

PART I
CHARTER*

* **Editors Note:** Published herein is the Charter of the Town of Southwest Ranches, Florida, being Laws of Fla. ch. 2000-475, § 1. (Section 2 of ch. 2000-475 provided for a referendum on June 6, 2000, and is not included herein.) Amendments will be indicated by parenthetical history notes following amended provisions. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions for clarity are indicated by brackets.

State Law References: Municipal home rule powers act, F.S. ch. 166.

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ARTICLE I.

CORPORATE EXISTENCE, FORM OF GOVERNMENT, BOUNDARY AND POWERS

Section 1.01. Corporate existence.

In order to preserve, protect, and to enhance the quality of life and the rural residential character of Southwest Ranches, a municipal corporation known as Town of Southwest Ranches (the "Town") is hereby created pursuant to the Constitution of the State of Florida (the "State"). The corporate existence of the Town shall commence upon the adoption of this Charter by the electorate pursuant to [former] section 9.01 of this charter.

(Laws of Fla., ch. 2000-475, § 1; Amend. of 10-21-2010, § 1)

Section 1.02. Form of government.

The Town shall have a "Council-Administrator" form of government.

(Laws of Fla., ch. 2000-475, § 1)

Section 1.03. Corporate boundary.

Editors Note: The corporate boundary, as described by Laws of Fla., ch. 2000-475, § 1, as amended, has been omitted from this publication of the Charter. It is found in the state session laws and is subject to change due to annexations.

State Law References: Municipal annexation or contraction, F.S. ch. 171.

Section 1.04. Powers.

The Town shall have all available governmental, corporate, and proprietary powers and may exercise them, except when prohibited by law. Through the adoption of this Charter, it is the intent of the electors of the Town that the municipal government established herein have the broadest exercise of home rule powers permitted under the Constitution and laws of the State.

(Laws of Fla., ch. 2000-475, § 1)

State Law References: General municipal powers, F.S. § 166.021.

Section 1.05. Construction.

This Charter and the powers of the Town shall be construed liberally in favor of the Town.

(Laws of Fla., ch. 2000-475, § 1)

ARTICLE II.

TOWN COUNCIL; MAYOR

Section 2.01. Town Council.

There shall be a Town Council (the "Council") vested with all legislative powers of the Town, consisting of four members ("Council members") and the Mayor. Council members shall occupy seats numbered 1 through 4. References in this Charter to Council members shall include the Mayor, unless the context dictates otherwise. Unless otherwise stated within this Charter, all Charter powers shall be exercised by the Council.

(Laws of Fla., ch. 2000-475, § 1)

Section 2.02. Mayor.

The Mayor shall preside at meetings of the Council and be a voting member of the Council. The Mayor shall be recognized as the head of Town government for all ceremonial purposes, for purposes of military law, and for service of process and execution of duly authorized contracts, deeds, and other documents, and as the Town official designated to represent the Town when dealing with other governmental entities.

(Laws of Fla., ch. 2000-475, § 1)

Section 2.03. Vice Mayor.

The Vice Mayor shall act as Mayor in the absence of the Mayor. The Vice Mayor shall be elected from among council members for a period of 1 year by a majority of the Council in November of each year. No Council Member shall serve consecutive terms as Vice Mayor unless no other Council Member is willing to serve as Vice Mayor.

(Laws of Fla., ch. 2000-475, § 1; Ord. No. 2003-11, 8-18-2003, ref. of 11-4-2003; Ord. No. 2006-17, § 2(exh. A(1)), 7-6-2006, ref. of 11-7-2006; Res. No. 2007-015, § 3(2.03), 12-7-2006)

Section 2.04. Election and term of office.

(a) *Mayor.* The Mayor shall be elected at large for a 4-year term by the electors of the Town in the manner provided in Article VI. The Mayor shall remain in office until his or her successor is elected and assumes the duties of the position.

(b) *Town Council.* Each Council member other than the Mayor shall be elected at large for a 4-year term by the electors of the Town in the manner provided in Article VI. Subsequent to the decennial census, but at least 6 months before the qualifying period for the subsequent municipal election, the Council shall divide the Town into four residential districts which shall be as nearly equal in population as practicable. The Council shall designate each of the districts one of the numbers 1 through 4. Each seat number shall correspond with a residential district number. Beginning with the municipal election of 2002, and for each election thereafter, the four members of the Council other than the Mayor must also be residents of the particular residential district on the date on which they qualify for election. Council members in office who are removed from their district as a result of the redistricting subsequent to the decennial census of 2000, or after a subsequent decennial census, may serve out the balance of their terms. Each Council member shall remain in office until his or her successor is elected and assumes the duties of the position.

(Laws of Fla., ch. 2000-475, § 1; Amend. of 10-21-2010, § 1)

Editors Note: Pursuant to [former] § 9.01, and the results of the referendum of June 6, 2000, § 2.04 has been amended to read as set forth herein.

Section 2.05. Qualifications.

Except as provided in [former] Section 9.03(c) [now repealed], candidates for Council member shall qualify for election by the filing of a written notice of candidacy with the Clerk of the Town at such time and in such manner as may be prescribed by ordinance and payment to the Clerk of the sum of \$100.00, plus any fees required by Florida Statutes, as a qualifying fee. A person may not be a candidate for more than one office in the same election. Due to the Town's unique Charter, Comprehensive Land Use Plan, rural lifestyle, topography, traffic, and drainage issues, only electors of the Town who have resided continuously in the Town for at least two (2) years preceding the date of such filing and are registered voters within the Town shall be eligible to hold the office of Council member. If at the conclusion of the qualifying period no elector shall have filed for candidacy, the Council seat shall be open for a period of 5 days and any qualified elector who has resided in the Town continuously for at least two (2) years preceding the date of such filing and are registered voters within the Town may file a written notice of candidacy for said Council seat in accordance with the remaining provisions of this section.

(Laws of Fla., ch. 2000-475, § 1; Ord. No. 2010-10, § 2(exh. A(1)), 6-17-2010, ref. of 11-2-2010; Res. No. 2011-015, § 3(1), 11-17-2010)

State Law References: Qualifications of municipal electors, F.S. §§ 97.041, 99.012, 101.002(3), 166.032.

Section 2.06. Vacancies; forfeiture of office; filling of vacancies.

(a) *Vacancies.* The office of a Council member shall become vacant upon his or her death, resignation, or removal from office in any manner authorized by law or by forfeiture of his or her office.

(b) *Forfeiture of Office.*

(1) *Forfeiture by disqualification.* A Council member shall forfeit his or her office if at any time during his or her term he or she ceases to maintain his or her permanent residence in the Town or if he or she otherwise ceases to be a qualified elector of the Town.

(2) *Forfeiture by removal.* In the event that a Council member is removed from office by executive order pursuant to Article IV, Section 7, of the Florida Constitution, as may be amended from

time to time, that Council member shall be prohibited from regaining office until cleared of the charges that lead to that Council Member's removal.

- (3) *Forfeiture by absence.* A Council member shall be subject to forfeiture of his or her office, in the discretion of the remaining Council members, if he or she is absent without good cause from any three consecutive regular meetings of the Council during any calendar year or if he or she is absent without good cause from any four regular meetings of the Council within any 12-month period.
- (4) *Procedures.* The Council shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a Council member's office, including whether or not good cause for absence has been or may be established. The burden of establishing good cause shall be on the Council member in question; however, any Council member may at any time during any duly held meeting move to establish good cause for his or her absence or the absence of any other Council member, from any past, present, or future meeting or meetings, which motion, if carried, shall be conclusive. A Council member whose qualifications are in question or who is otherwise subject to forfeiture of his or her office shall not vote on any such matters. The Council member in question shall be entitled to a public hearing on requests regarding an alleged forfeiture of office. If a public hearing is requested, notice thereof shall be published in one or more newspapers of general circulation in the Town at least 1 week in advance of the hearing. Any final determination by the Council that a Council member has forfeited his or her office shall be made by resolution. All votes and other acts of the Council member in question prior to the effective date of such resolution shall be valid regardless of the grounds of forfeiture.
- (c) *Filling of vacancies.* A vacancy on the Council shall be filled as follows:
 - (1) If less than 1 year remains in the unexpired term, the vacancy shall be filled by the Council within 30 days.
 - (2) If 1 year or more remains in the unexpired term, the vacancy shall be filled by a special election to be held not sooner than 60 days or more than 120 days following the occurrence of the vacancy.
 - (3) Persons filling vacancies shall meet the qualifications specified in this Article.
 - (4) If no candidate for a vacancy meets the qualifications under this Article for that vacancy, the Council shall appoint a person qualified under this Article to fill the vacancy.
 - (5) Notwithstanding any quorum requirements established herein, if at any time the full membership of the Council is reduced to less than a quorum, the remaining members may, by majority vote, appoint additional members to the extent otherwise permitted or required under this subsection.
 - (6) In the event that all the members of the Council are removed by death, disability, recall, forfeiture of office, or resignation, or any combination thereof, the Governor shall appoint interim Council members who shall call a special election within not less than 60 days or more than 120 days after such appointment. Such election shall be held in the same manner as the

initial elections under this Charter. However, if there are less than 6 months remaining in the unexpired terms, the interim Council appointed by the Governor shall serve out the unexpired terms. Appointees must meet all requirements for candidates provided for in this Article.

- (7) In the event that the Council is required to fill the vacancy, within seven (7) days of the vacancy the Town shall publish notice to seek interested qualified candidates to fill the vacancy, who must respond to the notice within fifteen (15) days of publication. The Council shall select a candidate to fill the vacancy from the interested qualified candidate list within fifteen (15) days thereafter.

(Laws of Fla., ch. 2000-475, § 1; Amend. of 11-4-2003; Ord. No. 2010-10, § 2(exh. A(2)), 6-17-2010, ref. of 11-2-2010; Amend. of 10-21-2010, § 1; Res. No. 2011-015, § 3(2), 11-17-2010)

State Law References: Mandate for procedure for filling vacancies, F.S. § 166.031(6).

Section 2.07. Compensation; reimbursement for expenses.

(a) The Council members shall be compensated at the rate of \$1,000 per month. The Mayor shall be compensated at the rate of \$1,250.00 per month. The amount of the Council's compensation can only be increased, above the previously stated amounts, by the electorate in a referendum held in conjunction with the even-numbered year general election. The Council may decrease its compensation by Ordinance at any time. In addition to the aforementioned, the Council members and Mayor may participate in the Florida Retirement System, provided that the Town is not required to pay an additional amount for that Council member or Mayor's participation. The Mayor and Council shall receive reimbursements in accordance with applicable law, or as may be otherwise provided by ordinance, for authorized travel and per diem expenses incurred in the performance of their official duties.

(b) An ordinance establishing, increasing, or decreasing compensation of the Mayor or Council may be adopted at any time, subject to the requirements set forth in subsection (a) above.

(Laws of Fla., ch. 2000-475, § 1; Ord. No. 2007-01, § 2, 11-2-2006; Ord. No. 2010-10, § 2(exh. A(3)), 6-17-2010, ref. of 11-2-2010; Res. No. 2011-015, § 3(3), 11-17-2010)

Section 2.08. Rules of procedure.

The Council shall determine its own rules of procedure, provided, however, in the absence of same, Robert's Rules of Order, latest edition, shall control.

(Laws of Fla., ch. 2000-475, § 1; Amend. of 11-4-2003)

ARTICLE III.

ADMINISTRATIVE

Section 3.01. Town Administrator.

There shall be a Town Administrator (the "Administrator"), who shall be the chief administrative officer of the Town. The Administrator shall be responsible to the Council for the administration of all Town affairs.

(Laws of Fla., ch. 2000-475, § 1)

Section 3.02. Appointment; removal; compensation.

The Council shall appoint the Administrator for an indefinite term by an affirmative vote of at least four Council members. The Council may remove the Administrator at any time by an affirmative vote of at least four Council members. For voting purposes, the Mayor shall be considered as a Council member. The compensation and benefits of the Administrator shall be fixed by the Council. Any consideration of the removal of the Administrator must be an agenda item with public notice given.
(Laws of Fla., ch. 2000-475, § 1)

Section 3.03. Powers and duties of the Administrator.

The Administrator shall:

- (a) Be responsible for the hiring, supervision, and removal of all Town employees, except as otherwise provided in this Charter.
- (b) Direct and supervise the administration of all departments and offices, but not Town boards or agencies, unless so directed by the Council from time to time.
- (c) Attend all Council meetings and have the right to take part in discussion, but not the right to vote.
- (d) Ensure that all laws, provisions of this Charter, and acts of the Council, subject to enforcement or administration by him or her or by officers subject to his or her direction and supervision, are faithfully executed.
- (e) Prepare in conjunction with the Financial Administrator, and submit to the Council a proposed annual budget and capital program.
- (f) Submit to the Council and make available to the public an annual report on the finances and administrative activities of the Town as of the end of each fiscal year.
- (g) Prepare such other reports as the Council may require concerning the operations of Town departments, offices, boards, and agencies.
- (h) Keep the Council fully advised as to the financial condition and future needs of the Town and make such recommendations to the Council concerning the affairs of the Town as he or she deems to be in the best interests of the Town.
- (i) Execute, with the Mayor, contracts, deeds, and other documents on behalf of the Town, as authorized by the Council.
- (j) Reserved.
- (k) Perform such other duties as are specified in this Charter or as may be required by the Council.

(Laws of Fla., ch. 2000-475, § 1; Ord. No. 2006-17, § 2(exh. A(3)), 7-6-2006, ref. of 11-7-2006; Res. No. 2007-015, § 3(3.03), 12-7-2006)

Section 3.04. Absence or disability of Administrator.

To perform his or her duties during his or her temporary absence or disability, the Administrator may designate, by letter filed with the Town Clerk, an Interim Town Administrator. In the event of failure or inability of the Administrator to make such designation, or should the person so designated by the Town Administrator be unsatisfactory to the Council, the Council may by resolution appoint [an] Interim Town Administrator to perform the duties of the Administrator until he or she shall return or his or her disability shall cease.

(Laws of Fla., ch. 2000-475, § 1; Amend. of 11-4-2003)

Section 3.05. Bond of Administrator.

The Administrator and, where applicable, an Interim Town Administrator, shall furnish a surety bond to be approved by the Council, and in such amount as the Council may fix, said bond to be conditioned on the faithful performance of his or her duties. The premium of the bond shall be paid by the Town.

(Laws of Fla., ch. 2000-475, § 1; Amend. of 11-4-2003)

Section 3.06. Town Clerk.

The Administrator shall appoint a Town Clerk (the "Clerk"), subject to the approval by a majority of the Council. The Council shall establish the hiring criteria, job description, and job duties for the Clerk. In addition to the duties prescribed by the Town Council, the Clerk shall give notice of Council meetings to its members and the public, shall keep minutes of its proceedings, and shall perform such other duties as the Council or Administrator may prescribe from time to time. The Clerk shall report to the Administrator, but shall also directly respond to requests deemed necessary and appropriate by a member of the Council. The Administrator shall, subject to and upon a vote of a majority of the Council, discharge the Clerk and replace the Clerk with an alternative Clerk acceptable to the Council. The Clerk shall be compensated at a rate commensurate with industry standards. The Clerk shall be bound by the State of Florida's Code of Ethics, as delineated in Chapter 112, Florida Statutes [F.S. ch. 112], as may be amended from time to time.

(Laws of Fla., ch. 2000-475, § 1; Amend. of 11-4-2003; Ord. No. 2006-17, § 2(exh. A(2)), 7-6-2006, ref. of 11-7-2006; Res. No. 2007-015, § 3(3.06), 12-7-2006)

Section 3.07. Town Attorney [appointment; removal; terms].

The Council shall appoint the Town Attorney for an indefinite term by an affirmative vote of at least four Council members. The Council members may remove the Town Attorney at any time by an affirmative vote of at least four Council members. The compensation and benefits of the Town Attorney shall be fixed by the Council. The Town Attorney shall report to the Council. The Town Attorney shall take office immediately on appointment, and the terms and conditions shall subsequently be reduced to a written contract. The Council shall have the authority to engage such additional legal counsel as it deems advisable and necessary.

(Laws of Fla., ch. 2000-475, § 1)

Section 3.08. Powers and duties of the Town Attorney.

The Town Attorney or other attorney, designated and approved by the Council, shall, to the extent

required by the Council:

- (a) Attend all regular and special meetings of the Council.
- (b) Act as the legal advisor to and counselor for the Town and its officers in the matters relating to their official duties.
- (c) Approve all contracts, bonds, and other instruments in which the Town is concerned and shall endorse on each his or her approval of the form and correctness thereof. No contract with the Town shall take effect until his or her approval is so endorsed thereon.
- (d) When requested to do so by the Council, prosecute and defend on behalf of the Town all complaints, suits, and controversies in which the Town is a party.
- (e) When requested by the Mayor, Town Council, a member of the Town Council, the Town Administrator, or such other person or entity authorized by Ordinance, [shall] provide legal counsel on matters pertaining to the powers and duties of the Mayor, Town Council, a member of the Town Council or the Town Administrator, or other matters relevant to the Town. The Town Council may, by Ordinance, establish the parameters under which advice from the Town Attorney may be sought.
- (f) Perform such other professional duties as required of him or her by resolution of the Council or as prescribed for municipal attorneys in the general laws of the State which are not inconsistent with this Charter.

(Laws of Fla., ch. 2000-475, § 1; Amend. of 11-4-2003; Ord. No. 2006-17, § 2(exh. A(4)), 7-6-2006, ref. of 11-7-2006; Res. No. 2007-015, § 3(3.08), 12-7-2006)

Section 3.09. Expenditure of Town funds.

No funds of the Town shall be expended except pursuant to duly approved appropriations or for the payment of bonds, notes, or other indebtedness duly authorized by the Council and only from such funds so authorized.

(Laws of Fla., ch. 2000-475, § 1)

Section 3.10. Town boards and agencies.

Except as otherwise provided by law, the Council may establish or terminate such boards and agencies as it may deem advisable from time to time. The boards and agencies shall report to the Council. Members of boards and agencies shall be appointed by the Council by resolution. Town boards and agencies may vote by roll call, paper ballot, or affirmation.

(Laws of Fla., ch. 2000-475, § 1; Amend. of 10-21-2010, § 1)

Section 3.11. Town Financial Administrator.

The Council shall have the authority to appoint a Financial Administrator and to delegate to the Financial Administrator such powers and duties which the Council deems necessary and appropriate. To the

extent that the powers and duties of the Financial Administrator overlap with the powers and duties of the Town Administrator, the powers and duties delegated to the Financial Administrator shall control. The Financial Administrator shall report to the Town Administrator for daily supervision, but shall report directly to the Town Council concerning the Town's financial affairs. The Council alone shall have the authority to appoint and to remove the Financial Administrator. Appointment and removal of the Financial Administrator shall be by a vote of a majority of the Council. The Financial Administrator shall be bound by the State of Florida's Code of Ethics, as delineated in Chapter 112, Florida Statutes [F.S. ch. 112] as may be amended from time to time. (Ord. No. 2006-17, § 2(exh. A(5)), 7-6-2006, ref. of 11-7-2006; Res. No. 2007-015, § 3(3.11), 12-7-2006; Ord. No. 2010-10, § 2(exh. A(4)), 6-17-2010, ref. of 11-2-2010; Res. No. 2011-015, § 3(4), 11-17-2010)

ARTICLE IV.

LEGISLATIVE*

* **State Law References:** Procedures for adoption of ordinances and resolutions, F.S. § 166.041; code of ethics, F.S. § 112.311 et seq.; public records, F.S. ch. 119; public meetings and records, F.S. § 286.011.

Section 4.01. Council meeting procedure.

(a) *Meetings.* The Council shall hold at least 11 monthly meetings in each fiscal year at such times and places as the Council may prescribe by rule. No meeting shall extend beyond 11:00 p.m. local time. Notwithstanding the aforesaid, the Council may conclude debate and voting on any agenda item under consideration at 11:00 p.m. An item tabled during the normal course of business is not deemed to be an item being debated and, accordingly, cannot be considered after 11:00 p.m. Notwithstanding the aforesaid, any item which is on the agenda, including tabled items, can be considered and voted on after 11:00 p.m., provided that prior to 11:00 p.m., a motion is made and carried by the unanimous vote of the Town Council, present and voting, to take up an item(s) after 11:00 p.m. Special meetings may be held on the call of the Mayor or upon the call of three members of the Council, and upon no less than 24 hours' notice to each member and the public, or such shorter time as a majority of the Council shall deem necessary in case of an emergency affecting life, health, property, or the public peace.

(b) *Quorum and voting.* Except as otherwise provided in this Charter, any three members of the Council shall constitute a quorum. The affirmative vote of three members of the Council shall be required for any legislative action with the exception of quasi-judicial items relating to land use and zoning, which shall be governed by Section 5.01. All voting shall be by roll call.

(c) *Council member and Mayor voting conflicts.* As more fully set forth and defined in Florida Statutory Section 112.3143 [F.S. § 112.3143], as may be amended from time to time, no variances, re-zonings, or land use modifications, may come before the Council which would inure to a Council Member or Mayor's special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in Florida Statutory Section 112.312(2) [F.S. § 112.312(2)], as may be amended from time to time; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer, until that Council Member or Mayor is no longer serving on the Council.

(Laws of Fla., ch. 2000-475, § 1; Amend. of 11-4-2003; Ord. No. 2010-10, § 2(exh. A(6)), 6-17-2010, ref. of

11-2-2010; Res. No. 2011-015, § 3(6), 11-17-2010)

Section 4.02. Prohibitions.

(a) *Appointments 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 Administrator or any of his or her subordinates is empowered to appoint, but the Council members may express their views and fully and freely discuss with the Administrator anything pertaining to appointment and removal of such officers and employees.

(b) *Interference with administration.* Except as otherwise provided in this Charter, and except for the purpose of inquiries and investigations made in good faith, the Council or its members shall deal with Town officers and employees who are subject to the direction and supervision of the Administrator solely through the Administrator, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately. It is the express intent of this Charter that recommendations for improvement in Town government operations by individual Council members be made solely to and through the Administrator. Council members may discuss with the Administrator any matter of Town business; however, no individual Council member shall give orders to the Administrator.

(c) *Holding other office.* No elected Town official shall hold any appointive Town office or Town employment while in office. No former elected Town official shall hold any compensated appointive Town office or Town employment until 1 year after the expiration of his or her term.

(Laws of Fla., ch. 2000-475, § 1; Ord. No. 2006-17, § 2(exh. A(6)), 7-6-2006, ref. of 11-7-2006; Res. No. 2007-015, § 3(4.02), 12-7-2006)

Section 4.03. Emergency ordinances.

(a) *Authorization; form.* To meet a public emergency affecting life, health, property, or the public peace, the Council may adopt, in the manner provided by Florida Statutes, one or more emergency ordinances, but such ordinances may not: enact or amend a land use plan or rezone private property; levy taxes; grant, renew, or extend any municipal franchise; set service or user charges for any municipal services; or authorize the borrowing of money, except as provided under the emergency appropriations provisions of this Charter, if applicable. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.

(b) *Procedure.* Upon the affirmative vote of four Council members, an emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. For voting purposes, the Mayor shall be considered as a member of the Council. After its adoption, the ordinance shall be advertised and printed as prescribed for other ordinances.

(c) *Effective date.* Emergency ordinances shall become effective upon adoption or at such other date as may be specified in the ordinance.

(d) *Repeal.* Every emergency ordinance, except emergency appropriation ordinances, shall

automatically be repealed as of the 61st day following its effective date, but this shall not prevent reenactment of the ordinance under regular procedures or, if the emergency still exists, in the manner specified in this section. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

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

(Laws of Fla., ch. 2000-475, § 1)

Section 4.04. Annual budget adoption.

(a) *Balanced budget.* Each annual budget adopted by the Council shall not provide for expenditures in an amount greater than the revenues budgeted.

(b) *Budget adoption.* The budget shall be adopted in accordance with applicable Florida Statutes and any amendments thereto.

(c) *Specific appropriation.* The budget shall be specific as to the nature of each category of appropriations. Reasonable appropriations may be made for contingencies, but only within defined spending categories.

(Laws of Fla., ch. 2000-475, § 1)

Section 4.05. Fiscal year.

The fiscal year of the Town government shall begin on the first day of October and shall end on the last day of September of the following calendar year, unless otherwise defined by Florida Statutes. Such fiscal year shall also constitute the annual budget and accounting year.

(Laws of Fla., ch. 2000-475, § 1)

State Law References: Fiscal year mandated, F.S. §§ 166.241, 218.33.

Section 4.06. Appropriation amendments during the fiscal year.

(a) *Supplemental appropriations.* If, during any fiscal year, revenues in excess of those estimated in the annual budget are available for appropriation, the Council may by ordinance make supplemental appropriations for the fiscal year up to the amount of such excess.

(b) *Reduction of appropriations.* If, at any time during the fiscal year, it appears probable to the Administrator that the revenues available will be insufficient to meet the amounts appropriated, he or she shall report to the Council without delay, indicating the estimated amount of the deficit and his or her recommendations as to the remedial action to be taken. The Council shall then take such action as it deems appropriate to prevent any deficit spending not covered by adequate reserves.

(Laws of Fla., ch. 2000-475, § 1)

Section 4.07. Authentication, recording, and disposition of ordinances, resolutions, and Charter amendments.

(a) *Authentication.* The Mayor and the Clerk shall authenticate, by their signatures, all ordinances and resolutions adopted by the Council. In addition, when Charter amendments have been approved by the electors, the Mayor and the Clerk shall authenticate, by their signatures, the Charter amendment, such authentication to reflect the approval of the Charter amendment by the electorate.

(b) *Recording.* The Clerk shall keep properly indexed books in which shall be recorded, in full, all ordinances and resolutions enacted or passed by the Council. Ordinances shall, at the direction of the Council, be periodically codified. The Clerk shall also maintain the Charter in current form as to all amendments.

(c) *Printing.* The Council shall, by ordinance, establish procedures for making all resolutions, ordinances, technical codes adopted by reference, and this Charter available for public inspection and available for purchase at a reasonable price.

(Laws of Fla., ch. 2000-475, § 1)

Section 4.08. Borrowing.

(a) Subject to the referendum requirements of the State Constitution, if applicable, the Town may from time to time borrow money and issue bonds or other obligations or evidence of indebtedness (collectively, "bonds") of any type or character for any of the purposes for which the Town is now or hereafter authorized by law to borrow money, including to finance the cost of any capital or other project and to refund any and all previous issues of bonds at or prior to maturity. Such bonds may be issued pursuant to one or more resolutions adopted by a majority of the Council.

(b) The Town may assume all outstanding indebtedness related to facilities it acquires from other units of local government and be liable for payment thereon in accordance with its terms.

(Laws of Fla., ch. 2000-475, § 1)

State Law References: Municipal finance generally, F.S. § 166.201 et seq.; local financial management and reporting generally, F.S. § 218.30 et seq.

Section 4.09. Independent audit.

The Council shall provide for an independent annual audit of all Town accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the Town government or any of its officers.

(Laws of Fla., ch. 2000-475, § 1)

State Law References: Annual audit required, F.S. §§ 166.241(4), 218.32 et seq.

ARTICLE V.

QUASI-JUDICIAL

Section 5.01. Quasi-judicial meeting procedures.

All land use and quasi-judicial items require four affirmative votes of the Council. Any four members of the Council shall constitute a quorum for land use and quasi-judicial items. All voting shall be by roll call. (Laws of Fla., ch. 2000-475, § 1; Amend. of 11-4-2003)

ARTICLE VI.

ELECTIONS*

* **State Law References:** Florida election code, F.S. ch. 97 et seq.

Section 6.01. Elections.

(a) *Electors.* Any person who is a resident of the Town, has qualified as an elector of the State, and registers to vote in the manner prescribed by law shall be an elector of the Town.

(b) *Nonpartisan elections.* All elections for the offices of Council member and Mayor shall be conducted on a nonpartisan basis.

(c) *Election dates.* A regular election shall be held on the second Tuesday in November of even numbered years, commencing in 2006. Notwithstanding any provision of the Charter to the contrary, in order to establish the new election cycle, the individuals elected as Mayor and Council members in the March 2002 and March 2004 elections shall serve terms of four years and eight months, rather than four years, and shall remain in office until their respective successors are elected in the regular elections held in November 2006 and November 2008 respectively, and assume the duties of the position.

(d) *General election.* The ballot for the general election shall contain the names of all qualified candidates for Mayor if the Mayor's term is expiring and for each of the two Council seats which are to be filled at that election as a result of two Council members' terms expiring, and shall instruct electors to cast one vote for Mayor, if applicable, and one vote for each designated residential Council seat to be filled at that election. The candidate for Mayor receiving the most votes shall be the duly elected Mayor. The candidate receiving the most votes in each designated residential Council seat, respectively, shall be the duly elected Council member for that designated residential Council seat.

(e) *Special elections.* Special elections, when required, shall be scheduled by the Council at such times and in such manner as shall be consistent with this Charter and State law.

(f) *Single candidates.* No election for Mayor or any Council seat shall be required in any election if there is only one duly qualified candidate for Mayor or for any Council seat.

(g) *Commencement of terms.* The term of office of any elected official shall commence immediately after the election.

(h) *Oath.* All elected officers, before entering upon their duties, shall take and subscribe to the following oath of office:

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida, and the Charter of the Town of Southwest Ranches; and will protect the rural residential character of the Town; that I am duly qualified to hold office under the Constitution of the State and the Charter of the Town of Southwest Ranches; and that I will well and faithfully perform the duties of (Mayor or Council member) upon which I am now about to enter. (So help me God.)

(i) *Election laws.* The election laws of the State shall apply to all elections.

(j) *Recall.* The registered electors of the Town shall have the power to recall and to remove from office any elected official of the Town as provided by general law of the State. (Laws of Fla., ch. 2000-475, § 1; Ord. No. 2005-01, § 2, 1-13-2004, ref. of 3-8-2005; Amend. of 10-21-2010, § 1)

Editors Note: Pursuant to [former] § 9.01, and the results of the referendum of June 6, 2000, § 6.01(d) has been amended to read as set forth herein.

ARTICLE VII.

CHARTER AMENDMENTS*

* **State Law References:** Charter amendments, F.S. § 166.031.

Section 7.01. Charter amendments.

This Charter may be amended in accordance with the provisions of this Article. (Laws of Fla., ch. 2000-475, § 1)

Section 7.02. Procedure to amend.

(a) *Initiation.* This Charter may be amended in two ways:

(1) *By ordinance.* The Council may, by ordinance, propose amendments to this Charter and, upon passage of the initiating ordinance, shall submit the proposed amendment to a vote of the electors at the next general election held within the Town or at a special election called for such purpose.

(2) *By petition.* The electors of the Town may propose amendments to this Charter by petition pursuant to the requirements of F.S. ch. 166, as amended.

(b) *Submission to electors.* Upon certification of the sufficiency of a petition, the Council shall submit the proposed amendment to a vote of the electors at a general election or special election to be held not less than 60 days or more than 120 days from the date on which the petition was certified or at a special election called for such purpose.

(c) *Results of election.* If sixty (60) percent of the qualified electors voting on a proposed amendment votes for its adoption, it shall be considered adopted upon certification of the election results. If conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative

votes shall prevail to the extent of such conflict.

(Laws of Fla., ch. 2000-475, § 1; Ord. No. 2010-10, § 2(exh. A(5)), 6-17-2010, ref. of 11-2-2010; Res. No. 2011-015, § 3(5), 11-17-2010)

Section 7.03. Appointment of Charter Review Committee.

The Council shall appoint a Charter Review Committee, which shall contain at least five registered electors who are residents of the Town and whose responsibilities shall include the review and analysis of the Charter and recommendations to the Council of proposed Charter amendments, including, without limitation, issues such as District voting versus town-wide elections for Council members. All recommendations of the Charter Review Committee shall be considered by the Council at least once every 4 years, and the Council may by ordinance propose amendments to this Charter upon recommendation of the Charter Review Committee. Upon passage of the initiating ordinance, the Council shall submit the proposed amendment to a vote of the electors of the Town at the next general election held within the Town or at a special election called for such purpose.

(Laws of Fla., ch. 2000-475, § 1)

ARTICLE VIII.

GENERAL PROVISIONS

Section 8.01. Severability.

If any section or part of any section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter or the context in which such section or part of a section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.

(Laws of Fla., ch. 2000-475, § 1)

Section 8.02. Conflicts of interest; ethical standards.

All Council members, officials, and employees of the Town shall be subject to the standards of conduct for public officers and employees set by federal, state, county, or other applicable law.

(Laws of Fla., ch. 2000-475, § 1)

State Law References: Code of ethics, F.S. § 112.311 et seq.

Section 8.03. Town personnel system.

All new employments, appointments, and promotions of Town officers and employees shall be made pursuant to personnel procedures to be established by the Administrator from time to time.

(Laws of Fla., ch. 2000-475, § 1)

Section 8.04. Charitable contributions.

The Town shall not make any charitable contribution to any person or entity unless authorized by the Council.

(Laws of Fla., ch. 2000-475, § 1)

Section 8.05. Variation of pronouns.

All pronouns and any variations thereof used in this Charter shall be deemed to refer to masculine, feminine, neutral, singular, or plural as the identity of the person or persons shall require and are not intended to describe, interpret, define, or limit the scope, extent, or intent of this Charter.

(Laws of Fla., ch. 2000-475, § 1)

Section 8.06. Style and capitalization.

When a defined word is enclosed in quotes and in parentheses after the definition, that word shall be treated as a defined term in the remainder of this Charter, when capitalized.

(Laws of Fla., ch. 2000-475, § 1)

Section 8.07. Calendar day.

For the purposes of this Charter, a day shall mean a calendar day.

(Laws of Fla., ch. 2000-475, § 1)

ARTICLE IX.

TRANSITION PROVISIONS

Section 9.01. Creation and establishment of Town.

For the purpose of compliance with Florida Statutes relating to assessment and collection of ad valorem taxes, the Town is hereby created and established effective June 6, 2000.

(Laws of Fla., ch. 2000-475, § 1; Amend. of 11-4-2003)

Section 9.02. Temporary nature of Article.

The following sections of this Article are inserted solely for the purpose of effecting the incorporation of the Town and the transition to a new municipal government. Each section of this Article shall automatically, and without further vote or act of the electors of the Town, become ineffective and no longer a part of this Charter at such time as the implementation of such section has been accomplished.

(Laws of Fla., ch. 2000-475, § 1; Amend. of 11-4-2003)

Section 9.03. Interim adoption of codes and ordinances.

Until otherwise modified or replaced by this Charter or the Council, all codes, ordinances, and resolutions of Broward County, Florida, in effect on the day of adoption of this Charter shall, to the extent applicable to the Town, remain in force and effect as municipal codes, ordinances, and resolutions of the Town. Until otherwise determined by the Council, said codes, ordinances, and resolutions shall be applied, interpreted, and implemented by the Town in a manner consistent with established policies of Broward County on the date of this Charter.

(Laws of Fla., ch. 2000-475, § 1; Amend. of 11-4-2003)

Note: The adoption date of the Charter was June 6, 2000.

Section 9.04. Taxes and fees.

Until otherwise modified by the Council, all municipal taxes and fees imposed within the Town boundaries by the County as the municipal government for unincorporated Broward County, which taxes and fees are in effect on the date of adoption of this Charter, shall continue at the same rate and on the same conditions as if those taxes and fees had been adopted and assessed by the Town.

(Laws of Fla., ch. 2000-475, § 1; Amend. of 11-4-2003)

Section 9.05. State shared revenues.

The Town shall be entitled to participate in all shared revenue programs of the State, effective immediately on the date of incorporation. The provisions of F.S. § 218.23, shall be waived for the purpose of eligibility to receive revenue sharing from the date of incorporation through the end of the State fiscal year 2001-2002. The provisions of F.S. § 218.26(3), shall be waived for the fiscal year 2001-2002, and the apportionment factors for the municipalities and counties shall be recalculated pursuant to F.S. § 218.245. The initial population estimates for calculating eligibility for shared revenues shall be determined by the University of Florida Bureau of Economic and Business Research as of the effective date of this Charter. Should the bureau be unable to provide an appropriate population estimate, the initial population for calculating eligibility for shared revenues shall be established at the level of 9,000.

(Laws of Fla., ch. 2000-475, § 1; Amend. of 11-4-2003)

Section 9.06. Gas tax revenues.

Notwithstanding the requirements of F.S. § 336.025, to the contrary, the Town shall be entitled to receive local option gas tax revenues beginning October 1, 2000. These revenues shall be distributed in accordance with the interlocal agreement with Broward County.

(Laws of Fla., ch. 2000-475, § 1; Amend. of 11-4-2003)

Section 9.07. Shared revenues.

Broward County shall distribute to the Town, from taxes, franchise fees, and ad valorem taxes, revenues collected within the municipal boundaries of the Town. This calculation shall be based upon a population projection of 9,000 in anticipation of the year 2000 census.

(Laws of Fla., ch. 2000-475, § 1; Amend. of 11-4-2003)

Section 9.08. Conflicting provisions.

This act shall take precedence over any other prior enacted law.

(Laws of Fla., ch. 2000-475, § 1; Amend. of 11-4-2003)