

AMENDED



AGENDA
TOWN OF DUNDEE, FLORIDA
CHARTER REVIEW COMMITTEE
NOVEMBER 22, 2021
5:30 P.M.
COMMISSION CHAMBERS
202 E. Main Street, Dundee, FL 33838
Phone: 863-438-8330
www.townofdundee.com

CALL TO ORDER: CHAIR JOUBERT
ROLL CALL: JENN GARCIA
DELEGATIONS-QUESTIONS & COMMENTS FROM THE FLOOR
(Each speaker shall be limited to three (3) minutes)

AGENDA

ITEM 01: APPROVAL OF 11/03/2021 AND 11/10/2021 MEETING MINUTES
ITEM 02: DISCUSSION CURRENT TOWN OF DUNDEE CHARTER PROVISIONS

NEXT MEETING: MONDAY, NOVEMBER 29, 2021 AT 5:30PM

PUBLIC NOTICE

PLEASE BE ADVISED THAT IF YOU DESIRE TO APPEAL FROM ANY DECISIONS MADE AS A RESULT OF THE ABOVE HEARING OR MEETING, YOU WILL NEED A RECORD OF THE PROCEEDINGS AND IN SOME CASES, A VERBATIM RECORD IS REQUIRED. YOU MUST MAKE YOUR OWN ARRANGEMENTS TO PRODUCE THIS RECORD. (FLORIDA STATUTE 286.0105)

IF YOU ARE A PERSON WITH DISABILITY WHO NEEDS ANY ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE TOWN CLERK'S OFFICE AT 202 EAST MAIN STREET, DUNDEE, FLORIDA 33838 OR PHONE (863) 438-8330 WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS MEETING NOTIFICATION; IF YOU ARE HEARING OR VOICE IMPAIRED, CALL 1-800-955-8771.

DUNDEE CHARTER REVIEW COMMITTEE

LOCATION: DUNDEE TOWN HALL
202 MAIN STREET, DUNDEE, FLORIDA



CHARTER REVIEW COMMITTEE MINUTES REPORT FOR NOVEMBER 3, 2021

Instruction on the Call to Order and Roll Call was provided by Assistant Town Attorney, Seth Claytor

CALL TO ORDER:

Chairman Joubert called the meeting to order at 5:12 p.m.

ROLL CALL:

Committee Members Present:

Annette Wilson
David Joubert
Jeffery Gunter (arrived at 5:20pm)

Committee Members Absent:

Alternate Robert Edwards
Alternate Janay Rodriguez.

Town Staff Members Present:

Tandra Davis, Town Manager
Seth Claytor, Assistant Town Attorney
Trevor Douthat, Customer Service Supervisor

Town Manager Davis provided Dundee's demographics and provided the growth of Dundee, which is approximately 41% growth. She further stated that Dundee's anticipated growth is expected to be over to 10,000 residents in the next seven (7) to ten (10) years.

Assistant Attorney Claytor stated that the Charter will cover all aspects of municipal government, and the Charter is a growing and evolving document.

Board Member Annette Wilson, asked for instructions on how she should ask questions as she believes there is a process. Ms. Davis informed her she could just jump right and ask her question so that it could be addressed.

Board Member Wilson asked with the Charter Review is there something written stating that review must be done after a certain amount of time or is it something that is done when it is needed due to growth. Mr. Claytor stated there was nothing in the Charter requiring Charter review within a certain timeframe.

Assistant Attorney Claytor provided a presentation to provide an orientation to Charter Review basic concepts and how it is related to Florida Sunshine Law.

Assistant Attorney Claytor requests board members to review their copies of the charter and raise any questions or concerns that they think need to be addressed. He then provided Legal Staff recommendations for improvement for charter members to review, as follows:

- Compensation and expenses for Town Commission
- Initiative Development Orders
- Street Closure

Assistant Attorney Claytor recommended setting future meeting for the following dates:

- November 10, 2021
- November 18, 2021
- November 29, 2021

Motion to approve meeting schedule for November 10th at 5:30pm, November 22nd at 5:30 and November 29th at 5:30pm made by Jeffery Gunter. Seconded by David Joubert.

Ayes: Joubert, Gunter, Wilson

Nays: None

Motion to adjourn at 5:58 p.m. submitted by David Joubert. Seconded by Jeffrey Gunter.

Ayes: Joubert, Gunter, Wilson

Nays: None

Melissa Glogowski, Exec. Admin. Asst.

DUNDEE CHARTER REVIEW COMMITTEE

LOCATION: DUNDEE TOWN HALL
202 MAIN STREET, DUNDEE, FLORIDA



CHARTER REVIEW COMMITTEE MINUTES REPORT FOR NOVEMBER 10, 2021

CALL TO ORDER:

Chairman Joubert called the meeting to order at 5:32 p.m.

ROLL CALL:

Committee Members Present:

Annette Wilson

David Joubert

Jeffery Gunter

Alternate Janay Rodriguez

Alternate Robert Edwards

Committee Members Absent:

None

Town Staff Members Present:

Tandra Davis, Town Manager

Seth Claytor, Assistant Town Attorney

Trever Douthat, Customer Service Supervisor

Assistant Attorney Claytor gave instructions for the meeting and how the process will work going forward.

Board Member Annette Wilson, on page 9 – 4.02 (c) request to change the make wording gender neutral. Per consensus of the committee, Assistant Town Attorney Claytor will perform a general search of the Charter for correct any gender specific language and make that gender natural.

Mr. Claytor provided examples of legal suggested charter revisions from the City of Lake Alfred for review. He will bring the requested changes from last week and tonight to the next meeting of the CRC on November 22, 2021.

Per request from David Joubert, Mr. Claytor reviewed Section 3.04 of the Charter for the alternative members that were absent from the November 3, 2021.

Assistant Attorney Claytor stated that he will be bringing back language and analysis for the CRC to review and, if appropriate, take action at the next meeting of the CRC on November 22, 2021. At that time, if the CRC approves the revisions for recommendation to the Town Commission, the CRC may also vote to cancel the meeting of the CRC on November 29, 2021.

Town Manager Tandra Davis brought up section 3.07 – Vacancies; Forfeiture of Office, filling of vacancies and questioned if going by the current language will it be up to the governor or the mayor to fill a vacant seat. If the Town language does not reflect the states language should 3.07 to be revised at some time. As this is not one of the sections that Mr. Claytor had previously presented to the CRC, Assistant Town Attorney Claytor stated that he will review the 2021 legislation and bring back an analysis for the CRC – consensus was provided by the CRC for same.

Motion to adjourn at 5:49 p.m. passed by consensus.

Melissa Glogowski, Exec. Admin. Asst.

PART I - CHARTER

ARTICLE I. - CREATION AND POWERS

1.01. - Creation and powers.

The Town of Dundee 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 powers for municipal purposes except where prohibited by law.

State Law reference— Municipal home rule powers, F.S. ch. 166.

1.02. - Construction.

The powers of the town shall be construed liberally in favor of the town, limited only by the Florida Constitution, statutory law and specific limitations contained therein. Future special acts pertaining to the jurisdiction and exercise of powers by the town shall be considered amendments to this Charter and, pursuant to the provisions adopted for incorporation of other Charter amendments, shall be incorporated as official amendments to the Charter.

ARTICLE II. - CORPORATE LIMITS

2.01. - Description of corporate limits.

The following area shall constitute the corporate limits of the Town of Dundee:

The southeast quarter of Section 20, and the south half of Section 21, and the southwest quarter of Section 22, the east half of Section 29, all of Section 28, the west half of Section 27, the north half of the northeast quarter of Section 32, the north quarter of Section 33, and beginning at the point where the section line dividing Sections 33 and 34 intercepts the outer boulevard running around Lakes Ada, Josephine, and Marie following the southern line of said boulevard; follow said boulevard around said lakes to where same intercepts the half section line of Section 27 at a point in the northwest quarter of said Section 27, thence north on said half section line to where the same intercepts Section 22. All in Township 28 South, Range 27 East, Polk County, Florida.

Editor's note— The boundaries of the town shall include the areas annexed by the town, which annexations are on file in the town clerk's office.

ARTICLE III. - LEGISLATIVE

3.01. - Town commission; powers and composition.

There shall be a town commission with all legislative powers of the town vested in a mayor and four (4) commissioners, who shall be voters of the town, elected by the voters of the town.

(Ord. No. 05-30, § 1, 2-22-05/4-5-05; Ord. No. 12-12, § 1, 2-14-12)

3.02. - Qualifications.

Any voter of the town shall be eligible to hold office of town commissioner. The commission 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 a member's office shall be entitled to a public hearing upon a member's written demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the town at least one week prior to such hearing.

(Ord. No. 05-30, § 1, 2-22-05/4-5-05; Ord. No. 12-12, § 1, 2-14-12)

3.03. - Election and terms.

The election and terms of all members of the town commission shall be as provided by ordinances of the town.

(Ord. No. 03-04, § 1, 6-10-03/11-4-03; Ord. No. 12-12, § 1, 2-14-12)

3.04. - Compensation and expenses.

The ~~members of the town commission~~, including the mayor, may determine the annual salary of ~~the members of the town commission~~ by ordinance. ~~Any ordinance increasing or decreasing the annual salary for the members of the town commission shall be effective on the date set forth in the ordinance.~~

(Ord. No. 05-30, § 1, 2-22-05/4-5-05; Ord. No. 12-12, § 1, 2-14-12)

3.05. - Mayor.

The mayor shall be a voter of the town elected by the voters of the town. At the first commission meeting after each regular town election, the commission shall elect one of its members as vice-mayor. The mayor shall preside at meetings of the commission and shall be considered a full member of the commission for voting, for making or seconding motions and all other purposes, and shall be recognized as head of the town 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 town official designated to represent the town in all agreements with other governmental entities or certifications to other governmental entities. The mayor shall approve the agenda for all meetings of the commission: Provided, however, that if the mayor, town manager or any commissioner desires an item to go on a specific agenda, such item shall be included on the agenda.

The mayor shall also name committees of the commission and along with at least two other town commissioner, appoint members of the town boards and committees. The mayor shall have authority to countersign checks drawn on the town; without such signature no town checks will be valid. The mayor shall have no other administrative duties except as required to carry out the responsibilities herein. The vice-mayor shall act as mayor during the absence or disability of the mayor. In case of the death, resignation, or removal of the mayor, the vice-mayor shall vacate the

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office of commissioner and serve as mayor until the next regular town election when the mayor's office shall be filled for a full term.

(Ord. No. 05-03, § 1, 2-22-05/4-5-05; Ord. No. 05-18, § 1, 1-10-06/4-4-06; Ord. No. 12-12, § 1, 2-14-12)

3.06. - Prohibitions.

- (a) *Appointments and removals.* Neither the commission nor any of its members, including the mayor, shall in any manner dictate the appointment or removal of any town administrative officers or employees whom the manager or any of the manager's subordinates are empowered to appoint; but the commission, including mayor, may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.
- (b) *Interference with administration.* Except for the purpose of inquiries and investigations, members of the commission, including the mayor, shall deal with town officers and employees who are subject to the direction and supervision of the manager solely through the manager; and neither the commission nor its members, including the mayor, 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 commission, including the mayor, from closely scrutinizing by questions and personal observations all aspects of town government operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the commission. It is the express intent of this Charter, however, that recommendations for improvement in town government operations by individual commissioners be made to and through the town manager, so that the manager may coordinate efforts of all town departments to achieve the greatest possible savings through the most efficient and sound means available.
- (c) *Holding other offices.* No former elected town official shall hold any full-time compensated appointive town office or employment until one year after the expiration of the term for which the town official was elected.

(Ord. No. 05-30, § 1, 2-22-05/4-5-05; Ord. No. 12-12, § 1, 2-14-12)

3.07. - Vacancies: Forfeiture of office, filling of vacancies.

- (a) *Vacancies.* The office of a commissioner, including mayor, shall become vacant upon death, resignation, removal from office in any manner authorized by law or forfeiture of the office, such forfeiture to be declared by the remaining members of the commission.
- (b) *Forfeiture of office.* A commissioner or mayor shall forfeit such office if such commissioner or mayor lacks at any time during the term of office any qualifications for the office prescribed by the Charter or by law. Absences from three (3) consecutive regular meetings of the commission, or absence from four (4) regular meetings during a twelve (12) month period or absence from fifty percent of all special meetings and workshops held during any six month period, shall result in vacating the position of a commissioner or mayor, unless such absence is excused by the commission by resolution setting forth the facts of such excuse.

(c) *Filling of vacancies.* A vacancy on the commission shall be filled in one of the following ways:

- (1) If there are less than six (6) months remaining in the unexpired term, or if there are less than six (6) months before the next regular town election, the commission by a majority vote shall choose a successor to serve until the newly elected Commissioner is qualified. If one year remains in the term of the vacated seat at the time of the next regular election, the seat shall be filled by election for the remaining one year.
- (2) If there are more than six (6) months remaining in the unexpired term and no regular city election is scheduled within six (6) months, the commission shall fill the vacancy on an interim basis as provided in (1) [subsection (c)(1) of this section], and shall schedule a special election to be held no 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 commission is reduced to less than a quorum, the remaining members may by majority vote appoint additional members under either (1) or (2) above [subsection (c)(1) or (2) of this section] to make a quorum. All further vacancies shall then be filled in accordance with section 3.07(c)(1) and (2) of this Charter].

(d) *Extraordinary vacancies.* In the event that all members of the commission are removed by death, disability, law or forfeiture of the office, the Town Attorney or the Town Clerk, if the Town Attorney is unavailable, shall file a petition with the Circuit Court in and for Polk County, Florida asking the Circuit Judge to appoint an Interim Commission and an Interim Mayor who shall be the presiding officer, from applications of qualified voters submitting applications within the time set by the Court. Such Interim Commission shall call a special election as provided in [subsection (c) of this section]; and such special election shall be held in the same manner as provided in [subsection (c) of section].

(Ord. No. 05-14, § 1, 2-22-05/4-5-05; Ord. No. 05-30, § 1, 2-22-05/4-5-05; Ord. No. 12-12, § 1, 2-14-12)

3.08. - Procedure.

- (a) *Meetings.* The commission shall meet regularly at least once in every month at such times and places as the commission may prescribe. Special meetings may be held on the call of the mayor, any two (2) Commissioners or the town manager, and, whenever practicable, upon no less than twelve (12) hours' notice to each member and the public.
- (b) *Rules.* The rules in effect at the start of each commission meeting following a regular Town election shall continue until amended. The mayor may, with the approval of commission, propose changes in the rules, designating a specific edition of Robert's Rules of Order, or other rules, to govern the procedure of commission meetings. The mayor shall determine the order of business for each meeting.
- (c) *Voting.* Voting, on ordinances and resolutions, shall be by roll call and shall be recorded in the journal. A majority of the commission, including the mayor, shall constitute a quorum; but a lesser 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 commission.

No action of the commission, except as otherwise provided in the preceding sentence and in section 3.07 hereof, shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present.

(Ord. No. 05-24, § 1, 2-22-05/4-5-05; Ord. No. 05-30, § 1, 2-22-05/4-5-05; Ord. No. 12-12, § 1, 2-14-12)

State Law reference— Open meetings law, F.S. § 286.011 et seq.

3.09. - Initiative and referendum.

(1)(a) *Initiative*. The qualified voters of the town shall have power to propose ordinances to the commission and, if the commission fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a town election, provided that such power shall not extend to the budget or capital program, to any ordinance relating to appropriation of money, levy of taxes or salaries of town officers or employees, or to any subject matter where initiative and referendum are prohibited by general law.

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(b) *Referendum*. The qualified voters of the town shall have power to require reconsideration by the commission of any adopted ordinance and, if the commission fails to repeal an ordinance so reconsidered, to approve or reject it at a town 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 town officers or employees.

(2) *Commencement of proceedings*. Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the custodian of town records 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.

Within two working days after the affidavit of the petitioners' committee is filed, the custodian of town records may, at the committee's request, issue the appropriate petition blanks to the petitioners' committee at the committee's expense.

(3) *Petitions*.

(a) *Number of signatures*. Initiative and referendum petitions must be signed by qualified voters of the town equal in number to at least twenty-five (25) percent of the total number of qualified voters registered to vote at the last regular town election.

(b) *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.

(c) *Affidavit of circulator*. Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that the circulator personally circulated

the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator 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.

- (d) *Time for filing referendum petitions.* Referendum petitions must be filed within thirty (30) days after adoption by the commission of the ordinance sought to be reconsidered.

(4) *Procedure for filing.*

- (a) *Certificate of official amendment.* Within twenty (20) days after the initiative petition is filed and five (5) days for a referendum petition, the custodian of town records 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 petitioners' committee by certified mail. Grounds for insufficiency are only those specified in subsection (3) of section 3.09 hereof. 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 custodian of town records within two (2) 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 (b) and (c) of subsection 3) hereof; and within five (5) days after it is filed, the custodian of town records 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 as in the case of an original petition. If a petition or amended petition is certified as being sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request the commission's review under subsection (b) of this section within the time required, the custodian of town records shall promptly present such certificate to the commission; and the certificate shall then be a final determination as to the sufficiency of the petition.

- (b) *Commission 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 commission. The commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the commission's determination shall then be a final determination as to the sufficiency of the petition.

- (5) *Referendum petitions: Suspension of effect of ordinances.* When a referendum petition is filed with the custodian of town records, the ordinance sought to be recognized 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 petition, or
- (3) The commission repeals the ordinance, or
- (4) After a vote of the town on the ordinance has been certified.

(6) *Action on petitions.*

- (a) *Action by commission.* When an initiative or referendum petition has been finally determined sufficient, the commission 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 commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days, it shall submit the proposed or referred ordinance to the voters of the town.
- (b) *Submission to voters.* The vote of the town voters on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than sixty (60) days from the date that the petition was determined sufficient. If no regular town election is to be held within the period described in this subsection, the commission 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.
- (c) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the town by filing with the custodian of town records a request for withdrawal. Upon the filing of such request the petition shall have no further force or effect, and all proceedings thereon shall be terminated.

(7) *Results of election.*

- (a) *Initiative.* If a majority of the qualified voters voting on a proposed initiative ordinance vote 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 commission. 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.
- (b) *Referendum.* If a majority of the qualified voters voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

(Ord. No. 05-25, § 1, 2-22-05/4-5-05; Ord. No. 05-30, § 1, 2-22-05/4-5-05; Ord. No. 12-12, § 1, 2-14-12)

3.10. - Referendum required before closing certain streets.

~~The town commission may close or vacate any~~ boulevard or street, or portion of a boulevard or street, around any lake ~~within the corporate limits of the Town of Dundee by ordinance.~~

(Ord. No. 88-11, § 1, 9-13-88/11-8-88; Ord. No. 05-30, § 1, 2-22-05/4-5-05; Ord. No. 12-12, § 1, 2-14-12)

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3.11. - Town attorney.

There shall be a town attorney, appointed by the commission, after reviewing the recommendation of the town manager. The town attorney shall serve as legal advisor to the town commission and the town manager and shall perform any other duties prescribed by this Charter or as provided by ordinance and/or as directed by the town commission and/or town manager.

(Ord. No. 05-20, § 1, 2-22-05/4-5-05; Ord. No. 12-12, § 1, 2-14-12)

ARTICLE IV. - ADMINISTRATIVE

State Law reference— Code of ethics, F.S. § 112.311 et seq.; public records act, F.S. ch. 119.

4.01. - Town manager.

There shall be a town manager, who shall be the chief administrative officer of the town. The manager shall be responsible to the commission for the administration of all the affairs of the town placed in the manager's charge by or under this Charter.

(Ord. No. 05-30, § 1, 2-22-05/4-5-05; Ord. No. 12-12, § 1, 2-14-12)

4.02. - Appointment; removal; compensation.

- (a) *Appointment.* The commission shall appoint a town manager for an indefinite term by a majority vote of all the commissioners.
- (b) *Removal.* The commission may remove a manager in accordance with the following procedures:
 - (1) The 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 manager from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered promptly to the manager.
 - (2) Within five (5) days after a copy of the resolution is delivered to the manager, the manager may file with the commission a written request for a public hearing. This hearing shall be held at a commission meeting not earlier than fifteen (15) days nor more than thirty (30) days after the request is filed. The manager may file with the commission a written reply not later than five (5) days before the hearing.
 - (3) The commission, including the mayor, 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 five (5) days from the date when a copy of the preliminary resolution was delivered to the manager, if the manager has not requested a public hearing, or at any time after the public hearing if the manager has requested one.

The manager shall continue to receive the manager's salary until the effective date of a final resolution of removal.

- (c) *Compensation.* The compensation of the manager shall be fixed by the commission and shall not be reduced during the town manager's tenure.

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(Ord. No. 05-30, § 1, 2-22-05/4-5-05; Ord. No. 12-12, § 1, 2-14-12)

Sec. 4.03. - Acting town manager; interim town manager.

- (a) By letter filed with the commission, the manager shall designate, a qualified town administrative officer to exercise the powers and perform the duties of manager during the temporary absence or disability of the manager. During such absence or disability, the commission may revoke such designation at any time and appoint another officer of the town to serve until the manager shall return or the manager's disability shall cease.
- (b) Whenever the office of town manager shall become vacant, the commission may appoint a qualified administrative officer or other person to serve as interim town manager, with compensation to be determined by the commission, until the position is filled.

(Ord. No. 05-30, § 1, 2-22-05/4-5-05; Ord. No. 05-15, § 1, 9-13-05/4-4-06; Ord. No. 12-12, § 1, 2-14-12)

4.04. - Powers and duties of the town manager.

The town manager shall:

- (a) Appoint, and when the town manager deems it necessary for the good of the town, suspend or remove all town employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. The town manager may authorize any administrative officer who is subject to the town manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
- (b) Direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this Charter or by law.
- (c) Attend all commission meetings and shall have the right to take part in discussion but may not vote.
- (d) See that all laws, provisions of this Charter and acts of the commission, subject to enforcement by the town manager or by officers subject to the town manager's direction and supervision, are faithfully executed.
- (e) Prepare and submit the annual budget, budget message and capital program to the commission in a form provided by ordinance.
- (f) Submit to the commission and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year.
- (g) Make such other reports as the commission may require concerning the operations of town departments, offices and agencies subject to the town manager's direction and supervision.
- (h) Keep the commission fully advised as to the financial condition and future needs of the town and make such recommendations to the commission concerning the affairs of the town as the town manager deems desirable.

- (i) Perform such other duties as are specified in this Charter or may be required by the commission.
- (j) The manager, or the manager's designee shall sign all checks drawn on town accounts as such signature authority is authorized by resolution of the town commission; without such signature, no town checks shall be valid. This is subject to the countersignature of the mayor.

(Ord. No. 05-16, § 1, 2-22-05/4-5-05; Ord. No. 05-30, § 1, 2-22-05/4-5-05; Ord. No. 12-12, § 1, 2-14-12)

4.05. - Supervision of departments.

Except as otherwise provided in this Charter or by general law, the town manager will be responsible for the supervision and direction of all departments, agencies or offices of the town. All departments, offices and agencies under the direction and supervision of the manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. With the consent of the commission, the manager may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of two (2) or more of them. Additional compensation for such responsibility shall not be provided unless approved by the town commission.

(Ord. No. 05-17, § 1, 10-11-05/4-4-06; Ord. No. 12-12, § 1, 2-14-12)

4.06. - Personnel system.

All appointments and promotions of town officials and employees, except those specifically exempted by ordinance, shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence; and to this end, the commission shall, by ordinance, establish personnel procedures and rules.

(Ord. No. 12-12, § 1, 2-14-12)

4.07. - Administrative code.

The manager shall develop and keep current an administrative code for the purpose of implementing ordinances passed by the commission.

(Ord. No. 12-12, § 1, 2-14-12)

ARTICLE V. - QUALIFICATIONS AND ELECTIONS

State Law reference— Florida election code, F.S. ch. 97 et seq.

5.01. - Nonpartisan elections.

All qualifications and elections for the office of town commissioner or 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.

5.02. - Qualifications.

Candidates for the office of town commissioner or 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.

(Ord. No. 05-30, § 1, 2-22-05/4-5-05; Ord. No. 12-12, § 1, 2-14-12)

5.03. - Form of ballots.

The commission by ordinance shall prescribe the form of the ballot including the method for listing candidates for town commissioner and mayor elections and any other town election. A Charter amendment to be voted on by the town 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 the placing of the symbol "X" to indicate the voter's choice or with a lever opposite "for approval" or "against approval" if voting machines are used or as may be prescribed by Florida Law.

The mayor and Commissioners are elected by the Town voters at large. Commission seats shall be identified by number, one through four. The notice of candidacy for a Commission seat shall clearly identify by number the seat applied for, and no candidate shall file for more than one commission seat at any election.

(Ord. No. 05-12, § 1, 2-22-05/4-5-05; Ord. No. 12-12, § 1, 2-14-12)

5.04. - Runoff elections.

Town ordinances shall set forth the procedures for holding elections where a candidate for mayor or town commission member receives the same number of the votes cast at such election.

(Ord. No. 90-8, § 1, 8-28-90/11-6-90; Ord. No. 03-05, § 1, 6-10-03/11-4-03; Ord. No. 12-12, § 1, 2-14-12; Ord. No. 14-12, § 1, 8-12-14)

Cross reference— Primary and runoff elections, Ch. 18, Art. II et seq.

5.05. - Recall.

The qualified voters of the town shall have the power to recall and to remove from office any elected official of the town as provided by general law.

State Law reference— Recall, F.S. § 100.361.

5.06. - Voters.

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

(Ord. No. 05-19, § 1, 2-22-05/4-5-05)

ARTICLE VI. - TRANSITION SCHEDULE

6.01. - Continuation of former Charter provisions.

All provisions of Laws of Fla. ch. 11468(1925) as subsequently amended by special law or otherwise which are not embraced herein and which are not inconsistent with this Charter, shall become ordinances of the town subject to modification or repeal in the same manner as other ordinances of the town.

6.02. - 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.

6.03. - 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 town 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 sworn in.

(Ord. No. 05-29, § 1, 2-22-05/4-5-05)

6.04. - Schedule.

After the adoption and effective date of this Charter, the members of the town commission elected under the former Charter shall prepare and adopt by resolution temporary regulations applicable only to the first election and designed to insure its proper conduct. At the 1978 election, a mayor and two (2) commissioners for seats 2 and 4 shall be elected for terms of two (2) years. Thereafter, all commissioners' seats shall be held for terms of two (2) years. The terms of the first commissioners and mayor elected under this Charter shall begin at the first regularly scheduled meeting in December of 1978.

(Ord. No. 05-30, § 1, 2-22-05/4-5-05; Ord. No. 12-12, § 1, 2-14-12)

CHARTER COMPARATIVE TABLE

This table shows the location of the sections of the basic Charter and any amendments thereto.

Ordinance Number	Adoption Date	Election Date	Section	Section this Charter
77-6	11- 1-77		1.01—6.04	1.01—6.04
88-11	9-13-88	11- 8-88	1	3.10
90-8	8-28-90	11- 6-90	1	5.04
03-04	6-10-03	11- 4-03	1	3.03
03-05	6-10-03	11- 4-03	1	5.04
05-12	2-22-05	4- 5-05	1	5.03
05-14	2-22-05	4- 5-05	1	3.07
05-16	2-22-05	4- 5-05	1 Added	4.04(j)
05-19	2-22-05	4- 5-05	1 Added	5.06
05-20	2-22-05	4- 5-05	1 Added	3.11
05-24	2-22-05	4- 5-05	1	3.08(b)
05-25	2-22-05	4- 5-05	1	3.09(2)
				3.09(4)(a)
05-29	2-22-05	4- 5-05	1	6.03
05-30	2-22-05	4- 5-05	1	3.01
				3.02
				3.04—3.06
				3.07(a), (b), (c)(1)
				3.08—3.10

				4.01—4.04
				5.02
				6.04
05-15	9-13-05	4- 4-06	1	4.03
05-17	10-11-05	4- 4-06	1	4.05
05-18	1-10-06	4- 4-06	1	3.05
12-12	2-14-12	4- 3-12	1	3.01—3.11,
				4.01—4.06,
				5.01—5.04,
				6.04
14-12	8-12-14		1	5.04

