may be appointed and elected in pursuance of law.

§ C-4. Eligibility for office; filling of vacancies.

Only qualified electors of Callahan are eligible to hold Town offices. In case any vacancy should occur in any Town office, the vacancy shall be filled by a majority vote of all the members of the Town Council; and persons so appointed by the Town Council shall hold office until the vacant term expires and a successor is elected and qualified.

§ C-5. Election of Mayor.

The Mayor shall be elected by the qualified voters of said Town for the term of four years, and shall hold office until a successor is elected and qualified. The Mayor's salary shall be set by ordinance.

§ C-6. General duties of Mayor.

¹. Editor's Note: Amendments to §§ C-4, Eligibility for office; filling of vacancies, C-10, Determination of Council rules of proceedings; quorum; procedures, and C-13, Appropriations, as provided for in this ordinance, were passed by referendum 8-26-2014.

The Mayor shall act as the chief executive and chief administrator of the Town; shall see that the ordinances of the Town are faithfully executed; and shall have and exercise all powers incident and usual to the due enforcement of the Mayor's jurisdiction. The Mayor shall have general supervision over all Town affairs, officers, and employees except for the members of the Town Council. The Mayor shall report to the Town Council any improper conduct on the part of any Town official or employee.

§ C-7. Mayor to approve or disapprove ordinances.

Every ordinance passed by the Town Council, before becoming a law, shall be presented to the Mayor under the certificate and seal of the Clerk for approval or disapproval. If the Mayor approves the ordinance, the Mayor shall sign it and return it to the Clerk within five days. If the Mayor does not approve the ordinance, the Mayor shall return it to the Clerk with written objections at or before the next regular meeting of the Town Council for reconsideration. If the Town Council passes the ordinance by a three-fifths vote, it shall become a law. If the Mayor does not return any ordinance or returns it unsigned or without written objections at or before the next regular meeting of the Council after the ordinance's passage, the ordinance shall become a law.

§ C-8. Absence of Mayor.

In the event of absence of the Mayor from the Town or the Mayor's inability from sickness or other causes to discharge the duties of office, the President of the Town Council, or in the President's absence or disability the President pro tempore, shall discharge the duties of Mayor.

§ C-9. Legislative powers; membership of Town Council.

The legislative power of the corporation shall be exercised by the Town Council, composed of five members who shall serve for the period of four years and until their successors are elected and qualified. Elections for all Town officers provided for in this Act shall be held on the first Tuesday after the first Monday in November or such time as coincides with the general election of federal offices. All vacancies between the elections that shall occur in the Town Council shall be filled by the votes of the majority of the remaining members. The members shall elect annually one of their members to be their presiding officer, who shall be called the President of the Town Council, and shall have the power to enforce such rules as may be adopted by the Town Council.

§ C-10. Determination of Council rules of proceedings; quorum; procedures.

The Town Council may determine its own rules of proceedings and prescribe the punishment of its members for nonattendance or disorderly conduct, and enforce the same. The majority of the members of the Town Council shall be required to form a quorum for the transaction of business, but a smaller number may adjourn from day to day and may compel the attendance of absent members by fines and penalties. The president of the Town Council and Town Clerk shall have the power to administer necessary oaths. The Town Council shall hold meetings at such times as it may determine, not less than one regular meeting a month.

§ C-11. Powers of Town Council.

The Town Council shall exercise all legislative and corporate authority of a municipality under Florida law, except to the extent this Charter vest that authority in the Mayor.

§ C-12. Adoption and amendment of budget by resolution.

Notwithstanding any provision of § C-11 of the Callahan Town Charter, the annual budget and all interim budgets may be adopted and amended by a resolution.

§ C-13. Appropriations.

The Callahan Town Council may by resolution authorize a money or in-kind donation to a nonprofit organization where such donation serves a public purpose by promoting the health, safety and welfare of the citizens of the Town and the resolution makes a specific finding as the public purpose of said donation, except that donations may not be made to political organizations, and donations may not be made for the benefit of an individual.

§ C-14. Town Clerk. [Amended 5-18-2020 by Ord. No. 2020-006²]

There shall be one office of the Town Clerk and said officer shall be an employee of the Town, hired and discharged by the Town Council. The Clerk shall receive compensation set by the Town Council. The Clerk shall be known and sign all documents, rolls and papers as Town Clerk. The Clerk shall attend all regular and special meetings of the Town Council and shall keep a record of all the proceedings and acts of the Town Council and shall record in books to be kept for that purpose all ordinances and resolutions passed by the Town Council and shall perform all such other duties as usually pertain to the office of Town Clerk and may be required by the Town Council or Town Manager.

§ C-15. Town Treasurer.

There shall be one office of the Town Treasurer, and said officer shall be elected by the qualified electors of the said Town for four years. He shall hold office until his successor is elected and qualified. He shall be known and designated as "Town Treasurer." He shall receive no actual salary, but the Town Council may, by resolution, from time to time, provide for and order the payment of reasonable compensation for services actually performed. He shall give such bond as the Town Council shall require. He shall receive and collect all moneys due the Town, except taxes, which shall be paid him by the Town Clerk. He shall keep and complete an accurate and record of all moneys by him received and paid out and of all the transactions of his office and shall perform all such other duties usually pertaining to his office as may be required by the Town Council.

§ C-16. Procedure for payment of funds.

All bills, accounts and claims of debts of every kind whatsoever shall be considered and passed by the Town Council at regular meetings. It shall be the duty of the Town Council to consider and pass upon each item of all accounts and bills, and the Town Council shall not pass upon, allow or order the payment of any bill, or account until each item of said bill, payroll or account

2. Editor's Note: This amendment was passed by referendum 11-3-2020.

is presented to them.

§ C-17. Power to raise sums of money.

The Town shall have the power to raise and borrow money by all means authorized by Florida law for the improvement and good government of the Town and for carrying out the powers and duties granted to municipal corporations by Florida law.

§ C-18. Roads and streets; obstruction.

The Town Council shall have full and complete jurisdiction, charge and control over all public or dedicated roads, ways, avenues, streets and alleys in the limits of said Town and shall have power to have obstructions removed therefrom and to restrain and regulate the use and occupation of same by any person or corporation whatsoever to the end that the comfort, safety and welfare of the public may be secured and preserved.

§ C-19. Authority of Town Council to regulate streets and roads.

The Town Council may regulate, provide for and require the opening, widening and extending and improving of streets, avenues and public places; the construction and maintenance of sidewalks and street pavements; the establishment and maintenance of in keeping in order of grass plots and parkways in front of property between the property lines or out of sidewalk lines and driveways in the center of the streets; the drainage and filling in of low places, public or private, dangerous to public health and the construction and maintenance of water mains, sewers and drains. The Town shall have and collect a lien upon any properties affected by special assessment for reasonable attorney's fees for the collection of unpaid special assessment after the collection thereof shall have been entrusted to an attorney by resolution of the Town Council.

§ C-20. Qualified electors.

All persons who shall possess the qualifications requisite to an elector at a general state election as provided by law and as prescribed for state elections, and shall be a qualified elector of the Town of such election; The Town Council, at the option of the Town Council, shall provide for holding all elections of Town officers, and for canvassing the votes and certifying the results thereof or shall provide for the County Elections official to conduct Town elections. The person receiving the highest vote shall be entitled to the office. The same form of ballot shall be used as is now provided for by law for use for elections for state officers. Any person desiring his name to be printed upon the official ballot as a candidate for any office shall file with the Town Clerk a petition signed by 20 or more qualified electors of said Town, asking that his name be placed upon the official ballot for such office. The Clerk shall set the period for qualifying.

§ C-21. Oath of office required.

All officers of said Town, before entering upon the duties of their office, shall take and subscribe to an oath to faithfully perform the duties of their office.

§ C-22. Impeachment of officers.

Any officer of said Town may be impeached by the Town Council and removed from office for

malfeasance in office by an affirmative vote of four fifths of all the members of the Town Council. Should charges be referred against any officer, charges shall be in writing, shall clearly set forth the offense or offenses of which the officer is accused. A copy of the charges signed by the President or the President pro tempore of the Town Council, attested by the Town Clerk with the Seal of the Town attached, shall be served on the officer, and the Council shall proceed without unnecessary delay to investigate the charges and decide them.

§ C-23. Powers of officers.

The officers of the Town of Callahan shall have and exercise all powers conferred by general law upon municipal officers, not consistent with the terms of this Act.

§ C-24. Town officials prohibited from contracting.

The Town Council shall not employ or contract with the Mayor or any Councilperson or with any other Town official, other than in his or her official capacity.