

ORDINANCE 2017-23

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, CALLING FOR A REFERENDUM QUESTION TO BE PLACED BEFORE THE QUALIFIED ELECTORS OF THE TOWN OF LONGBOAT KEY AT THE MARCH 20, 2018, GENERAL ELECTION; PROVIDING A CHARTER REFERENDUM QUESTION DETERMINING WHETHER TO ADOPT THE PROPOSED 2018 TOWN CHARTER FOR THE TOWN OF LONGBOAT KEY WHICH WOULD REPLACE THE 2008 TOWN CHARTER; PROVIDING FOR THE FULL TEXT OF THE PROPOSED 2018 TOWN CHARTER FOR THE TOWN OF LONGBOAT KEY; PROVIDING FOR AN EFFECTIVE DATE IF THE PROPOSED CHARTER IS APPROVED; PROVIDING FOR THE FILING OF THE ORDINANCE WITH THE SARASOTA AND MANATEE COUNTY SUPERVISORS OF ELECTIONS; PROVIDING FOR PUBLICATION OF THE TEXT OF THE PROPOSED 2018 CHARTER; PROVIDING FOR THE FILING WITH THE FLORIDA DEPARTMENT OF STATE IF THE PROPOSED 2018 CHARTER IS APPROVED; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Longboat Key's Town Charter was initially adopted by referendum of the town's voters held on March 20, 1975, and was thereafter amended by referendum approval of the town's voters held on September 21, 1989, March 17, 1998, March 9, 1999, and March 18, 2008; and

WHEREAS, Article I, Section 20, of the Town Charter requires that the Town Commission appoint a Charter Review Commission "to review the Charter but in no event shall such review be less than once in a ten (10) year period from the date of adoption of this Charter;" and

WHEREAS, the current version of the Town Charter (hereinafter referred to as the "2008 Charter" or "Town Charter") was last amended following the March 18, 2008, referendum; and

WHEREAS, on March 6, 2017, the Town Commission initiated a Charter review through the passage of Resolution 2017-05 which established a Charter Review Committee for purposes of recommending suggested revisions, amendments, and/or modifications to the 2008 Charter; and

WHEREAS, the Charter Review Committee conducted publicly noticed meetings to review the entire 2008 Charter and, thereafter, recommended to the Town Commission that it consider various revisions to the 2008 Town Charter; and

WHEREAS, at several workshops and meetings of the Town Commission held on October 16, 2017, November 6, 2017, and November 13, 2017, Town Commission considered the recommendations of the Charter Review Committee, Town Staff, Town legal counsel, and the public and determined that the qualified electors of the Town should be given an opportunity to consider the recommended revisions suggested by the Charter Review Committee and that the best manner in which to bring those

recommendations to the qualified electors of the Town was in the form of a new Town Charter; and

WHEREAS, at the November 13, 2017, Town Commission Workshop and subsequent Special Meeting to consider Ordinance 2017-23, the Town Commission indicated a desire to submit one (1) referendum question to the qualified voters of the Town that, if approved, would replace the 2008 Charter currently governing the Town with the proposed 2018 Town Charter; and

WHEREAS, the Town Commission hereby authorizes the placement of the one (1) referendum question more particularly described herein be placed on the March 20, 2018, ballot for consideration by the Town's qualified voters.

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

Section 1. The Whereas clauses above are ratified and approved as true and correct, and are hereby incorporated fully by reference.

Section 2. A referendum of the qualified electors of the Town is hereby called to be held on Tuesday, March 20, 2018, in conjunction with the Town of Longboat Key's general election, for the purpose of submitting to the Town's voters a referendum question, as more particularly set forth below, as to whether the existing 2008 Charter should be replaced with the proposed 2018 Town Charter.

Section 3. If the referendum is approved by the qualified electors of the Town, the existing 2008 Town Charter shall be replaced with the proposed 2018 Town Charter. The full text of the new proposed 2018 Town Charter is set forth herein as Exhibit "A." The full text of the existing 2008 Charter is set forth herein as Exhibit "B." The proposed 2018 Town Charter (Exhibit A) and the existing 2008 Charter (Exhibit B) together with this ordinance shall be available for inspection or copying at the Office of the Town Clerk.

Section 4. The question pertaining to the adoption of the proposed 2018 Town Charter shall be submitted to the qualified electors of the Town in substantially the following form which shall be printed on the ballot:

**OFFICIAL BALLOT
TOWN OF LONGBOAT KEY, FLORIDA
CHARTER QUESTION
MARCH 20, 2018**

REFERENDUM QUESTION:

REFERENDUM REGARDING THE ADOPTION OF A NEW 2018 TOWN CHARTER

Shall the proposed 2018 Town Charter as set forth in Ordinance 2017-23 be adopted replacing the 2008 Town Charter?

Yes - For Adoption _____

No - Against Adoption _____

Section 5. Returns of the votes cast at the referendum shall be made as required by law. If a majority of the votes cast for a particular referendum question shall be "Yes - For Adoption," then that referendum question shall be approved, and the proposed 2018 Town Charter shall become effective as of 12:01 a.m. on the day following the Town Commission's canvass of the referendum results. If less than a majority of the votes cast for the referendum question shall be "Yes - For Adoption," then the referendum question shall be defeated, the adoption of the proposed 2018 Town Charter shall have failed and shall not be effective or operative, and the same shall be void and have no effect. The referendum question's defeat shall result in all provisions from the existing 2008 Charter of the Town of Longboat Key remaining in full force and effect.

Section 6. Pursuant to Article VII, Section 3 of the Town Charter, the entire text of the proposed 2018 Town Charter, as set forth in Exhibit A, shall be published in a newspaper of general circulation in the Town not less than seven (7) nor more than sixty (60) days prior to the date of the referendum provided for in Section 2. Additionally, full copies of this Ordinance and the exhibits hereto shall be available for inspection and copying at Town Hall and available on the Town's website at: www.longboatkey.org.

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 the Town Charter.

Section 8. The Town Clerk is hereby directed to forward a copy of this Ordinance to the Manatee and Sarasota Supervisors of Elections following adoption of this Ordinance by the Town Commission.

Section 9. If the Town's voters approve the referendum question and the proposed 2018 Town Charter provided for herein, the Town Clerk is hereby instructed to file the proposed 2018 Town Charter with the Department of State in accordance with Florida Statutes 166.031 (2).

Section 10. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

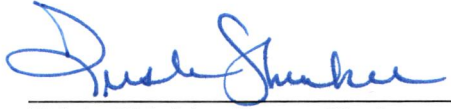
Section 11. If any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

Section 12. This Ordinance shall become effective upon second reading and adoption. If the Town's qualified voters approve the proposed 2018 Town Charter by referendum approval, the 2018 Town Charter shall become effective as specifically provided for in Section 5 above.

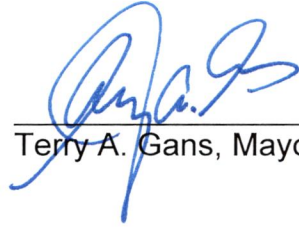
Passed on the first reading this 13th day of November, 2017.

Adopted on the second reading and public hearing this 4th day of December, 2017.

ATTEST:



Trish Shinkle, Town Clerk



Terry A. Gans, Mayor

Attachments:

Exhibit "A" - Proposed 2018 Town Charter

Exhibit "B" - Existing 2008 Town Charter



“EXHIBIT A”
Proposed 2018 Longboat Key Charter

LONGBOAT KEY CHARTER

The town's original 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 February 19, 1975, the Town Commission adopted Ordinance 75-2, which provided for a new Charter (sometimes referred to as the 1975 Charter) that was approved by the town's voters on March 20, 1975. On September 21, 1989, the Town Commission adopted Ordinance 89-15, which provided for 14 Charter amendments, and that was approved by the town's voters on November 7, 1989. The 1975 Charter was further amended by the town's voters on March 17, 1998, when they approved the Town Commission's January 5, 1998, enactment of Ordinance 97-28. Later that same year, on December 17, 1998, the Town Commission adopted Ordinance 98-32, which provided for a new Charter (sometimes referred to as the 1999 Charter) that was approved by the town's voters on March 9, 1999, with a single exception. On January 7, 2008, the Town Commission adopted Ordinance 2007-52, which amended the 1999 Charter, and that was approved by the town's voters on March 18, 2008. On December 4, 2017, the Town Commission adopted Ordinance 2017-23, which amended the 2008 Charter, and that was approved by the town's voters on March 20, 2018.

Note: For all up-to-date amendments to the Charter, see the "Charter Comparative Table" located at the end of this Charter.

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.

Sec. 2. - Body corporate and politic.

The inhabitants of the Town of Longboat Key, Florida, 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. The use of any word importing male gender within this Charter shall extend and be applied to both male and female.

Sec. 3. - Boundaries.

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.

Sec. 4. - Form of government.

The form of government 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.

Sec. 5. - Powers of municipality.

In accordance with the Constitution 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 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 thirty (30) days prior to sale, causes a notice to be published in a newspaper of general circulation within the town giving notice of its intention to sell.

(b) The town or any public entity controlled by the town may issue general obligation bonds payable from ad valorem taxation and maturing more than twelve months after issuance only to finance or refinance capital projects authorized by law and only when approved by vote of the electors who are qualified to vote pursuant to Article VII, Section 12, of the Florida Constitution.

(c) The town or any public entity controlled by the town may issue revenue bonds in excess of the Bonding Limitation at any one time only when approved by vote of the qualified electors. For purposes of this limitation, "at any one time" means within 90 days and "Bonding Limitation" means \$5,000,000.00 initially. As of each October 1 thereafter, the amount of the "Bonding Limitation" in effect shall be adjusted to reflect the percentage change in the Consumer Price Index (U.S. City Average All Workers) by using the most recent available information for the prior 12 month period. The town commission may waive the requirement in this Section 5(c) for a vote of the electors 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 a vote of the electors.

(d) Notwithstanding the above, a vote of the electors shall not be required to refund outstanding bonds and interest and redemption premium thereon at a lower net average interest cost rate, to issue any revenue bonds payable exclusively from non-ad valorem revenues in the proprietary funds, or to incur any obligation which is subject to annual appropriation.

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, 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 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 applicable Florida Law.

(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.

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. All town officers and employees shall be governed by the ethical standards provided for in the Florida Constitution and Florida Statutes, with enforcement of such standards through the appropriate state regulatory agency and as provided by Florida law.

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 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.

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 of the certification of the election as provided herein. No elector shall serve more than three (3) consecutive terms as town commissioner without an interval of one complete term out of office. Service of more than one (1) year as town commissioner shall be considered a term for the purposes of the three consecutive term limitation. 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. 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.

Sec. 4. - Elections generally.

When there are more than two (2) qualified candidates for an elective office on the town commission, there shall be both a preliminary and general election. The preliminary election shall be held on the last Tuesday of January and the general election shall be held on the third Tuesday of March, or, when practicable, in conjunction with any County administered election held in March by the coordinating County, either Sarasota or Manatee County. If the date of the general election is changed as a result of coordinating with a County, the date of the preliminary election may also be changed in order to comply with State election laws. The names of 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.

Sec. 5. - Conduct of elections.

The town commission shall, by ordinance, prescribe the method and manner of holding all elections in the town and shall provide when and how special elections shall be called and held, subject to the agreement and consent of the Sarasota and Manatee County Supervisors of Elections. Either County Supervisor of Election may conduct and oversee a town-wide election in accordance with applicable Florida Statutes. 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.

Sec. 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 within three (3) business days following certification. 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 at that meeting.

Sec. 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.

Sec. 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, as authorized by the Supervisor of Elections, after such a vacancy occurs; and the person so elected shall serve the remaining unexpired term.

(b) Any vacancy resulting from a recall election shall be filled in the manner provided by state laws applicable to recall of municipal officials.

Sec. 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.

Sec. 10. - Mayor and vice-mayor.

(a) The town commission shall, at a meeting to be held annually in March of each year elect one (1) of its members as mayor of the town and another of its members as vice-mayor. In the event a vacancy occurs in the office of mayor, the vice-mayor shall immediately assume the duties of the mayor for the remainder of the mayor's unexpired term. In the event a vacancy occurs in the office of vice-mayor, the town commission shall elect a new vice-mayor at the next available town commission meeting for the remainder of mayor's unexpired term. If the members of the town commission are unable to agree upon the selection of the mayor or vice-mayor within 15 days after a vacancy occurs, then such vacant office shall 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. 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.

Sec. 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. 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 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. 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. Neither the town commission nor any member 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.

(b) 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 town commissioners may express their views and fully and freely discuss with the town manager anything pertaining to appointment and removal of such officers and employees.

Sec. 13. - Meetings.

(a) Pursuant to Article II, Section 6, of this Charter following each general municipal election, 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 elected 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 workshops in the months of July and August 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. 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.

Sec. 14. - Special and Emergency Meetings.

(a) Special Meetings. The mayor, or the town manager following a request from any two (2) members of the commission, may call special meetings of the commission upon at least 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 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. 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 the town manager following a request from any two (2) 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. 15. - Penalty for absence.

Absence from 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 prior to the end of the two-month period. The month of August shall be excluded when computing these two consecutive months.

Sec. 16. - Enactment of ordinances.

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

(b) The majority of the members of the town commission shall constitute a quorum. 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 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.

(c) Every ordinance or resolution shall upon its final passage shall be signed by the mayor and the town clerk and kept as required by applicable Florida law.

(d) Codes, including the building code and other codes of the Town of Longboat Key, which are in printed form or in digital format 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 reference be made a part of any town ordinance now or hereafter adopted.

Sec. 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 to provide 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.

Sec. 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 available in digital format

or 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.

Sec. 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. Such oath shall be in the form prescribed for state officers by the Constitution of the state.

Sec. 20. - Appointment of advisory boards and charter review committee.

(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 town shall maintain a Planning and Zoning Board as a permanent board. The town commission may establish and appoint such other boards and committees the town commission deems necessary and appropriate.

(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 (10) year period from the date of adoption of this Charter.

Sec. 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.

Sec. 22. - Comprehensive plan for town.

(a) The town commission shall cause plans to be developed on a 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.

(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.

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 manager shall be appointed solely on the basis of professional and administrative qualifications.

Sec. 2. - Removal.

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. - Assistant town manager and acting town manager.

(a) Assistant town manager. Subject to the advice and consent of the town commission, the town manager may establish an assistant town manager position and appoint an individual to fill such position, solely on the basis of professional and administrative qualifications.

(b) By written notice filed with the town clerk, the manager, or in his absence, the town commission, shall designate an assistant town manager, or a qualified town administrative officer, to exercise the powers and perform the duties of manager during any temporary unavailability or inability to act. During such 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 unavailability or inability shall cease.

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. He 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. 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. 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, collective bargaining units, department heads, and all other town employees except those specified elsewhere in this Charter. In addition, he shall have the following additional powers and duties:

- (a) Direct and supervise the administration of all departments, offices, and agencies of the town, except as otherwise provided by this Charter or by law.
- (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) 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) 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) Prepare and submit the annual budget and capital program to the town commission.
- (f) Submit to the town commission and make available to the public a complete audited report of the finances and administrative activities of the town as of the end of each fiscal year.

- (g) 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) 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) Serve as purchasing agent for the town, through whom all purchases of goods and services shall be made. He shall approve all vouchers for the payment of same and conduct all sales of personal property which the commission may authorize to be sold or 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.
- (j) Execute certain Interlocal Agreements, as delineated by Town Code or as may be required by the town commission.

Article IV. - Town Clerk

Sec. 1. - Appointment and qualifications.

The town manager, with the approval of the town commission, shall appoint a town clerk solely on the basis of professional qualifications.

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) Maintain all documents and records in the custody of the clerk in accordance with Florida law.
- (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.

Article V. - Town Finances

Sec. 1. - Finance director.

The town manager shall appoint a finance director who shall:

- (a) 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 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) 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) Supervise all accounting procedures.
- (d) 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.
- (e) Certify as to available funds prior to any allocation by the town commission.
- (f) Furnish to the town manager such fiscal services as required.
- (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.

Sec. 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.

Sec. 3. - Submission of budget and budget message.

On or before June 15th of each year, the town manager shall submit to the town commission a preliminary budget for the ensuing fiscal year and a final budget and an accompanying message on or before the first day of August of each year.

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.

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. 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 include separate sections for operation, capital expenditures, and utility operations.

Sec. 6. - Capital program.

- (a) Submission to town commission. The town manager shall prepare and submit to the town commission a capital program on or before June 15th of each year in such form as the town manager deems desirable or the town commission may require. The capital program shall be included and adopted as part of the annual budget.
- (b) Contents. The capital program may 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;
 - (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 shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

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.
- (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 an 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 or resolution 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 be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all the items in 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.

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.

Sec. 9. - Amendments after adoption.

- (a) Supplemental appropriations. If during the fiscal year the town manager certifies there are available for appropriation revenues in excess of those estimated in the

budget, the town commission by ordinance or resolution 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 or resolution. To the extent that there are no available unappropriated revenues to meet such appropriations, the town commission may by such emergency ordinance or resolution 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.
- (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 or resolution reduce one or more appropriations.
- (d) Transfer of appropriations. The legal level of budgetary control shall be, at a minimum, expenditures for each department for each fund for which a budget is required. At any time during the fiscal year, the town manager may transfer up to \$20,000.00 of funds constituting a part or all of any unencumbered appropriation balance among programs within or between departments, offices, or agencies within the same fund. As of each October 1 thereafter, the amount of the transfer limit in effect shall be adjusted to reflect the percentage change in the Consumer Price Index (U.S. City Average All Workers) by using the most recent available information for the prior 12 month period. The town manager shall thereafter give notice of any such transfers to the town commission. Upon written request by the town manager, the town commission may authorize transfers of larger amounts or unencumbered appropriations among programs either within or between department, offices, or agencies by resolution. Transfers of appropriations within any fund below the local government's legal level of control shall require only the approval of the town manager.
- (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.

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.

Sec. 11. - Certification of available funds.

- (a) Prior to the execution of any contract, other obligation involving the expenditure of money, or any order of the town commission or any officer of the town for expenditure of money, 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. The town commission may, however, provide for contracts or other obligations involving the expenditure of money in any immediately ensuing fiscal year, so long as the finance director shall first certify in writing as to reasonable anticipation during the next fiscal year. 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 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 as directed by the town manager, 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 or 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 providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

Sec. 12. - Audit of accounts.

At the end of each fiscal year, and more often if so required by the town 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, shall cause the books of accounts of the town to be audited by an independent certified public accountant selected by the town commission. Upon completion of the audit, it shall be delivered to each member of the town commission, the finance director, and the town manager, and a copy 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 on the town's web site within a period of not more than thirty (30) days after the completion of any such audit.

Sec. 13. - Duties and responsibilities.

The finance director shall be responsible for the design, implementation, and maintenance of internal controls relevant to the preparation and fair presentation of financial statements. A purchasing manager, under the supervision of the town manager, shall maintain a program for procurement of commodities and contractual services and such records shall be open for public inspection as provided by state law. The town clerk shall maintain a record of all contracts to which the town is a party in accordance with statutory requirements, and such records shall be open for public inspection as provided by state law.

Sec. 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.

Sec. 15. - Bonds.

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.

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 and have a minimum of five (5) years' experience in the practice of law prior to the time of appointment.

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 compensation of such appointees shall be made with the advice and consent of the town commission.

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;
- (e) Perform such other legal services as requested by the town commission or town manager.

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.
- (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. - Methods 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, as authorized by the Supervisor of Elections, cause a referendum to be held on the question of adoption of such proposed amendment in the manner provided by law and this Charter.

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.

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 at the time fixed in such amendment, or if no time is therein fixed, thirty (30) days after its adoption by the electors.

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.

Article VIII. - Transitional and Separability

Sec. 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.

Sec. 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 closes 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.

Sec. 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.

Sec. 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 the time of its adoption.

Sec. 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.

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 manner prescribed by law.

CHARTER COMPARATIVE TABLE

This table shows the location of the sections of the Longboat Key, Florida Charter and any amendments thereto.

Ordinance Number	Adoption Date	Referendum Date	Section	Section this Charter
2010-18	12-6-10	3-15-11	5	art. II, § 2(a)

“EXHIBIT B”
Existing 2008 Longboat Key Charter

LONGBOAT KEY CHARTER

On March 18, 2008, the town's voters approved Ordinance 07-52, adopted by the Town Commission on January 7, 2008. On March 9, 1999, the town's voters approved Ordinance 98-32, adopted by the Town Commission on December 17, 1998, except for one option, which adopted a new Charter 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. 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. Prior to this Charter, the town's voters adopted a new Charter on March 20, 1975, as approved in Ordinance 75-2, adopted by the Town Commission on February 19, 1975. 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.

Note: For all up-to-date amendments to the Charter, see the "Charter Comparative Table" located at the end of this Charter.

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.

Sec. 2. - Body corporate and politic.

The inhabitants of the Town of Longboat Key, Florida, 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. The use of any word importing male gender within this Charter shall extend and be applied to both male and female.

Sec. 3. - Boundaries.

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.

Sec. 4. - Form of government.

The form of government 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.

Sec. 5. - Powers of municipality.

In accordance with the Constitution 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 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 thirty (30) days prior to sale, causes a notice to be published in a newspaper of general circulation within the town giving notice of its intention to sell.

(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.

(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, 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 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.

(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.

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. 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 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 by lot 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.

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 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.

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 of the certification of the election as provided herein. No elector shall serve more than three (3) consecutive terms as town commissioner without an interval of one complete term out of office. Service of more than one (1) year as town commissioner shall be considered a

term for the purposes of the three consecutive term limitation. 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. 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.

Sec. 4. - Elections generally.

When there are more than two (2) qualified candidates for an elective office on the town commission, there shall be both a preliminary and general election. The preliminary election shall be held on the last Tuesday of January and the general election shall be held on the third Tuesday of March, or, when practicable, in conjunction with any County administered election held in March by the coordinating County, either Sarasota or Manatee County. If the date of the general election is changed as a result of coordinating with a County, the date of the preliminary election may also be changed in order to comply with State election laws. The names of 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.

Sec. 5. - Conduct of elections.

The town commission shall, by ordinance, prescribe the method and manner of holding all elections in the town and shall provide when and how special elections shall be called and held, which are not provided for by the terms 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.

Sec. 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 7:00 PM within three (3) business days following certification. 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 at that meeting.

Sec. 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.

Sec. 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 ninety (90) days after such a vacancy occurs; and the person so elected shall serve the remaining unexpired term.

(b) Any vacancy resulting from a recall election shall be filled in the manner provided by state laws applicable to recall of municipal officials.

Sec. 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.

Sec. 10. - Mayor and vice-mayor.

(a) The town commission shall, at a meeting to be held at 7:00 p.m. pursuant to Article II, Section 6, of this Charter 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. 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 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. 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.

Sec. 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. 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 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. 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. Neither the town commission nor any member 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.

(b) The provisions of Section 12(a) shall not limit or restrict the right of the town commission 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 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 town commissioners may express their views and fully and freely discuss with the town manager anything pertaining to appointment and removal of such officers and employees.

Sec. 13. - Meetings.

(a) At 7:00 p.m. pursuant to Article II, Section 6, of this Charter following each general municipal election, 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 elected 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 workshops in the months of July and August 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. 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.

Sec. 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 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 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. 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. 15. - Penalty for absence.

Absence from 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 prior to the end of the two-month period. The month of August shall be excluded when computing these two consecutive months.

Sec. 16. - Enactment of ordinances.

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

(b) The majority of the members of the town commission shall constitute a quorum. 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 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.

(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 are 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 reference be made a part of any town ordinance now or hereafter adopted.

Sec. 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.

Sec. 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.

Sec. 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. Such oath shall be in the form prescribed for state officers by the Constitution of the state.

Sec. 20. - Appointment of advisory boards.

(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 (10) year period from the date of adoption of this Charter.

Sec. 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.

Sec. 22. - Comprehensive plan for town.

(a) The town commission shall cause plans to be developed on a 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.

(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.

Sec. 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.

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 manager shall be appointed solely on the basis of professional and administrative qualifications.

Sec. 2. - Removal.

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 town commission, shall designate a qualified town administrative officer to exercise the powers and perform the duties of manager during any temporary unavailability or inability to act. During such 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 unavailability or inability shall cease.

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. He 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. 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, 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 additional powers and duties:

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

(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) 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) 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) Prepare and submit the annual budget and capital program to the town commission.

(f) 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) 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) 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) Serve as purchasing agent for the town, through whom all purchases of supplies shall be made. He shall approve all vouchers for the payment of same and conduct all sales of personal property which the commission may authorize to be sold or 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.

(j) Perform such other duties as are specified in this Charter or may be required by the town commission.

Article IV. - Town Clerk

Sec. 1. - Appointment and qualifications.

The town manager, with the approval of the town commission, shall appoint a town clerk solely on the basis of professional qualifications.

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.

Article V. - Town Finances

Sec. 1. - Finance director.

The town manager shall appoint a finance director who shall:

(a) 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 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) 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) Supervise all accounting procedures.

(d) 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.

(e) Certify as to available funds prior to any allocation by the town commission.

(f) Furnish to the town manager such fiscal services as required.

(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.

Sec. 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.

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 ensuing fiscal year and a final budget and an accompanying message on or before the first day of August of each year.

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.

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. 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 include separate sections for operation, capital expenditures, and utility operations.

Sec. 6. - Capital program.

(a) Submission to town commission. The town manager shall prepare and submit to the town commission a 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;

(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 shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

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.

(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 an 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 be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all the items in 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.

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.

Sec. 9. - Amendments after adoption.

(a) Supplemental appropriations. If during the fiscal year the town manager certifies 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.

(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 \$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 or 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.

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.

Sec. 11. - Certification of available funds.

(a) Prior to the execution of any contract, other obligation involving the expenditure of money, or any order of the town commission or any officer of the town for expenditure of money, 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. The town commission may, however, provide for contracts or other obligations involving the expenditure of money in any immediately ensuing fiscal year, so long as the finance director shall first certify in writing as to reasonable anticipation during the next fiscal year. 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 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 as directed by the town manager, 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 or 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 providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

Sec. 12. - Audit of accounts.

At the end of each fiscal year, and more often if so required by the town 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, shall cause the books of accounts of the town to be audited by an independent certified public accountant selected by the town commission. Upon completion of the audit, it shall be delivered to each member of the town commission, the finance director and the town manager, and a copy 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.

Sec. 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 keep a record of all accounts and doings and a record of all contracts to which the town is a party, and such records shall be opened to the inspection of all parties interested.

Sec. 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.

Sec. 15. - Bonds.

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.

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 and have a minimum of three (3) years' experience in the practice of law prior to the time of appointment.

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 compensation of such appointees shall be made with the advice and consent of the town commission.

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) Perform such other legal services as requested by the town commission or town manager.

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.

(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. - Methods 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, 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.

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.

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 at the time fixed in such amendment, or if no time is therein fixed, thirty (30) days after its adoption by the electors.

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.

Article VIII. - Transitional and Separability

Sec. 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.

Sec. 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 closes 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.

Sec. 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.

Sec. 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 the time of its adoption.

Sec. 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.

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 manner prescribed by law.