

ART I - CHARTER

Footnotes:

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Editor's note— Part I contains the Charter of the Town as proposed by Ordinance No. 474, enacted November 29, 1995, and as approved at referendum held March 12, 1996. Formerly, Part I contained the Charter of the Town as enacted by Ord. No. 280, enacted March 6, 1985, and approved at referendum on March 12, 1985, as amended by Ord. No. 430, enacted October 28, 1992. Subsequent amendments will be worked into their proper places and amended or repealed provisions deleted. Subsequent amendments will be reflected by history notes enclosed in parentheses following the sections affected. The absence of such a history note indicates that the provision has not been amended, and is as originally enacted in 1996. The editors have added words and phrases in brackets where desirable to clarify meaning or facilitate use. Any bracketed catchlines or material included by the editor for clarity were not part of the Charter as approved.

State Law reference— Municipal Home Rule Powers Act, F.S. ch. 166.

ARTICLE I. - CORPORATE NAME

[Sec. 1. - Name of municipality.]

The municipality hereby established shall be known as the "Town of Juno Beach."

ARTICLE II. - TERRITORIAL BOUNDARIES

Footnotes:

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State Law reference— Municipal annexation and contraction, F.S. ch. 171.

[Sec. 1. - Established.]

The corporate boundaries of the town shall remain fixed and established as they exist on the date this Charter takes effect, provided that the town shall have the power to change its boundaries in the manner prescribed by law. The official legal description of the town shall be maintained by the town clerk.

ARTICLE III. - LEGISLATIVE

Sec. 1. - Form of government; town council; power and composition; qualification; residency.

- (a) The town shall operate under the council-manager form of government, as provided herein. There shall be a town council vested with all legislative powers. The town council shall consist of five (5) members; one of whom shall be the mayor and four of whom shall be councilmembers.
- (b) Only electors of the town who have been continuous residents for at least one (1) year immediately preceding the date of filing of their notice of candidacy shall be eligible to hold the office of mayor or councilmember. All candidates for mayor or councilmember shall submit an affidavit prior to qualification for office demonstrating that they meet the residency requirement. As used in this section and for the purpose of completing the affidavit, "residency" shall require: a place of abode within the town where the prospective candidate actually lives. Additionally, the affidavit shall state that the candidate is registered to vote at the candidate's place of abode at the time of qualification. No elector shall qualify for the office of mayor or councilmember if he or she has been convicted or pled nolo contendere to any felony or has been convicted or pled nolo contendere to any crime of fraud or dishonesty including, by way of example, larceny, theft, burglary, forgery, perjury, or embezzlement. **PROPOSED ADD: No elector shall qualify for the office of mayor or councilmember if he or she has been convicted or pled nolo contendere to any misdemeanor or has been convicted or pled nolo contendere to...**
- (c) **pled nolo contendere to any misdemeanor or has been convicted or pled nolo contendere to...**

The town council adopts policies and appropriates town funds through its budgetary responsibilities, and its members have fiduciary

(Ord. No. 635, § 2, 5-12-2010; Res. No. 2023-03, election of 3-14-23; Charter Amend. of 03-22-2023; Ord. No. 773, § 2, 11-15-2023; Ord. No. 777, § 2, 11-15-2023)

Sec. 2. - Election and terms.

On a date established by ordinance of the town, a general election shall be held in each year to elect members of the town council. The selection of members of the town council shall be by seats to be known as seats 1, 2, 3, 4 and 5. Commencing with the 2011 general election and continuing thereafter, the councilmembers in seats 1 and 3 shall serve a term of three (3) years. The councilmember in seat 5 shall continue to serve a term of two (2) years. Commencing with the 2012 general election and continuing thereafter, the councilmembers in seats 2 and 4 shall serve a term of three (3) years. Commencing with the 2013 general election and continuing thereafter, the councilmember in seat 5 shall serve a term of three (3) years. Commencing with the 2024 general election and continuing thereafter, councilmember seat 2 shall be redesignated as the seat of "mayor" which shall then and thereafter be an elected office with a two (2) year term. The term of office of the mayor and of a councilmember shall commence upon election and qualification and shall continue until a successor is elected and qualified.

PROPOSED ADDITION OF TERM LIMIT:

(Ord. No. 637, § 2, 5-12-2010; Res. No. 2023-03, election of 3-14-2023; Charter Amend. of 03-22-2023)

Sec. 3. - Mayor.

The mayor shall preside at meetings of the council, shall be recognized as head of town government for all ceremonial purposes, by the governor for

purposes of military law, for service of process, execution of deeds and as the town official designated to represent the town in all agreements with other governmental entities or certifications to other governmental entities. The mayor shall have no administrative duties except as required to carry out the responsibilities herein.

(Res. No. 2023-03, election of 3-14-2023; Charter Amend. of 03-22-2023)

Sec. 4. - Annual council officer appointments.

The council shall elect from among its members a vice mayor, and a vice mayor pro tem to serve at the pleasure of the council, Election of the vice mayor and vice mayor pro tem shall be done annually at the first council meeting after the town election. The vice mayor shall act as mayor during the absence or disability of the mayor. The vice mayor pro tem shall preside over council meetings in the absence of the mayor and the vice mayor.

(Res. No. 2023-03, election of 3-14-2023; Charter Amend. of 03-22-2023)

Sec. 5. - Compensation and expenses.

The council may determine the annual salary of the mayor and of council members by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of the mayor or councilmembers elected at the next regular election.

(Res. No. 2023-03, election of 3-14-2023; Charter Amend. of 03-22-2023)

Sec. 6. - Vacancies; forfeiture of office; filling of vacancies.

- (a) *Vacancies* The office of mayor or of a councilmember shall become vacant upon death, resignation, or removal from office in any manner authorized by law of such mayor or councilmember or if such mayor or councilmember ceases to be an elector of the town or ceases to meet the requirements for candidacy set forth in section 1(b) of this article as determined by the remaining members of the council.
- (b) *Filling of vacancies* If there is a vacancy on the council, including both the office of mayor or any councilmember seat, the council by a majority vote of the remaining members may choose a successor mayor or councilmember as applicable, to serve until the next regular town election at which time an election shall be held regardless of whether an election of the seats in which the vacancy occurred is scheduled. If the election for the seats in which the vacancy occurred is not scheduled, the election for those seats shall be for the remainder of the term of the seat or seats in which the vacancy occurred.

PROPOSED ADD: Vacant seats must be filled at the next available General Municipal Election.

Any elector seeking appointment to the council including both the office of mayor or any councilmember seat, shall meet all of the requirements for election set forth in section 1(b) above and shall complete and submit the required affidavit and ethics commission form 1. The council shall consider such documentation when choosing a successor.

- (c) Extraordinary vacancies. In the event that there is a vacancy in all five (5) seats of the council, the governor is authorized to appoint an interim council, such interim council to serve until the next regularly scheduled election. If the governor does not appoint an interim council within sixty (60) days, the town manager shall schedule a special election at the earliest practicable date.

(Ord. No. 73, § 2, 11-17-2020; Res. No. 2023-03, election of 3-14-2023; Charter Amend. of 03-22-2023; Ord. No. 777, § 2, 11-15-2023)

State Law reference— Mandate for establishing procedure for filling vacancies, F.S. § 166.031(6).

Sec. 7. - Council appointed officials.

The council shall appoint a town attorney. The council shall have the power to employ and retain other professional advisors and consultants.

(Ord. No. 732, § 2, 11-17-2020; Res. No. 2023-03, election of 3-14-2023; Charter Amend. of 03-22-2023)

Sec. 8. - Procedure.

- (a) *Meetings* The council shall meet regularly at least once in every month at such times and places as the council may prescribe. Special meetings may be held on the call of the mayor or of a majority of the members and in the absence of a state of emergency, upon no less than twenty-four (24) hours' notice to each member and the public.
- (b) *Rules* The council shall determine its own rules and order of business.
- (c) *Voting.* Voting on ordinances and resolutions shall be recorded. A majority of the council shall constitute a quorum; a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to penalties prescribed by rules of the council. No action of the council, except as otherwise provided in this charter, shall be valid or binding unless adopted by the affirmative vote of the majority of the quorum present. Notwithstanding the foregoing, no ordinance shall be adopted unless by the affirmative vote of at least three (3) councilmembers. In all matters coming before the council for a vote, the mayor shall have the same authority, powers and privileges as all other councilmembers.
- (d) *Environmentally sensitive land* No change to the land use classification or zoning designation of environmentally sensitive land shall be adopted unless by the unanimous vote of all five (5) councilmembers.
- (e) *Police department* No contract or interlocal agreement shall be entered into between the town and a third-party whereby that party assumes the management of or performs the duties and responsibilities of the police department unless the proposed agreement is approved by the affirmative vote of four (4) councilmembers and by a majority of the town electors who vote in a referendum election conducted in accordance with all legal requirements.
- (f) *Land development regulations* Any amendment to the town's land development regulations that increases the permitted height or density within any zoning district shall require an affirmative vote of all five (5) councilmembers.

(g) *Variances* Any order granting a variance to the permitted height within any zoning district shall require an affirmative vote of all five (5) councilmembers.

(Ord. No. 578, § 2, 12-29-2004; Ord. No. 732, § 2, 11-17-2020; Ord. No. 733, § 2, 11-17-2020; Ord. No. 734, § 2, 11-17-2020; Res. No. 2023-03, election of 3-14-2023; Charter Amend. of 03-22-2023; Ord. No. 774, § 2, 11-15-2023; Ord. No. 775, § 2, 11-15-2023)

State Law reference— Procedures for adoption of ordinances and resolutions, F.S. § 166.041; public meetings and records, F.S. § 286.011.

ARTICLE IV. - ADMINISTRATIVE

Sec. 1. - Town manager.

There shall be a town manager who shall be the chief executive officer of the municipal corporation. The manager shall be responsible to the council for the administration of all town affairs placed in their charge by or under this charter.

Sec. 2. - Appointment; removal; compensation.

- (a) *Appointment* The council shall appoint a town manager by a majority vote of the mayor and all the council members.
- (b) *Removal* The council may remove the manager by a majority vote of the mayor and all the councilmembers and the manager shall hold office at the pleasure of the council.
- (c) *Compensation* The compensation of the manager shall be fixed by the council.

(Res. No. 2023-03, election of 3-14-2023; Charter Amend. of 03-22-2023)

Sec. 3. - Acting town manager.

By written notification to the town council, the manager shall designate a qualified town executive officer to exercise the powers and perform the duties of manager during his or her temporary absence or disability. During absence or disability, the council may revoke such designation at any time and appoint another officer of the town to serve until the manager shall return or such disability shall cease.

(Ord. No. 735, § 2, 11-17-2020)

Sec. 5 [4]. - Powers and duties of the town manager.

The town manager shall:

- (a) Appoint, suspend or remove all town employees. The town manager may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department, or office;
- (b) Establish and supervise the administration of all departments and offices of the town, except as otherwise provided by this charter or by law;
- (c) Attend all council meetings and shall have the right to take part in discussion, but may not vote;
- (d) See that all laws, provisions of this charter and acts of the council, subject to enforcement by the town manager or by officers subject to the town manager's direction and supervision are faithfully executed;
- (e) Prepare and submit the annual budget, budget message and capital improvements program to the council;
- (f) Submit to the council and make available to the public a complete report on the finances of the town as of the end of each fiscal year.
- (g) Make such other reports as the council may require concerning the operations of town departments and offices;
- (h) Keep the council fully advised as to the financial condition and future needs of the town and make such recommendation to the council concerning the affairs of the town as is deemed advisable;
- (i) Sign contracts on behalf of the town;
- (j) Perform such other duties as are specified in this charter or may be required by the council.

Sec. 7 [5]. - Town clerk.

There shall be a town clerk appointed by the town manager who shall be responsible to the council for the proper administration of all affairs of the town coming under his or her control and to that end the powers and duties of the town clerk are and shall be:

- (a) To attend all official meetings of the council in person or by deputy and keep minutes of its proceedings which, after being approved, shall be recorded in a well bound book and signed by the town clerk.
- (b) To be the custodian of the town seal and of all records and papers of a general or permanent character pertaining to the affairs of the municipality.
- (c) To attest all executory contracts made on behalf of the town as evidence of the authorization of such contracts by the council or town manager; and no executory contracts made on behalf of the town or to which the town is a party shall be valid unless attested by the town clerk or his or her designee.
- (d) To preserve, file and index all contracts to which the town is a party.

(Ord. No. 579, § 2, 12-29-2004; Ord. No. 735, § 2, 11-17-2020)

Sec. 7 [6]. - Prohibitions.

- (a) *Appointment and removals* Neither the council nor any of its members shall in any manner dictate the appointment or removal of any town administrative officers or employees whom the manager or any subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.
- (b) *Interference with administration* Except for the purpose of inquiries and investigations, the council or its members shall deal with town officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its members shall give orders to any such officer or employee either publicly or privately. Nothing in the foregoing is to be construed to prohibit individual members of the council from closely scrutinizing all aspects of town government operations so as to obtain independent information. It is the express intent of this charter, however, that recommendations for improvement in town government operations by individual council members be made to and through the town manager, so that the manager may coordinate efforts of all town departments to achieve the greatest possible savings through the most efficient and sound means available.

ARTICLE V. - QUALIFICATION AND ELECTIONS

Footnotes:

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State Law reference— *Florida Election Code, F.S. ch. 97 et seq.*

Sec. 1. - Non-partisan election.

All qualifications and elections for the office of mayor and town council member shall be conducted on a non-partisan basis without regard for or designation of political party affiliation of any nominee on any nomination petition or ballot.

(Res. No. 2023-03, election of 3-14-2023; Charter Amend. of 03-22-2023)

Sec. 2. - Qualifications.

Candidates for the office of mayor and town council member shall qualify for such office by the filing of a written notice of candidacy with the town clerk at such time and in such manner as may be provided by law.

(Res. No. 2023-03, election of 3-14-2023; Charter Amend. of 03-22-2023)

Sec. 3. - Form of ballots.

- (a) *Candidates* The council by resolution shall prescribe the form of ballot including the method for listing candidates for town council elections and

any other town election unless the form of a ballot is prescribed by state law.

- (b) *Charter amendments.* Whenever a charter amendment is to be voted on by the town, the amendment shall be placed on that portion of the ballot following the candidates for town council, if any. The substance of such amendment shall be printed in clear and unambiguous language on the ballot and followed by the word "yes" and also by the word "no." The proposed amendment shall be styled in such a manner that a "yes" vote will indicate approval of the proposal and a "no" vote will indicate rejection. The wording of the substance of the amendment and the ballot title to appear on the ballot shall be embodied in the town ordinance approving such amendment to be placed before the voters. In accordance with Florida law, the substance of the amendment shall be an explanatory statement of the chief purpose of the measure. The ballot title shall consist of a caption by which the measure is commonly referred to or spoken of.

(Ord. No. 580, § 2, 1-12-2005)

Sec. 4. - General and run-off election.

Whenever a general or a special election is held to fill any elective office in the town, the candidate receiving a majority of the votes cast at such election to fill such office shall be declared to be duly elected; provided that in the event no candidate for a particular elective office shall receive a majority of the votes cast at such election to fill such office, then a run-off election shall be held on such date as is provided by ordinance of the town; provided further that in such event only the names of the two (2) candidates having received the greatest number of votes in the election for such office shall be submitted to the voters and the one receiving the majority number of votes in such run-off election shall be declared to be duly elected to such office; provided further, that should two (2) or more candidates receive an equal number of votes to any such office, so that it cannot be determined which two (2) had received the greatest and the next greatest number of votes, then the names of all such candidates shall be submitted at the run-off election and the candidate receiving the greatest number of votes at such election shall be declared elected to such office, regardless of whether such candidate received a majority of the votes cast to fill such office at such run-off election.

Sec. 5. - Unopposed candidate: vacancies in candidacy.

- (a) In the event only one person qualifies as a candidate for a designated seat on the town council to be filled at an election, that seat shall not be listed on the regular town election ballot. In the event a vacancy in candidacy caused by death, withdrawal or removal from the ballot leaves only one remaining qualified candidate, that candidate shall be treated in the same manner as an unopposed candidate. Each unopposed candidate shall be deemed to have voted for him or herself and thereafter declared to be duly elected to such office.
- (b) If the death, withdrawal or removal from the ballot of a qualified candidate occurs after the close of the qualification period leaving no candidates for an open seat with at least twenty (20) days remaining before the election, the qualifying period for that seat shall be reopened for a period of five (5) business days following the date the vacancy occurs and all qualified candidates registering during that period shall be placed on the ballot. The town clerk shall advertise the reopening of the qualification period.

- (c) If the death, withdrawal or removal from the ballot of a qualified candidate occurs after the close of the qualification leaving no candidates for an open seat with less than twenty (20) days remaining before the election, the election for such office shall be delayed for at least thirty (30) and no more than forty-five (45) days at which time the general election for that office shall take place. The town clerk shall advertise notice of the rescheduling of the election and the reopening of the qualifying period. Qualifying shall be reopened for a period of at least ten (10) business days.

(Ord. No. 580, § 2, 1-12-2005)

State Law reference— Mandate for establishing procedure for filling vacancies in candidacy, F.S. § 166.031(6).

Sec. 6. - Recall.

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

State Law reference— Recall of members of governing body, F.S. § 100.361.

ARTICLE VI. - INITIATIVE AND REFERENDUM

[Sec. 1. - Procedures for initiative and referendum.]

(a) *General provisions*

- (1) *Initiative* Electors of the town shall have power to propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a town election, provided that such power shall not extend to the budget or capital improvements program or any ordinance relating to appropriation of money, levy of taxes, salaries of town officers or employees, annexation of property, the rezoning of property, or the town's adopted comprehensive plan.
- (2) *Referendum* Electors of the town shall have power to require reconsideration by the council of any adopted ordinance and if the council fails to repeal an ordinance so reconsidered, to approve or reject it at a town election, provided that such power shall not extend to the budget or capital improvements program or any emergency ordinance or ordinance relating to the appropriation of money, levy of taxes, salaries of town officers or employees, annexation of property, the rezoning of property, or the town's adopted comprehensive plan.

- (b) *Commencement of proceedings* Any five (5) electors of the town may commence initiative or referendum proceedings by filing with the town clerk an affidavit stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought [to] be reconsidered.

Promptly after the affidavit of the petitioners committee is filed, the town clerk shall, at the committee's request, issue the appropriate petition blanks to the petitioners committee at the committee's expense.

(c) *Petitions*

- (1) *Number of signatures* Initiative and referendum petitions must be signed by electors of the town equal in number to at least fifteen (15) percent of the total number of electors registered to vote at the last regular town election.
- (2) *Form and content* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- (3) *Affidavit of circulator* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, and that the circulator believes them to be the genuine signature of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- (4) *Time for filing referendum petitions* Referendum petitions must be filed within thirty (30) days after adoption by the council of the ordinance sought to be reconsidered.

(d) *Procedure for filing.*

- (1) *Certificate of clerk; amendment* Within twenty (20) days after the initiative or referendum petition is filed the town clerk shall complete a certificate as to its sufficiency, specify if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners committee by registered mail. Grounds for insufficiency are only those specified in subsection (c). If the petitioners committee does not request council review under subsection (2) of this section within the time required, the clerk's certificate shall be a final determination as to the sufficiency of the petition.
- (2) *Council review* If a petition has been certified insufficient the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the council. The council shall review the certificate within thirty (30) days of the filing of such request and approve or disapprove it, and the council's determination shall then be a final determination as to the sufficiency of the petition.

(e) *Referendum petitions* When a referendum petition is filed with the town clerk the ordinance sought to be reconsidered shall remain in effect until:

- (1) The council repeals the ordinance, or;
- (2) A vote of the town's qualified electors repealing the ordinance has been certified.

Action on petitions

- (f) (1) *Action by council* When an initiative or referendum petition has finally been determined sufficient, the council shall consider the proposed

initiative ordinance or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance or fails to repeal the referred ordinance within sixty (60) days, a vote of the town's qualified electors on a proposed or referred ordinance shall be held.

- (2) *Submission to voters* The election shall be held not less than ninety (90) days and not later than one hundred twenty (120) days from the date that the petition was determined sufficient. If no regular town election is scheduled to be held within the period described in this subsection, the council shall provide for a special election, within the described period. Copies of the proposed or referred ordinance shall be made available at the polls.
- (3) *Withdrawals of petitions* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the town by filing with the town clerk or other official designated by the council a request for withdrawal signed by at least four (4) members of the petitioners committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(g) *Results of election*

- (1) *initiative* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the council; provided, however that the council may amend or repeal an ordinance enacted by initiative only upon the affirmative vote of at least four (4) councilmembers.

(Ord. No. 776, § 2, 11-15-2023)

ARTICLE VII. - TRANSITION SCHEDULE

Sec. 1. - Ordinances preserved.

All ordinances in effect upon the adoption of this Charter to the extent not inconsistent with it, shall remain in force until repealed or changed as provided herein.

Sec. 2. - Pending matters.

All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the town shall continue except as modified pursuant to the provisions of this Charter.

Sec. 3. - Miscellaneous provisions.

- (a) In case any one or more of the sections or provisions of this Charter or the application of such sections or provisions to any situation shall for any reason be held to be unconstitutional, such unconstitutionality shall not affect any other sections or provisions of this Charter or the application of such sections or provisions as to any other situation and it is intended that this charter shall be construed and applied as if such unconstitutional section or provision had not been included herein.
- (b) As often as the council may deem necessary, but in any event, at least every five (5) years, the terms and provisions of this charter shall be reviewed.