

---

## 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 (4) 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: (1) a place of abode within the town; and (2) the intent of making that place of abode the person's permanent home. Additionally, the affidavit shall state that the candidate is registered to vote at the candidate's place of abode at the time of qualification.

(c) The town council adopts and appropriates town funds through its budgetary responsibilities, and its members have fiduciary responsibilities as trustees of public funds.

(Ord. No. 635, § 2, 5-12-2010; Res. No. 2023-03 , election of 3-14-23)

### 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.

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

### 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)

---

#### 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)

#### 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)

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

(a) *Vacancies.* The office of mayor or of a councilmember shall become vacant upon the 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 a resident or an elector of the town as determined by the remaining a majority of the members of the entire council (three affirmative votes). Furthermore, the mayor or a councilmember shall forfeit office if he or she:

1. Is convicted of or pleads nolo contendere to any felony; or

2. Is convicted of or pleads nolo contendere to any crime of fraud or dishonesty including, by way of example, larceny, theft, burglary, forgery, perjury, or embezzlement.

(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. 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. 731 , § 2, 11-17-2020; Res. No. 2023-03 , election of 3-14-2023)

State law reference(s)—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)

## 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 existing 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.* Commencing on the date of the expiration of the limitations on the adoption of more restrictive or burdensome procedures concerning the review or approval of development permits set forth in section 14 of Chapter 2023-304, Laws of Florida, 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)

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