

ORDINANCE 98-32

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, CALLING A SPECIAL REFERENDUM OF THE QUALIFIED ELECTORS OF THE TOWN FOR THE PURPOSE OF DETERMINING WHETHER OR NOT A NEW CHARTER SHALL BE ADOPTED, INCLUDING AN OPTION TO RETAIN THE NEW PROVISION FOR SPECIAL MASTERS TO HANDLE CERTAIN ETHICS ISSUES, INCLUDING AN OPTION TO RETAIN THE NEW PROVISION FOR TERM LIMITS FOR TOWN COMMISSIONERS, AND INCLUDING AN OPTION TO RETAIN THE NEW PROVISION FOR ANNUAL COMPENSATION FOR TOWN COMMISSIONERS, ALL AS ARE MORE PARTICULARLY DESCRIBED IN THE CHARTER TEXT SET FORTH HEREIN; SETTING FORTH THE PROPOSED NEW CHARTER LANGUAGE; STATING THE REFERENDUM QUESTIONS; SCHEDULING THE REFERENDUM FOR MARCH 9, 1999, SHOULD SARASOTA COUNTY HOLD A COUNTY-WIDE ELECTION ON THAT DATE, ALONG WITH THE LONGBOAT KEY GENERAL MUNICIPAL ELECTION, OR ON MARCH 17, 1999, SHOULD SARASOTA COUNTY DETERMINE NO COUNTY-WIDE ELECTION WILL TAKE PLACE ON MARCH 9, 1999; STATING THE EFFECTIVE DATE FOR THE NEW CHARTER; PROVIDING FOR THE READING OF THIS ORDINANCE BY TITLE ONLY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the existing Charter of the Town of Longboat Key was adopted by referendum held on March 20, 1975, and was further amended thereafter on September 21, 1989 and March 17, 1998, hereinafter referred to as the 1975 Charter; and

WHEREAS, the Town Commission appointed a Charter Review Committee to review the 1975 Charter and make recommendations concerning changes to that document; and

WHEREAS, the Town Commission has received a revised Charter from the Charter Review Committee and has reviewed and proposed the amendments; and

WHEREAS, the Town Commission has determined that the qualified electors of the Town shall be given an opportunity to approve a revised Charter,

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(ORD. 98-32, D2, CONT.)

hereinafter referred to as the 1999 Charter; and

WHEREAS, the Town Commission has further determined, as part of the referendum approval process, that should the proposed 1999 Charter be approved, the electors shall be given choices as to retaining the new provision for Special Masters to handle certain ethics issues instead of an Ethics Commission, retaining the new provision of term limits for Town Commissioners, and retaining the new provision of \$2000 annual compensation for Town Commissioners.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

Section 1. The proposed 1999 Charter shall be submitted to a vote of the qualified electors of the Town for approval.

Section 2. The referendum shall be held on either March 9, 1999, along with the anticipated Sarasota County county-wide election on that date, or on March 17, 1999, should Sarasota County, subsequent to adoption of this Ordinance, determine no county-wide election will take place on March 9, 1999,.

Section 3. The four (4) ballot questions shall allow for a choice, by the qualified electors of the Town, to retain the 1975 Charter or to adopt the proposed 1999 Charter. In the event that the proposed 1999 Charter is adopted, all electors shall have the opportunity to further determine whether to retain the new provision for certain ethics issues to be handled by Special Masters instead of an Ethics Commission, whether to retain the new provision of term limits for Town Commissioners, and whether to retain the new provision of \$2000 annual compensation for Town Commissioners.

Section 4. The provisions of the proposed 1999 Charter are attached hereto, marked as Exhibit "A", and by reference is made a part hereof. Additionally, the alternatives to the proposed 1999 Charter regarding the handling of certain ethics issues (Exhibit "B"), term limits for Town Commissioners (Exhibit "C"), and annual compensation for Town Commissioners (Exhibit "D"), are attached hereto and by reference are made a part hereof. Copies of the 1975 Charter, the proposed 1999 Charter, and the Charter language changes necessary to be approved by the qualified electors of the Town for any subsequent amendments regarding handling ethics issues, term limits for Town Commissioners, and \$2000 annual compensation to Town Commissioners, shall be available for inspection or copying at the Office of the Town Clerk.

Section 5. The questions pertaining to the proposed 1999 Charter shall be submitted to the qualified electors of the Town in substantially the following form, which shall be printed on the ballot:

(ORD. 98-32, D2, CONT.)

Shall the proposed 1999 Charter of the Town of Longboat Key, if adopted, retain the provision for the appointment of a minimum of three independent Special Masters to handle certain Ethics issues, rather than an Ethics Commission appointed by the Town Commission composed of citizens of the Town?

For _____

Against _____

Shall the proposed 1999 Charter of the Town of Longboat Key, if adopted, retain the provision for a limit of three terms for Town Commissioners with an intervening 2-year period out of office before serving again?

For _____

Against _____

Shall the proposed 1999 Charter of the Town of Longboat Key, if adopted, retain the provision for \$2000 annual compensation for Town Commissioners?

For _____

Against _____

Shall the proposed 1999 Charter of the Town of Longboat Key be adopted?

For _____

Against _____

(ORD. 98-32, D2, CONT.)

Section 6. If a majority of the qualified electors of the Town of Longboat Key actually voting on the referendum questions shall vote for adoption of the proposed 1999 Charter, and as may be amended by the approval of any of the additional questions posed, the 1999 Charter shall become effective at 12:01 a.m. on the day following the date of the Town Commission's canvass of the referendum results on the next day after the referendum, and when filed with the Office of the Department of State of the State of Florida. If a majority of the qualified electors of the Town of Longboat Key actually voting on such questions at the referendum shall vote against the adoption of the proposed 1999 Charter, then it shall not be effective or operative, and the same shall be void and of no effect, and the present Charter of the Town of Longboat Key shall remain in full force and effect.

Section 7. The laws and ordinances in effect in the Town of Longboat Key at the time of this referendum governing election procedures, including the laws and ordinances governing the voting and counting of absentee ballots, shall apply to and govern the referendum provided for herein and all matters pertaining thereto, except as otherwise provided for in this Charter.

Section 8. This Ordinance shall take effect upon second reading and adoption, except that the proposed 1999 Charter, and policies for handling ethics issues, term limits for Town Commissioners, and compensation for Town Commissioners, if approved during the referendum process, shall become effective as specifically provided for in Section 6 above.

PASSED on first reading and public hearing this 7TH day of

DECEMBER, 1998.

ADOPTED on second reading and public hearing this 17TH day of

DECEMBER, 1998.


MAYOR

ATTEST:


TOWN CLERK

Attachments: Exhibits "A", "B", "C", "D"

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EXHIBIT "A"Redlined to show changes: ~~Deletions~~
Additions

November 20, 1998

LONGBOAT KEY CHARTERTOWN OF LONGBOAT KEY - CHARTEREditor's note:

On March 20, 1975, the town's voters approved Ord. 75-2, adopted by the Town Commission on February 19, 1975, which adopted a new Charter as herein set out. The town's previous Charter was derived from Special Acts 1957, Ch. 1540, and special Acts, Chs. 59-1511, 59-1512, 61-2422, 65-1862, and 69-1265. On November 7, 1989, the town's voters approved ordinance 89-15 adopted by the Town Commission on September 21, 1989, which adopted fourteen Charter amendments as herein set out. On March 17, 1998, the town's voters approved Ordinance 97-28 adopted by the Town Commission on January 5, 1998, which adopted two Charter amendments as herein set out.

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LONGBOAT KEY CHARTER

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- ~~1. Referendum requirements and procedures~~

Article I. Boundaries, Powers and Form of Government

Sec. 1. Purpose.

We, the people of the Town of Longboat Key, desiring to avail ourselves of the right to establish a home rule charter form of government do, in accordance with the Constitution and the Laws of the State of Florida, ordain and establish this Charter and form of government for the Town of Longboat Key, Florida. ~~(Ord. 75-2, passed 2-19-75)~~

Sec. 2. Body corporate and politic.

The inhabitants of the Town of Longboat Key, Florida, as its ~~limits are hereinafter set forth, as its boundaries are established pursuant to Article I, Section 3,~~ shall be and continue to be a body politic and corporate to be known and designated as the "Town of Longboat Key," and as such shall have perpetual succession. ~~(Ord. 75-2, passed 2-19-75)~~ The use of any word importing male gender within this charter shall extend and be applied to both male and female.

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Sec. 3. Boundaries.

~~The corporate limits of the Town of Longboat Key in Sarasota and Manatee Counties, Florida are hereby fixed, defined, established and particularly described as:~~

~~Begin at Meander Corner No. B lying on the line between Section 15 and Section 22, as shown on the official Government Township Plat of Township 35 south, Range 16 East. Said meander corner lies 45 feet east of the center line of Gulf of Mexico approximately 145 feet east of the center line of Gulf of Mexico Drive (State Road 789).~~

~~(a) Thence run north 10°30' east a distance of 7,560 feet for a point of beginning. Thence south 49°30' east 12,300 feet~~

~~(b) Thence south 49°30' east 12,300 feet.~~

~~(c) Thence south 35° east, 39,660 feet to the westerly line of the city limits of the City of Sarasota, Florida.~~

~~(d) Thence south along the city limits of the City of Sarasota, Florida, 1,660 feet.~~

~~(e) Thence south 41° west through New Pass and crossing the center line of New Pass Bridge 325 feet north of the center of the draw span, 7,860 feet into the Gulf of Mexico.~~

~~(f) Thence north 35° west, 40,320 feet.~~

~~(g) Thence north 49°30' west, 15,330 feet to a point in the mouth of Longboat Pass.~~

~~(h) Thence north 69°44' east, 5,300 feet~~

~~(i) Thence north 40°30' east, 4,470 feet to the point of beginning.~~

~~All lying and being in Manatee and Sarasota Counties, Florida, and containing 10,848 acres.~~

~~All of the foregoing bearings are referred to true north, and adjustments necessary to satisfy Calls (a) to (e) must be made by equal linear adjustments to Calls (e) to (f).
 (Ord. 75-2, passed 2-19-75)~~

The corporate boundaries of the Town shall be established by ordinance and shall remain fixed as existing on the date this Charter takes effect. The Town shall have the power to change its boundaries in the manner prescribed by law.

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~~LONGBOAT KEY CHARTER~~TOWN OF LONGBOAT KEY - CHARTERSec. 4. Form of government

The form of government ~~of the Town of Longboat Key~~ established under this Charter shall be a "commission-manager" form as herein defined. The commission shall consist of seven (7) electors to be nominated and elected as hereinafter provided. The Commission shall constitute the governing body of the town, with the duties and responsibilities hereinafter provided, and shall appoint a chief administrative officer to be known as "town manager" to exercise all the powers, perform the duties and assume the responsibilities hereinafter provided.

~~(Ord. 75-2, passed 2-19-75)~~

Sec. 5. Powers of municipality

In accordance with the Constitution ~~of the State of Florida~~ and the Statutes of the State of Florida, the Town of Longboat Key shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services; and it may exercise any of its powers for municipal purposes, except when expressly prohibited by law, provided:

~~(a) The town shall not lease to others any recreational facilities of the town for a period of more than ten (10) years; and~~

~~(b) The town shall not grant any franchise for utilities, transportation or other services for a period of more than thirty (30) years; and~~

~~(c)~~ (a) The town shall not sell any real property owned by the town unless the town commission first determines that such real property may not be needed for current or future municipal use, and not less than ~~seven (7)~~ thirty (30) days prior to sale thereof, causes a notice to be published in a newspaper of general circulation within the town giving notice of such ~~its~~ intention to sell.

~~(Ord. 75-2, passed 2-19-75)~~

(b) No revenue bonds as defined by State law shall be issued by the Town or any public entity controlled by the Town without approval at a referendum held in the manner prescribed by law. The Town Commission may waive the requirement for a referendum for said revenue bonds if it determines, in its sole discretion, that there exists an emergency such that it is in the best interest of the Town to issue the bonds without referendum.

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(c) Notwithstanding the above, a referendum shall not be required for refinancing existing bonds

Sec. 6. Powers of town commission.

(a) All powers of the Town of Longboat Key except those vested in the town manager, town clerk, and town attorney, ~~except~~ or as otherwise provided in this Charter, are vested in the town commission. The town commission may prescribe by ordinance or resolution the manner in which such powers are exercised. The town commission shall have power to pass all ordinances and laws not inconsistent with the Constitution and the Laws of the United States and the State of Florida as in its judgment may be necessary and proper for the government and preservation of peace and order within the town.

(b) The town commission shall have the power to ~~prescribe such fines, penalties and forfeitures as it determines to be required to provide for the enforcement of ordinances of the town; provided, no such fine shall be more than five hundred dollars (\$500.00) and no such imprisonment shall be for a period longer than sixty (60) days, or both such fine and imprisonment. (Ord. 75-2, passed 2-19-75; Am. Ord. 75-4, passed 3-19-75; Am. Ord. 89-12, passed 9-12-89)~~ impose by ordinance such fines, penalties and forfeitures as it deems necessary for the enforcement of ordinances of the town.

Sec. 7. Amended Charter; references.

(a) This Charter constitutes the amended Charter of the Town of Longboat Key and is adopted pursuant to Florida Statutes, Section 166.031, ~~as amended by Laws of Florida, chapter 73-129.~~

(b) References to "Charter" ~~or "amended Charter"~~ throughout refer to this amended Charter; references to "town" refer to the Town of Longboat Key; references to "commission" refer to the town commission; and references to "manager" refer to the town manager. ~~(Ord. 75-2, passed 2-19-75)~~

Sec. 8. Ethics in government.

A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse. To assure this right, the town commission shall provide by ordinance a town ethics code establishing standards of conduct for town officers, employees, candidates and advisory board members, including without limitation elected town commissioners, and requiring disclosure of financial or other interests and voting conflicts, and providing procedures for such disclosures.

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~~To further assure this right, the town commission shall create by ordinance a town ethics commission to conduct investigations and make public reports on all complaints concerning breach of public trust by town officers and employees. Said ordinance shall provide for the duties and powers of the town ethics commission, and for its membership, which may consist of the town commission, and further provide for the enforcement of ethical standards, procedures for processing complaints of violation, and penalties. When the town ethics commission determines that a violation has been committed, it shall have the power to take disciplinary action. Violation of any penalty involved, shall constitute grounds for, and may be punished by one or more of the following:~~

~~_____ (a) In the case of an elected town officer:~~

- ~~_____ 1. Public censure and reprimand.~~
- ~~_____ 2. Forfeiture of no more than one third salary per month for no more than 12 months.~~
- ~~_____ 3. Restitution of any pecuniary benefits received because of the violation committed.~~

~~_____ (b) In the case of non-elected town officer or employee:~~

- ~~_____ 1. Dismissal from employment.~~
- ~~_____ 2. Suspension from employment for not more than 90 days without pay.~~
- ~~_____ 3. Demotion.~~
- ~~_____ 4. Reduction in salary level.~~
- ~~_____ 5. Forfeiture of no more than one third salary per month for no more than 12 months.~~
- ~~_____ 6. Restitution of any pecuniary benefits received because of the violation committed.~~
- ~~_____ 7. Public censure and reprimand.~~

To further assure this right, the Town Commission shall appoint a minimum of three (3) independent Special Masters. When a complaint alleging a breach of public trust is filed with the Town Clerk concerning a candidate for Town Commission or an elected Town Commissioner, or any member of an advisory board, an independent Special Master shall be chosen by lot from the list

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maintained by the Town to conduct investigations and make public reports. The Special Masters shall be selected based upon their qualifications, which shall include at a minimum being members of the Florida Bar and neither living nor conducting substantial business within the Town of Longboat Key.

The Town Commission shall create by ordinance duties and powers of the Special Masters and provide for enforcement of all ethical standards, procedures for processing complaints of violations and penalties. When the Special Master has determined that an ethical violation has been committed, he shall have the power to take disciplinary action, including public censure and reprimand, forfeiture of salary, restitution of any pecuniary benefits received because of the violation committed, removal from office, or recommendation to the State of Florida that the individual be removed from public office. Any person aggrieved by a decision of a Special Master shall apply to the circuit court for judicial relief within thirty (30) days after rendition of the decision.

The Town Manager shall insure that all employees abide by the established standards of conduct for employees, as set forth by the Town, and shall have the power to reprimand, punish, demote, dismiss or take other disciplinary action concerning employees who breach ethical standards. The Town Commission shall select a Special Master to review all complaints alleging ethical misconduct regarding either the Town Manager or the Town Attorney and the Special Master shall make findings of fact as to whether the misconduct occurred and shall forward said findings to the Town Commission for further action.

Any member of the town commission or an appointed board who is convicted of a felony, or for any misdemeanor arising directly out of his conduct of duties, shall forfeit his office.

The town code of ethics may have additional or different types of provisions than those of the state law, and may be stricter or more relaxed in its terms, provided however, that the provisions of the town ethics code shall not be inconsistent with state law, and all town officers and employees shall continue to be governed by the ethical standards provided therein.
 {Ord. 89-15, passed 9-21-99}

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Article II. Town Commission

Sec. 1. Commission districts.

There are hereby created five (5) commission districts in the Town of Longboat Key as presently established by ordinance of the town. All district boundaries shall run as nearly as possible along lot lines or street lines and as nearly as possible in an east-west direction. All districts shall have substantially an equal number of electors registered therein.

The town commission shall, by ordinance, redistrict the town within six (6) months after the general election held in March if the number of registered electors in any district exceeds by ~~thirty percent (30%)~~ twenty percent (20%) the number of registered electors in any other district in order that all districts may have substantially an equal number of electors registered therein; provided that final action in any redistricting ordinance shall be completed by the commission at least sixty (60) days prior to any special, preliminary or general election. A district boundary shall not run through a residential structure, and all residential structures shall lie wholly within one district or another.

~~{Ord. 75-2, passed 2-19-75; Am. Ord. 89-13, passed 9-21-89}~~

Sec. 2. Creation of commission; residency requirements, election and terms of office of commissioners

~~(a) There is hereby created a town commission to consist of seven (7) electors of the Town of Longboat Key, one (1) elected from each of the five (5) commission districts and two (2) elected at large. One (1) of such commissioners shall reside in and be nominated from District Number One; one (1) of such commissioners shall reside in and be nominated from District Number Two; one (1) of such commissioners shall reside in and be nominated from District Number Three; one (1) of such commissioners shall reside in and be nominated from District Number Four; one (1) of such commissioners shall reside in and be nominated from District Number Five; and two (2) of whom may reside in any district and shall be nominated by any qualified electors. Such commissioners shall be elected by the qualified electors residing in all five (5) districts at a general election and shall hold office for two (2) years beginning on the day after their election as provided herein. One (1) commissioner at large and commissioners from odd-numbered districts shall be elected in even-numbered years, and one (1) commissioner at large and commissioners from even-numbered districts shall be elected in odd-numbered years.~~

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(a) The town commission shall consist of seven (7) electors of the Town. Two (2) commissioners shall be elected at large. The remaining five (5) Commissioners shall reside in and be nominated from each of the five districts of the Town as set forth in Section 1. Commissioners shall be elected by the qualified electors residing in all five districts at a general election and shall hold office for two years beginning on the day after their election as provided herein. Beginning with electors elected as town commissioners in the general election of 1999, no elector shall serve more than three (3) consecutive terms as town commissioner without an interval of one complete term out of office. One (1) commissioner-at-large and commissioners from odd-numbered districts shall be elected in even-numbered years, and one (1) commissioner-at-large and commissioners from even-numbered districts shall be elected in odd-numbered years.

(b) Any commissioner, except those elected at large, who changes his permanent residence to an area outside the district from which elected shall be deemed to have vacated his office and position on the town commission. (Ord. 75-2, passed 2-19-75; Am. Ord. 89-13, passed 9-21-89) Any Commissioner who is redistricted during the course of his term by ordinance as required by Section 1 of this Article, shall continue to hold office for that district until the expiration of his term.

Sec. 3. Nominations; character of service.

The town commission shall provide by ordinance for procedures for nominations for the office of town commissioner, provided all nominations and elections shall be conducted on a nonpartisan basis without regard for a designation of the political party affiliation of any nominee on any nominating petition or ballot. All members of the town commission shall serve without compensation but shall be reimbursed for expenses incurred in connection with official duties. (Ord. 75-2, passed 2-19-75) associated with their office in the amount of \$2,000.00 per year payable quarterly. Town Commissioners shall not be entitled to any other benefits of the Town of Longboat Key arising out of their office except that Commissioners shall be reimbursed their actual and necessary expenses incurred in performance of their duties of office for all matters outside the territorial limits of the counties of Sarasota and Manatee.

Sec. 4. Holdover commissioners.

Persons serving in the office of town commissioner at the time when this Charter becomes effective shall continue to serve until

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~~the expiration of their respective terms.~~
~~(Ord. 75-2, passed 2-19-75)~~

Sec. 5- 4. Elections generally

When there are more than two (2) qualified candidates for an elective office on the town commission, there shall be a preliminary and general election. The preliminary election shall be held on the first Tuesday of February and the general election shall be held on the third Tuesday of March, or, when practicable, in conjunction with any County election held in March by the coordinating County, Sarasota or Manatee County. The names of the two (2) candidates who receive the first and second highest number of votes cast for a particular office in the preliminary election shall be placed on the ballot for that office at the general election. If no more than two (2) electors qualify as candidates for nomination for each office to be voted upon, then no preliminary election need be held; and such qualified candidates shall be nominees at the next following general election.

~~(Ord. 75-2, passed 2-19-75; Am. Ord. 89-13, passed 9-21-89)~~

Sec. 6- 5. Conduct of elections.

The town commission shall, by ordinance, prescribe the method and manner of holding all elections in said town and shall provide when and how special elections shall be called and held, which are not provided for by the tetras of this Charter. All elections shall be conducted substantially in accordance with the laws governing state elections insofar as there is no conflict with the terms of the Charter.

~~(Ord. 75-2, passed 2-19-75)~~

Sec. 7- 6. Hours polls to be open; canvass of returns; certification of election.

The polls shall be open at the voting places from 7:00 a.m. to 7:00 p.m., or as otherwise provided by law, on the same day, and the time shall be regulated by the customary time in standard use in the Town of Longboat Key on the date of the particular election. The result of the voting, when ascertained, shall be certified by the Supervisor of Elections or his deputy and delivered to the Town Clerk who shall transmit the returns to the town commission at a meeting to be held at 8:00 7:00 PM on the day following the election. At such meeting, the town commission shall canvass the returns and the result as shown by such returns shall be declared by the commission to be the result of the election. The town clerk shall thereupon furnish a certificate of election to each person shown to have been elected, and each such person shall take office

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at that meeting. ~~(Ord. 75-2, passed 2-19-75, Am. Ord. 86-1, passed 1-6-96)~~

Sec. 8- 7. Judge of qualifications.

The town commission shall be the judge of the election and qualification of its own members, subject to review by the courts. ~~Any member of the town commission who shall be convicted of a crime involving moral turpitude shall forfeit his office.~~
~~(Ord. 75-2, passed 2-19-75)~~

Sec. 9- 8. Vacancies.

(a) Vacancies in the town commission shall be filled by the town commission, with any person so appointed to be a qualified elector from the district of the vacated commissioner, to serve until the next general municipal election. At the next general municipal election, the vacancy shall be filled by election; the person elected in such election to serve the remaining unexpired term of the town commissioner whose vacant office is being filled. If a vacancy is not filled by the town commission within thirty (30) days after the vacancy occurs, a special election shall be held within ~~sixty (60) days~~ ninety (90) days after such a vacancy occurs; and the person so elected shall serve the remaining unexpired term of the commissioner whose vacant office is being filled.

(b) Any vacancy resulting from a recall election shall be filled in the manner provided by state laws applicable to recall of municipal officials.
~~(Ord. 75-2, passed 2-19-75)~~

Sec. 10- 9. Recall of town commissioners

All members of the town commission shall be subject to recall as provided by the laws of the State of Florida.
~~(Ord. 75-2, passed 2-19-75)~~

Sec. 11- 10. Mayor and vice-mayor.

(a) The town commission shall at a meeting to be held at ~~8:00~~ 7:00 p.m. on the day following the general municipal election, or thereafter when necessary to fill a vacancy, elect one (1) of its members as mayor of the town and another of its members as vice-mayor ~~of the town.~~ In case If the members of the town commission are unable to agree within five (5) days after the time fixed herein or within five (5) days after any vacancy occurs, upon the selection of the mayor and vice-mayor, then such officers shall

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be chosen by lot, conducted by the town attorney, who shall certify the result of such lot in the minutes of the town commission.

(b) In the event of illness, disability, death or absence of the mayor, the vice-mayor shall have all powers, duties and authority of the mayor. ~~and in the event~~ If the vice-mayor signs any instrument in place of the mayor; then it shall be presumed without further proof that the mayor was either ill, disabled, deceased or absent from the town. In the event of the illness, disability, death or absence from the town of both the mayor and vice-mayor, a quorum of the town commission may by resolution entered in the minutes of the town commission, appoint an acting mayor for such length of time or for such particular purpose as may be necessary. ~~(Ord. 75-2, passed 2-19-75)~~

Sec. 12- 11. Functions and powers of mayor.

The mayor shall preside at all meetings of the commission and perform such other duties consistent with the office as may be imposed by it, shall have a voice and a vote in the proceedings of the commission but no veto power, and may use the title of mayor in any case in which the execution of legal instruments or other necessity arising under the general laws of the state so requires, ~~but this shall not be considered as conferring upon the mayor the administrative or judicial functions of a mayor under the general laws of the state. The mayor shall be recognized as the official head of the town by the courts for the purpose of serving civil processes, by the government in the exercise of military law, and for all ceremonial purposes. The mayor may take command of the police and govern the town by proclamation during times of grave public danger or emergency, provided such public emergency has been declared by a majority of available members of the town commission. The powers and duties of the mayor shall be such as are conferred by the town commission in pursuance of the provisions of this charter, and no others.~~ (Ord. 75-2, passed 19-75) The powers and duties of the mayor shall be such as are conferred by the town commission in pursuance of the provisions of this charter, and no others.

Sec. 13- 12. Relationship of town commission with administration.

(a) Except for purposes of inquiry, the town commission and its members shall deal with the administrative service solely through the town manager. ~~and neither the commission nor any member thereof shall give orders to any subordinates of the town manager, either publicly or privately. No individual member of the town commission shall give orders to the town manager, either publicly or privately.~~

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(b) The provisions of section ~~13(a)~~ 12(a) shall not limit or restrict the right of the town commission ~~or any of its members as a body~~ from inspecting or making inquiry regarding any work performed by any department or division of the town and shall not limit or restrict the right of the town commission to make investigations as provided in section 25 23 of this article.

(c) Neither the town commission nor any of its members shall in any manner dictate the appointment or removal of any town administrative officers or employees whom the town manager or any subordinate is empowered to appoint, but ~~the town commissioners~~ may express ~~its~~ their views and fully and freely discuss with the town manager anything pertaining to appointment and removal of such officers and employees.

~~(Ord. 75-2, passed 2-19-75)~~

Sec. ~~14~~ 13. Meetings.

(a) At ~~8:00~~ 7:00 p.m. on the Wednesday following each general municipal election under this charter, the town commission shall meet at the usual place for holding the meeting of the legislative body of the town, at which time the newly ejected commissioners shall assume the duties of office. Thereafter the town commission shall meet at such times as may be prescribed by ordinance or resolution, except that it shall meet regularly not less than once each month for a regular voting meeting and once each month for a regular non-voting workshop, except that the regular non-voting workshop and the regular monthly voting meeting in the month of August may be cancelled by the commission if cancelled at least thirty (30) days prior to the day on which the meeting would normally be conducted

(b) All meetings of the town commission and of the committees thereof shall be public, ~~and any~~ any citizen shall have access to the minutes and records thereof at all reasonable times. The commission shall determine its own rules and order of business and shall keep minutes of its proceedings.

~~(Ord. 75-2 passed 2-19-75 Am. Ord. 86-1, passed 1-20-86, Am. Ord. 69-13, passed 9-21-89)~~

Sec. ~~15~~ 14. Special and Emergency meetings.

(a) Special Meetings. The mayor, or any two (2) members of the commission, may call special meetings of the commission upon at least ~~two (2)~~ twenty-four (24) hours written notice to each member, served personally, or left at the member's place of business or usual place of residence; provided, the aforesaid requirement of written notice of special meetings may be waived at said special meeting by the unanimous vote of the entire town commission

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recorded in the minutes of the meeting; but in any event, there shall be no such requirement of written notice where notice is given at the meeting immediately preceding the special meeting and so recorded in the minutes of that meeting. ~~(Ord. 75-2, passed 2-19-75)~~ An affirmative vote of not less than four (4) members shall be necessary for all actions taken at a special meeting.

(b) Emergency Meetings. The mayor or two members of the commission may call emergency meetings of the commission. The most appropriate and effective notice under the circumstances shall be provided for emergency meetings. The method of providing notice shall be recorded in the minutes of the meeting. A vote that the meeting is an emergency shall be the first order of business. The affirmative vote of the majority of the commissioners present plus one shall be necessary to confirm that the meeting is an emergency meeting. Failure to obtain this affirmative vote shall preclude conducting any further business at the meeting except adjournment. An affirmative vote of not less than four (4) members shall be necessary for all other actions taken at an emergency meeting.

Sec. 16- 15. Penalty for absence.

Absence from four (4) consecutive regular meetings or four (4) consecutive regular workshop meetings at the commission all meetings and workshops for two (2) consecutive calendar months shall operate to vacate the seat of a member, unless such absence is excused by the commission by resolution setting forth the fact of such excuse duly entered in the minutes. (Ord. 75-2, passed 2-19-75, Am. Ord. 89-13, passed 9-21-89) prior to the end of the two-month period. The month of August shall be excluded when computing these two consecutive months.

Sec. 17- 16. Enactment of ordinances.

(a) All action of the town commission of a legislative character shall be by ordinance, and each such ordinance shall contain an enacting clause substantially in the following form: "Be it ordained by the Town of Longboat Key."

(b) Each proposed ordinance shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act, section, subsection or paragraph of a section or subsection.

(c) The subject of each ordinance shall be clearly stated in the title, and each ordinance shall be enacted in the following manner or as otherwise provided by law:

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~~(1) A proposed ordinance may be read by title, or in full, on at least two (2) separate days and shall, as required by state law but not less than ten (10) days prior to adoption, be noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment shall state the date, time and place of the meeting, the title or titles of proposed ordinances and the place or places within the municipality where such proposed ordinances may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance; provided, the town commission with an affirmative vote of five (5) members may enact any emergency ordinance without complying with the requirements of this paragraph.~~

(a) The enactment of all ordinances and resolutions by the Town of Longboat Key shall be in substantial conformance with state law.

~~(2) (b) The majority of the members of the town commission shall constitute a quorum, but a lesser number may adjourn from day to day and compel the attendance of absent members in such a manner and under such penalties as may be prescribed by ordinance. The affirmative vote of the majority of a quorum present shall be necessary to enact any ordinance or adopt any resolution, but the affirmative vote at not less than three (3) not less than four (4) members shall be necessary to adopt any ordinance or resolution and the passage of all ordinances shall be taken by "yeas" and "nays" and entered in the minutes. On final passage, the vote of each member of the town commission voting shall be entered on the official record of the meeting. All ordinances or resolutions passed by the town commission shall become effective ten (10) days after passage or as otherwise provided therein. Should an ordinance or resolution receive an affirmative vote of less than four (4), but the affirmative votes of enough when added to the absent members to make four (4), the ordinance or resolution shall be rescheduled from meeting to meeting until the matter can be decided by a concurring vote of four (4) or more members of the Commission.~~

~~(3) (c) Every ordinance or resolution shall, upon its final passage, be recorded in a book kept for that purpose and shall be signed by the mayor and the town clerk.~~

~~(d) Codes, including the building code and other codes of the town of Longboat Key, which codes are themselves in printed form and are on file and available for public inspection at the office of the town clerk, need not be published in a newspaper in order to become effective, but may by apt reference be made a part~~

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of any town ordinance now or hereafter adopted.
~~{Ord. 75-2, passed 2-19-75, Am. Ord. 89-13, passed 9-21-89}~~

Sec. 18- 17. Emergency measures

(a) An emergency ordinance is one which, in the opinion of the town commission, is required to be passed for the immediate protection and preservation of the peace and safety, health or property of the town or its inhabitants, or providing for the usual daily operations of the municipality or any of its departments; and the emergency requiring its passage shall be set forth in a preamble to the ordinance.

(b) Appropriations of money may be made by an emergency ordinance, but no ordinance making a grant, renewal or extension for a franchise or other special privilege or establishing or regulating the rates to be charged by any public utility for its services shall be passed as an emergency ordinance. Emergency ordinances shall be effective upon the date specified in the ordinance itself.
~~{Ord. 75-2, passed 2-19-75}~~

Sec. 19- 18. Codification of ordinances

(a) The town commission shall provide for the continuing revision and codification of all of the general and permanent ordinances of the town to be published in book form, with sufficient copies available to the general public at a reasonable cost.

(b) Every such revision or codification, after adoption by the town commission, shall be received in any of the courts of this state as prima facie evidence of the existence and contents of the laws and ordinances therein contained.
~~{Ord. 75-2, passed 2-19-75}~~

Sec. 20- 19. Oath of office.

Every officer of the town shall, before entering upon the duties of his office, take and subscribe to an oath or affirmation to be filed and kept in the office of the town clerk, ~~which~~ Such oath shall be in the form prescribed for state officers by the Constitution of the state.
~~{Ord. 75-2, passed 2-19-75}~~

Sec. 21. Official bonds. (Moved to Article III, Section 4)

~~The town commission or town manager, in fixing the salary of any officer, clerk or employee shall determine whether or not such officer, clerk or employee shall give bond, and the amount thereof,~~

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~~which bond shall be procured from a regularly accredited surety company authorized to do business under the Laws of Florida, the premiums on such bonds to be paid by the town. All such bonds shall be filed in the office of the town clerk.~~
 (Ord. 75-2, passed 2-19-75)

Sec. 22. 20. Appointment of advisory boards.

~~The town commission may appoint such advisory boards or committees as it deems necessary or desirable. The members of such boards shall serve without compensation and either at the pleasure of or for such term as may be designated by the town commission.~~
 (Ord. 75-2, passed 2-19-75)

(a) The Town Commission shall establish permanent boards by ordinance and ad hoc committees by resolution. Members of such boards or committees shall serve without compensation at the pleasure of the Town Commission for such terms as it deems necessary and desirable. At a minimum, the permanent boards of the Town shall be the Planning and Zoning Board, the Zoning Board of Adjustment and the Code Enforcement Board, the duties and responsibilities of which shall be established by ordinance.

(b) The Town Commission, at its discretion, shall appoint a Charter Review Committee to review the Charter but in no event shall such review be less than once in a ten year period from the date of adoption of this Charter.

Sec. 23. 21. Duty to impose and levy taxes.

The town commission shall levy and impose such ad valorem and other taxes as authorized by law as, in its judgment, are necessary to provide sufficient revenues to carry on the government of the town; provided, unless levied to pay debt service including sinking fund reserves for approved bonded indebtedness of the town, no more than five (5) mills on the dollar of assessed valuation shall be levied or collected as a tax on real property unless previously approved by a majority of electors voting in a regular or special election or referendum.
 (Ord. 75-2, passed 2-19-75)

Sec. 24. 22. Comprehensive plan for town.

(a) The town commission shall cause plans to be developed on continuing basis for the future development and maintenance of the town, considering the health, safety, morals, environmental protection, aesthetics, convenience and general welfare of the town and its residents

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~~(b) In the continuing development of the town's plans for the use of lands and structures within the town, the town commission shall consider all of the needs of the town, including but not limited to plans for vehicular and pedestrian traffic, offstreet facilities, furnishing utilities, control of the intensity of use of lands and structures, avoidance of congestion of population by proper regulation of density, modes and means of transportation and the needs for parks, open spaces cultural, recreational and other facilities and shall consider such other factors as it determines to be proper And in the best interest of the health, safety, morals, environmental protection, aesthetics, convenience and general welfare of the town and its residents~~

~~(c) The town commission shall maintain on permanent record at the town hall a current map delineating the entire area of the town and the manner in which each area is zoned.~~

~~(d) (b) The present density limitations provided in the existing comprehensive plan as adopted March 12, 1984 shall not be increased without the referendum approval of the electors of Longboat Key.~~

~~{Ord. 75-2, passed 2-19-75; Am Ord. 85-2, passed 4-22-85}~~

Sec. 25. 23. Investigations.

The town commission shall have power at any time to cause the affairs of any department or the conduct of any officer or employee to be investigated, and for such purpose shall have power to compel the attendance of witnesses and the production of books, papers, and other evidence; and for that purpose may issue subpoenas or attachments which shall be signed by the mayor or such other officer authorized by the town commission and shall be served by any officer authorized by law to serve such process. The town commission in making such investigation shall have the power to cause testimony to be given under oath and shall have the power to apply to any court of competent jurisdiction to punish for contempt any person refusing to testify or to produce any books, papers, documents or other evidence under his control which relates to the matter under investigation. ~~{Ord. 75-2, passed 2-19-75}~~

Article III. Town Manager

Sec. 1. Appointment; qualifications; compensation

The town commission shall by an affirmative vote of at least five (5) members, appoint a town manager who shall serve at the pleasure of the town commission and for such compensation as determined by the commission. ~~The town manager may reside outside the town while in office only with the approval of the town commission.~~ The manager shall be appointed solely on the basis of professional

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and administrative qualifications.

~~(Ord. 75-2, passed 2-19-75 Am. Ord. 89-13, passed 9-21-89)~~Sec. 2. Removal

~~The town commission may remove the town manager from office without cause or hearing prior to the time the town manager has served in that capacity for six months; however, if the town commission thereafter desires to remove the town manager, such removal shall be accomplished in accordance with the following procedures:~~

~~(a) The town 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.~~

~~(b) Within five (5) days after delivery to the manager of a copy of the resolution, the manager may file with the town commission a written request for a public hearing. This hearing shall be held at a town commission meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The manager may file with the town commission a written reply not later than five (5) days before the hearing.~~

~~(c) The town commission may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the manager, if a public hearing has not been requested, or at any time after the public hearing, if requested.~~

~~The manager shall continue to receive a salary until the effective date of a final resolution of removal. The action of the town commission in suspending or removing the manager shall not be subject to review by any court or agency.~~
Ord. 75-2, passed 2-19-75

The Town Manager may be removed from office upon the affirmative vote of five (5) members of the Town Commission. Written notice of the removal action specifying the effective date of removal shall be promptly provided to the Town Manager.

Sec. 3. Acting town manager.

By letter filed with the town clerk, the manager, or in his absence, the ~~mayer~~ town commission, shall designate a qualified town administrative officer to exercise the powers and perform the duties of manager during any temporary absence ~~or disability.~~

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~~unavailability or inability to act. During such absence or disability, unavailability or inability, the town commission may revoke such designation at any time and appoint another officer of the town to serve until the manager shall return or the disability unavailability or inability shall cease.~~
 (Ord. 75-2, passed 2-19-75; Am. Ord. 86-1, passed 1-20-86)

Sec. 4. Powers and duties of the town manager.

The town manager shall be the chief administrative officer of the town and shall be responsible to the town commission for the administration of all town affairs and shall establish such departments and divisions of responsibility as shall be necessary and proper for administration of the affairs of the town and performance of its municipal functions. ~~The manager~~ He shall be responsible for the preservation of peace and the protection of persons and property within the town and shall be the director of all public safety forces. Subject to such personnel regulations as may be adopted by ordinance or resolution of the town commission, ~~the manager he shall, pursuant to this Charter, appoint, remove and fix compensation for the chiefs and all subordinate officers of the police, fire and other safety forces of the town, department heads and all other town employees except those specified elsewhere in this Charter. In addition, he shall have the following powers and duties:~~

~~(a) To appoint a chief of police who shall be responsible to the town manager for the management, control, administration and discipline of the police forces. The number and ranks of police officers shall be as determined by ordinance of the town commission.~~

~~(b) To appoint a fire chief who shall be responsible to the town manager for the management, control, administration and discipline of the fire forces. The number and ranks of fire officers shall be as determined by ordinance by the town commission~~

~~(c) To appoint and, when deemed necessary for the good of the service, to 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 manager may authorize any administrative officer who is subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.~~

~~(d)~~ (a) ~~To d~~Direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this Charter or by law.

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(b) Determine whether officers, clerks or employees of the town shall be bonded and the amount of the bond. The bond shall be procured from a regularly accredited surety company authorized to do business under the Laws of Florida, the premiums on such bonds to be paid by the town, and on file with the Town Clerk.

~~(c)~~ (c) ~~To attend~~ all town commission meetings, unless otherwise excused by the Town Commission, and shall have the right to take part in discussion but may not vote.

~~(d)~~ (d) ~~To see~~ that all laws, provisions of this Charter and acts of the town commission, subject to enforcement by the manager or by officers subject to the manager's direction and supervision, are faithfully executed.

~~(e)~~ (e) ~~To prepare~~ and submit the annual budget and capital program to the town commission.

~~(f)~~ (f) ~~To submit~~ to the town commission and make available to the public a complete report of the finances and administrative activities of the town as of the end of each fiscal year.

~~(g)~~ (g) ~~To make~~ such other reports as the town commission may require concerning the operations of town departments, offices and agencies subject to the manager's direction and supervision.

~~(h)~~ (h) ~~To keep~~ the town commission fully advised as to the financial condition and future needs of the town and make such recommendations to the town commission concerning the affairs of the town as deemed desirable

~~(i)~~ (i) ~~To be~~ Serve as purchasing agent for the town, ~~by whom all purchases of supplies shall be made, and He shall approve all vouchers for the payment of same. In the capacity of purchasing agent, the manager shall also and~~ conduct all sales of personal property which the commission may authorize to be sold as having become unnecessary or unfit for the town's use. All purchases and sales shall be conformed to such regulations as the town commission may from time to time prescribe, ~~but in any case at least three (3) bids shall be obtained in the purchase or sale of personal property involving amounts in excess of five thousand dollars (\$5,000.00).~~

~~(j)~~ (j) ~~To perform~~ such other duties as are specified in this charter or may be required by the town commission.
(Ord. 75-2, passed 2-19-75; Am. Ord. 75-4, passed 3-19-75; Am. Ord. 86-1, passed 1-20-86)

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~~LONGBOAT KEY CHARTER~~TOWN OF LONGBOAT KEY - CHARTERArticle IV. Town ClerkSec. 1. Appointment and qualifications

The town manager, with the approval of the town commission, shall appoint a town clerk solely on the basis of the professional qualifications ~~of such individual.~~
~~(Ord. 75-2, passed 2-19-75)~~

Sec. 2. Powers and duties

The town clerk shall be head of the department of records and custodian of all official records of the town, and shall be responsible to the town commission for the proper administration of all affairs concerning the records of the town placed under the town clerk's authority under this Charter, and shall:

- (a) Serve as clerk to the town commission and recorder of all its official actions.
- (b) Serve as the election official for the town.
- (c) Authenticate documents of the town where required and be custodian of the town seal.
- (d) Attest all bonds, contracts and other instruments on behalf of the town.
- (e) Administer oaths required or authorized under any laws, this Charter or ordinance of the town.
- (f) Keep as a permanent record all written contracts and bonds where the town is a party in interest.
- (g) Perform such other duties as prescribed by law or by this Charter or by any ordinances of the town or by direction of the town commission or town manager.
~~(Ord. 75-2, passed 2-19-75; Am. Ord. 75-4, passed 3-19-75; Ord. 89-12, passed 9-12-89)~~

Article V. Town FinancesSec. 1. Finance director.

The town manager shall appoint a finance director ~~whose duties shall include: who shall:~~

- (a) ~~To e~~ Collect and invest all funds of the town, provided the town commission shall direct the policy of investment of such funds, the investment or deposit of such funds to be done and made by competitive bids therefor, after due notice, or in such other

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manner as in the judgment of the town commission may be deemed in the best interest of the town; provided, each investment is secured in accordance with Florida State Statutes.

(b) ~~To pay~~ pay out on behalf of the town by checks or other orders for payments all payments due from the town, provided the town commission shall provide by ordinance or resolution the manner in which all checks or other orders for payment are to be signed, which shall require at least one countersignature.

(c) ~~To supervise~~ supervise all accounting procedures.

~~(d) To submit quarterly financial reports to the town commission showing all receipts and disbursements compared to the budget.~~

~~(e)~~ (d) ~~To audit~~ audit the accounts of any officers of the town upon such officer's death, resignation, removal or expiration of term, and to notify the town manager and town commission if any of such officers are found to be indebted to the town.

~~(f)~~ (e) ~~To certify~~ certify as to available funds prior to any allocation by the town commission.

~~(g)~~ (f) ~~To furnish~~ furnish to the town manager such fiscal services as required.
~~(Ord. 75-2, passed 2-19-75; Am. Ord. 89-13, passed 9-21-89)~~

(g) Except as may be required by law, prescribe and require the use of a plain and uniform system of keeping records of accounts by all town departments, officers or employees who are charged with the receipt or disbursement of any of the funds of the town, or who may be authorized to purchase materials or supplies or to employ labor for the town in a manner required by law.

(h) Except as may be required by law, prescribe the forms of vouchers or other evidence of the receipt of money from the town or for the establishment of demands against the town; and require periodic reports from each department, office, officer or employee of the town receiving and disbursing funds of the town, showing all sums received and disbursed, from what source and for what purpose in a manner required by law.

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~~LONGBOAT KEY CHARTER~~TOWN OF LONGBOAT KEY - CHARTERSec. 2. Fiscal Year.

The fiscal year of the town shall begin on the first day of October and end on the Last day of September, or otherwise as may be provided by law.

~~{Ord. 75-2, passed 2-19-75}~~

Sec. 3. Submission of budget and budget message.

On or before the first day of June of each year, the town manager shall submit to the town commission a preliminary budget for the en-suing fiscal year and a final budget and an accompanying message on or before the first day of August of each year.

~~{Ord. 75-2, passed 2-19-75; Am. Ord. 89-13, passed 9-21-89}~~

Sec. 4. Budget message.

The town manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues, together with the reasons for such changes, summarize the town's debt position and include such other material as the town manager deems desirable.

~~{Ord. 75-2, passed 2-19-75}~~

Sec. 5. Budget.

The budget shall contain an organizational chart showing the functions of all departments and divisions of the town, shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the town manager deems desirable or the town commission may require. ~~In organizing the budget, the town manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections: include separate sections for operation, capital expenditures, and utility operations.~~

~~(a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;~~

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~~(b) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure, and~~

~~(c) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the town and the proposed method of its disposition, subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget. The total at proposed expenditures shall not exceed the total of estimated income and retained surplus.~~
~~(Ord. 75-2, passed 2-19-75)~~

Sec. 6. Capital program

(a) Submission to town commission. The town manager shall prepare and submit to the town commission a ~~two-year~~ capital program on or before the first day of June of each year.

(b) Contents. The capital program shall include:

- (1) A clear general summary of its contents;
- (2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, ~~with appropriate supporting information as the necessity for such improvements,~~
- (3) Cost estimates, method of financing and recommended time schedules for each such improvement; and
- (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information ~~may~~ shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.
~~(Ord. 75-2, passed 2-19-75, Am. Ord. 89-13, passed 9-21-89)~~

Sec. 7. Town commission action on budget

(a) Notice and hearing. The town commission shall publish a general summary of the budget and notice of budget hearings in accordance with Florida Statute requirements:

- (1) The times and places where copies of the message and budget are available for inspection by the public and
- (2) The time and place, not less than two (2) weeks after such publication, for a public hearing on the budget.

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(b) Amendment before adoption. After the public hearing, the town commission may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to amount greater than the total of estimated income.

(c) Adoption. On or before the last town commission meeting of each fiscal year, the town commission shall, by ordinance which may be made effective immediately, adopt the town budget for the ensuing fiscal year. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall deemed adopted for the ensuing fiscal year on a month-to-month basis, with all its tit it prorated accordingly, until such time as the town commission adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated, shall establish the salaries of the town manager and town attorney, and shall constitute a levy of the property tax specified therein.
~~{Ord. 75-2, passed 2-19-75; Am. Ord. 89-12, passed 9-12-89, Am. Ord. 89-13, passed 9-21-89}~~

Sec. 8. Public records.

Copies of the budget and the capital program, if adopted, shall be public records and shall be made available to the public in the town hall.
~~{Ord. 75-2, passed 2-19-80}~~

Sec. 9. Amendments after adoption.

(a) Supplemental appropriations. If during the fiscal year the town manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the town commission by ordinance may make supplemental appropriations for the year up to the amount of such excess.

(b) Emergency appropriations. To meet a public emergency affecting life, health, property or the public peace, the town commission may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the town commission may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

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(c) Reduction of appropriations. If at any time during the fiscal year it appears probable to the town manager that the revenues available will be insufficient to meet the amount appropriated, the manager shall report to the town commission without delay, indicating the estimated amount of the deficit, any remedial action taken, or the manager's recommendations as to any other steps to be taken. The town commission shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose, it may by ordinance reduce one or more appropriations.

(d) Transfer of appropriations. At any time during the fiscal year, the town manager may transfer up to ~~\$5,000.00~~ \$10,000.00 of funds constituting a part or all of any unencumbered appropriation balance among programs within a department, office or agency. The town manager shall thereafter give notice of any such transfer to the town commission. Upon written request by the town manager, the town commission may authorize transfers of larger amounts of unencumbered appropriations among programs within a department, office or agency and by resolution transfer part or all of any unencumbered appropriation balance from one department or agency to another.

(e) Limitations; Effective Date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.
~~{Ord. 75-2, passed 2-1-75; Am. Ord. 89-13, passed 9-21-89}~~

Sec. 10. Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned.
~~{Ord. 75-2, passed 2-1-75}~~

~~Sec. 11. Budget work programs and allotments.~~

~~At such time as the town manager shall specify, each department office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The town manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year and revise such allotments during the year if deemed desirable and shall revise them to accord~~

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~~with any supplemental, emergency, reduced or transferred appropriations made pursuant to section 9 of this article. (Ord. 75-2, passed 2-1-75)~~

Sec. 12. 11. Certificateion of available funds.

(a) ~~Before~~ Prior to the execution of any contract, ~~or~~ other obligation involving the expenditure of money ~~shall be entered into or any order of the town commission or any officer of the town for expenditure of money shall be authorized by the town commission or any officer of the town,~~ the finance director shall first certify in writing that the funds required for any such obligation are, or within the fiscal year shall be in the treasury of the town. ~~to the credit of the fund to be drawn upon; provided, t~~The town commission may, however, provide for contracts or other obligations involving the expenditure of money in any immediately ensuing fiscal year, provided so long as the finance director shall first certify in writing as to reasonable anticipation that such funds will be available to the town during such immediately ensuing the next fiscal year.; and provided further that no ~~No~~ such certification shall be required in connection with the issuance of bonds by the town under the provisions of this article or pursuant to any applicable general or special laws of the State of Florida. Nothing contained herein shall preclude: (i) the town commission from entering into multi-year contracts or agreements; or (ii) the town manager entering into multi-year leases, so long as said contracts, agreements, or leases are otherwise in accordance with law.

(b) Money to be derived from bonds which have been sold and are in the process of delivery, and money which has been pledged to the town by federal, state or county agencies shall be deemed to be in the treasury to the credit of the appropriate fund.

(c) The finance director's certificate shall be filed with ~~the as directed by the town manager and town clerk,~~ and thereafter such funds shall be considered encumbered and unavailable for other expenditures until the town is discharged from the particular obligations.

(d) Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and such officer shall also be liable to the town for any amount so paid. However, except where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments of making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease

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providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.
 {Ord. 75-2, passed 2-19-75}

Sec. 13. Systems of accounts and forms.

~~The finance director shall prescribe and require, except as may be prescribed and required by law, the use of plain and uniform system of keeping books of accounts by all town departments, officers or employees who are charged with the receipt or disbursement of any of the funds of the town, or who may be authorized to purchase materials or supplies or to employ labor for the town, shall prescribe the forms of vouchers or other evidence of the receipt of money from the town or for the establishment of demands against the town, and shall require periodic reports from each department, office, officer or employee of the town receiving and disbursing funds of the town, showing all sums received and disbursed, from what source and for what purpose.~~
 {Ord. 75-2, passed 2-19-75}

Sec. 14. 12. Audit of accounts

At the end of each fiscal year, and oftener more often if so required by the town ~~commission manager~~, the finance director shall audit the accounts of the several departments, officers and employees, and shall audit all other accounts in which the municipality is interested. The finance director shall at all times have access to and may inspect and make copies of all books on which entries are made or are required to be made, relating to the receipt or expenditure of money on account of the town, and of all vouchers, accounts, bills, warrants, drafts, contracts or other papers relating thereto. The town commission, at the end of each fiscal year ~~of the town~~, shall cause the books of accounts of the town to be audited by an independent certified public accountant selected by the town commission. ~~who shall, upon completion of the audit, deliver it shall be delivered~~ to each member of the town commission, the finance director and the town manager, ~~a copy of said audit, and a copy of said audit shall remain on file in the office of the finance director for inspection by any person desiring to inspect the same.~~ A summary of said audit furnished to the town as provided by this section shall be published in a newspaper of general circulation in the Town of Longboat Key within a period of not more than thirty (30) days after the completion of any such audit.
 {Ord. 75-2, passed 2-19-75}

Sec. 15. 13. Audit and certification of claims.

All claims and demands against the town, before they are allowed by the town commission, shall be examined and adjusted and their correctness certified by the finance director, who shall

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keep a record of all accounts and doings and a record of all contracts to which the town is a party, ~~with an index thereto,~~ and such books shall be opened to the inspection of all parties interested.

~~(Ord. 75-2, passed 2-19-75)~~

Sec. 16. 14. Investment advisory committee.

The town commission shall appoint an investment advisory committee consisting of three (3) or more members of the town commission, which committee shall be authorized to consult with persons experienced in finance. Annually and at such other times as requested by the town commission, the committee shall render written reports as to the character and extent of the town's investments, together with recommendations for any revisions in the town's investment program.

~~(Ord. 75-2, passed 2-19-75)~~

Sec. 17. 15. Bonds generally.

~~The town commission shall have the power to provide by ordinance for the issue and sale of negotiable bonds of said town for the purpose of constructing, maintaining, operating, improving, enlarging and extending the waterworks and the sewage system of said town; for rebuilding, reconstructing and restoring the same or any part thereof, and for constructing, repairing, altering, enlarging improving and furnishing public buildings for said town; and for grading and curbing, or grading, curbing and paving, and for altering, widening and repaving the streets, avenues and thoroughfares of said town and doing the necessary drainage in connection with such work; for sanitary and storm drainage and the construction of canals, ditches and sewers for such drainage within or without the corporate limits of the town; for constructing, altering and repairing viaducts, bridges, underpasses and overpasses for carrying streets, avenues or thoroughfares over or under any railway track or tracks in said town; for constructing, repairing and enlarging a municipal incinerator or incinerators for the consumption of trash, garbage and other refuse; for the purpose of constructing hospitals and libraries, airports, aviation terminals or landing fields and facilities thereof for the acquisition and establishment of a system for the transportation of persons and property for hire over the streets of the town; for the acquisition and construction of walls, causeways, bridges and beaches, either within or without the corporate limits of said town; for the acquisition of any local public utilities, including electric light and telephone systems; for the acquisition of lands for public parks and as sites for public buildings of the State of Florida; for refunding any preexisting bonded indebtedness and for any other lawful municipal purpose, but negotiable bonds of said town~~

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~~shall never be issued in an amount greater than twenty per cent (20%) of the assessed valuation of the real property of said town and not until previously approved by a majority of the votes cast by the qualified electors residing in the town in a special election called, held and conducted for such purpose under the authority of and pursuant to the provisions of the Constitution and General Laws of Florida, and provided that at least thirty (30) days notice thereof shall be published not less than once a week for four (4) consecutive weeks in a newspaper published in Manatee and Sarasota counties. In arriving at the amount of negotiable bonds outstanding in order to determine the amount of such bonds that may be issued, the classes of bonds known as improvement bonds which are secured by lien certificates issued against abutting property, shall not be considered.~~
 (Ord. 75-2, passed 2-19-75)

The town commission may borrow money, contract loans, and issue bonds as defined by and as authorized by state law from time to time to finance the undertaking of any capital or other project for the purposes permitted by the State Constitution as provided by state law and this Charter.

Sec. 18. Revenue certificates.

~~The town commission shall have the power to provide by ordinance or resolution for the issue and sale of revenue certificates payable solely from revenues derived from the operation of any utility or facility owned or operated by the town to be acquired or established by the town, or from funds of the town derived from sources other than ad valorem taxes, or from any combination thereof, for the same purposes for which the town may issue municipal general obligations bonds as enumerated in section 17, or for the purpose of constructing or acquiring any of the utilities or facilities or performing any of the works or other matters set forth in this charter, and in the absence of any pledge of the taxing power of the town, no election shall be required to authorize the town to issue any such revenue certificates.~~
 (Ord. 75-2, passed 2-19-75)

Sec. 19. Procedure.

~~No bonds, notes, debentures, time warrants, revenue certificates, certificates of indebtedness or other obligations of the town shall be sold or disposed of except in the manner herein provided. Preliminary to such proposed sale, the town commission, by resolution, shall briefly describe the securities that will be offered for sale, including date of issue, maturity date or dates, rate or rates of interest, purpose for which the same will be issued, and the character of the security, if any, therefor, shall affirmatively determine that necessity exists for making such sale,~~

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~~and shall direct the town clerk to advertise for sealed bids for the purchase of the described securities intended thus to be sold. Thereupon the town clerk shall cause an advertisement for sealed bids for the purchase of said described securities to be published once a week for at least two (2) consecutive weeks prior to the day of sale in a newspaper of general circulation in the Town of Longboat Key and in a financial journal published in the City of New York. In such advertisement, notice shall be given that the right is reserved to reject any and all bids; that no bid for less than ninety five per cent (95%) of par value and accrued interest shall be considered; and that every bid must be accompanied by a certified or cashier's check for at least two and one half per cent (2 1/2%) of the total amount of the bid price as evidence of good faith and as liquidated damages to the town in the event of acceptance and subsequent failure to perform~~
 {Ord. 75-2, passed 2-19-75}

Sec. 20. Authority as to bonds supplemental.

~~The authority granted to the town in sections 17 to 19 inclusive of this article to issue general obligation bonds, revenue bonds and other bonds, notes or other obligations shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of or as repealing any powers now existing or hereafter provided under any other law, either general, special or local; provided, however, that the issuance of general obligation bonds or revenue bonds, or any other bonds, notes or other obligations under the provisions of this article need not comply with the requirements of any other law applicable to the issuance of bonds.~~
 {Ord. 75-2, passed 2-19-75}

Article VI. Town Attorney

Sec. 1. Appointment and qualifications.

The town commission shall appoint a town attorney who shall serve at the pleasure of the town commission. The town attorney shall be a member of the Florida Bar with a minimum of three (3) years' experience in the practice of law prior to the time of appointment.
 {Ord. 75-2, passed 2-19-75}

Sec. 2. Assistant town attorneys.

The town attorney may appoint members of the Florida Bar as his assistants, provided the terms of such appointments and

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compensation of such appointees shall be made with the advice and consent of the town commission.
~~{Ord. 75-2, passed 2-19-75}~~

Sec. 3. Duties.

The town attorney shall:

(a) Serve as legal adviser to the town, the town commission and all of the governmental and proprietary functions of the town and its departments, divisions, officers, boards and committees;

(b) Prepare or review all proposed ordinances and resolutions of the town;

(c) Approve as to form and legal correctness all written contracts entered into by the town; and unless otherwise provided by ordinance, no such contracts shall take effect until his approval is endorsed thereon;

(d) Prosecute and defend all legal actions wherein the town is a party in interest;

~~{e} Serve as prosecuting attorney for the town in any court of competent jurisdiction;~~

~~{f}~~ (e) Perform such other legal services as requested by the town commission or town manager.
~~{Ord. 75-2, passed 2-19-75}~~

Article VII. Charter Amendments

Sec. 1. Proposal of amendments.

Amendments to this Charter may be framed and proposed:

(a) By ordinance adopted by the town commission setting forth the full text of the proposed amendment; or

(b) By written petition or petitions to the town commission initiated by the electors setting forth the full text of the proposed amendment and signed in person by qualified electors of the town equal to at least ten percent (10%) of the total number of qualified electors registered to vote at the preceding general town election. All required signatures to petitions initiated by the electors must bear the dates on which each signature is affixed and all required signatures must be affixed within a period of ninety (90) days prior to the date such petition is submitted to the town commission.
~~{Ord. 75-2, passed 2-19-75}~~

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(c) Electors initiating a written petition or petitions to the town commission to amend the charter may, at their discretion, obtain review of the proposed text by the town attorney for legal correctness.

Sec. 2. Method of referendum

Upon adoption of an ordinance by the town commission as provided in Section 1(a) of this Article or upon delivery to the town commission of a written petition as provided in Section 1(b) of this Article, the town commission shall, ~~not less than sixty (60) nor more than ninety (90) days thereafter, within~~ six (6) months cause a referendum to be held on the question of adoption of such proposed amendment in the manner provided by law and this charter.
~~(Ord. 75-2, passed 2-19-75; Am. Ord. 89-12, passed 9-21-89)~~

Sec. 3. Referendum on charter amendments.

(a) Any proposed amendment to the charter shall be submitted to a referendum of the electors of the town and may be presented by title, which may differ from its legal title but which shall contain a clear and concise statement describing the substance of the proposed amendment. Below the ballot title shall appear:

For _____

Against _____

(b) Before any proposed amendment to this charter shall be submitted to the electors, the entire text of the same shall first be published not less than seven (7) nor more than sixty (60) days prior to the date of the referendum in a newspaper of general circulation in the town.
~~(Ord. 75-2, passed 2-19-75)~~

Sec. 4. Adoption of amendment.

Any proposed amendment to the Charter adopted by a majority of the qualified electors of the town voting in such referendum shall become effective ~~when filed with the office of the department of state of the State of Florida. (Ord. 75-2, passed 2-19-75) at the time fixed in such amendment, or if no time is therein fixed, thirty (30) days after its adoption by the electors.~~

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Sec. 5. Supplemental method of amendment

The foregoing method of proposing amendments and mechanics of holding referendums thereon shall be supplemental to the provisions of all other laws relating to amendment of municipal charters.
~~{Ord. 75-2, passed 2-19-75}~~

Article VIII. Transitional and Separability

~~Sec. 1. Existing charter not inconsistent with amended Charter.~~

~~All provisions of the Charter of the Town of Longboat Key, being Chapter 57-1540, Laws of Florida, as amended, 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.
 {Ord. 75-2, passed 2-19-75}~~

~~Sec. 2. 1. Existing ordinances not inconsistent with amended Charter.~~

~~All existing ordinances of the town, not in conflict with the provisions of this Charter, shall continue in effect and unimpaired until repealed, amended or modified by the town commission, in regular course.
 {Ord. 75-2, passed 2-19-75}~~

~~Sec. 3. 2. Title to all properties reserved.~~

~~The title rights, ownership of property and all claims of the Town of Longboat Key, including all suits, actions and choses in actions owned by the town, shall continue under this Charter, and no pending causes shall be abated as a result of adoption of this Charter.
 {Ord. 75-2, passed 2-19-75}~~

~~Sec. 4. 3. Obligation of contracts preserved.~~

~~No debt or contract of the municipality, including bonds heretofore issued, shall be impaired or voided by the adoption of this Charter.
 {Ord. 75-2, passed 2-19-75}~~

~~Sec. 5. 4. Officers held over until successors qualify.~~

~~All officers of the town heretofore elected or appointed and holding office in the town shall continue to hold their respective offices and to discharge their duties thereof until their successors are elected or appointed under the provisions of this charter. This Charter shall not affect or impair any vested rights or privileges of any persons who are town officers or employees at~~

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the time of its adoption.
~~{Ord. 75-2, passed 2-19-75}~~

Sec. 6- 5. Separability clause.

If any article or any part hereof, or any section or part thereof of this Charter as it now exists or as it may be amended is held by any court of competent jurisdiction to be invalid or unconstitutional, such holding shall not invalidate or impair the validity, force or effect of any other article or part thereof, or any other section or part thereof, unless it clearly appears that such other article or part thereof, or section or part thereof, is wholly or necessarily dependent for its operation upon the article or part thereof, or Section or part thereof, held to be invalid or unconstitutional.

~~{Ord. 75-2, passed 2-19-75}~~

Sec. 6. Effective Date.

This amended charter shall become effective upon ratification by a majority of the qualified electors of the Town of Longboat Key voting on the question of the approval or disapproval at a referendum to be called and held in a matter prescribed by law.

Article IX. Effective Date and Referendum Requirements.Sec. 1. Referendum requirements and procedures.

~~(a) The provisions of this charter shall not become operative until ratified by a majority of the qualified electors of the Town of Longboat Key voting on the question of the approval or disapproval of the same at a referendum to be called and held in the Town of Longboat Key for the purpose of approving or disapproving same.~~

~~(b) The referendum for the approval or disapproval of this Charter shall be called and held by the town commission of the Town of Longboat Key on the twentieth day of March, 1975. The places of voting in such election shall be the same places of voting in regular municipal elections. The town commission shall give notice of such referendum by publication of notice thereof in a newspaper of general circulation in the Town of Longboat Key once a week for four (4) consecutive weeks (four (4) publications being sufficient), with the first publication being at least twenty-eight (28) days prior to the date of the referendum.~~

~~(c) At such referendum, the question of the approval or disapproval of this charter and the provisions hereof shall be submitted to the qualified electors of the Town of Longboat Key in~~

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~~substantially the following form, which shall be printed on the ballot as follows:~~

~~"Shall the Amended charter for the Town of
 Longboat Key be ratified and approved?"~~

~~Yes~~ _____

~~No~~ _____

~~(d) If a majority of the qualified electors of the Town of Longboat Key actually voting on such question in such referendum shall vote for the approval of the amended Charter, then the remainder of this charter, in addition to article X, shall become effective and operative at 12:01 a.m. on the twenty-first day of March, 1975, one (1) day following the date of the referendum. If a majority of the qualified electors of the Town of Longboat Key actually voting on such question at such referendum shall vote against the approval of the Charter, then this Charter shall not be effective or operative, and the same shall be void and of no effect, and the present Charter of the Town of Longboat Key shall remain in full force and effect.~~

~~(e) The laws and ordinances in effect in the Town of Longboat Key at the time of such referendum governing election procedure, including the laws and ordinances governing the voting and counting of absentee ballots, shall apply to and govern the referendum provided for herein and all matters pertaining thereto, except as otherwise provided for in this Charter.
 (Ord. 75-2, passed 2-19-75; Am. Ord. 75-4, passed 3-19-75)~~

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EXHIBIT "B"ALTERNATE 1
(INSERTING ETHICS COMMISSION)ARTICLE I. SECTION 8Sec. 8. Ethics in government.

A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse. To assure this right, the town commission shall provide by ordinance a town ethics code establishing standards of conduct for town officers, employees, candidates and advisory board members, including without limitation elected town commissioners, and requiring disclosure of financial or other interests and voting conflicts, and providing procedures for such disclosures.

To further assure this right, the town commission shall create by ordinance a Town Ethics Commission. The ordinance shall provide for the duties and powers of the Ethics Commission, enforcement of all ethical standards, procedures for processing complaints of violations and penalties consistent with this Charter. When a complaint alleging a breach of public trust is filed with the town clerk concerning a candidate for town commission or an elected town commissioner, or any member of an advisory board, the matter shall be referred to the Ethics Commission to conduct investigations and make public reports on all complaints. If the Ethics Commission determines that an ethics violation has been committed, it shall have the power to take disciplinary action, including public censure and reprimand, forfeiture of salary, restitution of any pecuniary benefits received because of the violation committed, removal from office, or a recommendation to the State of Florida that the individual be removed from public office. Any person aggrieved by a decision of the Ethics Commission shall apply to the Circuit Court for judicial relief within thirty (30) days after rendition of decision.

The town manager shall insure that all employees abide by the established standards of conduct for employees, as set forth by the Town, and shall have the power to reprimand, punish, demote, dismiss or take other disciplinary action concerning employees who breach ethical standards. The town commission shall request the Ethics Commission to review all complaints alleging ethical misconduct regarding either the town manager or the town attorney and the Ethics Commission shall make findings of fact as to whether the misconduct occurred and shall forward said findings to the town commission for further action.

EXHIBIT "C"

ALTERNATE 2
(DELETION OF TERM LIMITS)

ARTICLE II. SECTION 2(a)

Sec. 2. Creation of commission; residency requirements.
election and terms of office of commissioners.

(a) The town commission shall consist of seven (7) electors of the Town. Two (2) commissioners shall be elected at large. The remaining five (5) Commissioners shall reside in and be nominated from each of the five districts of the Town as set forth in Section 1. Commissioners shall be elected by the qualified electors residing in all five districts at a general election and shall hold office for two years beginning on the day after their election as provided herein. One (1) commissioner-at-large and commissioners from odd-numbered districts shall be elected in even-numbered years, and one (1) commissioner-at-large and commissioners from even-numbered districts shall be elected in odd-numbered years.

Any member of the town commission or an appointed board who is convicted of a felony, or for any misdemeanor arising directly out of his conduct of duties, shall forfeit his office.

The town code of ethics may have additional or different types of provisions than those of the state law, and may be stricter or more relaxed in its terms, provided however, that the provisions of the town ethics code shall not be inconsistent with state law, and all town officers and employees shall continue to be governed by the ethical standards provided therein.

"EXHIBIT "D" ALTERNATE 3
(DELETING \$2,000 reimbursement to Commissioners)

ARTICLE II. SECTION 3

Sec. 3. Nominations: character of service.

The town commission shall provide by ordinance for procedures for nominations for the office of town commissioner, provided all nominations and elections shall be conducted on a nonpartisan basis without regard for a designation of the political party affiliation of any nominee on any nominating petition or ballot. All members of the town commission shall serve without compensation but shall be reimbursed for expenses incurred in connection with their official duties.