

## House Bill No. 1777

An act relating to Broward County; creating the charter of the Town of Southwest Ranches; providing for the corporate name and purpose of the charter; establishing form of government and territorial boundaries of the municipality; providing powers of the municipality and of certain officers; providing for election and terms of office of a town council, including the mayor and vice mayor, and providing for qualifications, powers, and duties of and restrictions on its membership; establishing circumstances which create vacancies in office and providing for filling vacancies and for forfeiture and recall; providing a procedure for establishing compensation and expense reimbursement for the mayor and town council; providing for rules of procedure; providing for a town administrator, town clerk, and town attorney and powers and duties of each; providing restrictions on expenditure of town funds; authorizing establishment of town boards and agencies; providing for council meetings, procedural rules, and recordkeeping and voting at meetings; providing for emergency ordinances; providing for budget requirements, adoption, and amendment and establishing a fiscal year; providing procedures for authentication, recording, and disposition of ordinances, resolutions, and charter amendments; establishing the right to determine, order, levy, assess, and collect taxes; providing for borrowing by the town; providing for an annual independent audit; providing for quasi-judicial procedures; establishing election requirements and guidelines; providing for charter amendments and review; providing for severability; providing for standards of conduct; providing for a personnel system; providing requirements for charitable contributions; providing for transition, including a referendum on incorporation and alternate manners of elections for the town council, initial election and terms, and date of creation and establishment of the municipality; providing for interim adoption of codes and ordinances and taxes and fees; providing for payment of certain revenues and for transitional ordinances and resolutions; entitling the town to state shared and local option gas tax revenues; providing for the sharing of certain revenues; providing for precedence of the provisions of this act over conflicting provisions of other laws; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. The charter of the Town of Southwest Ranches, Broward County, is created to read:

ARTICLE I. CORPORATE EXISTENCE, FORM OF GOVERNMENT, BOUNDARY AND POWERS

Section 1.01. Corporate existence.—In order to preserve, protect, and enhance the quality of life and residential character of the Southwest Ranches, a municipal corporation known as the 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 section 9.01 of this charter.

Section 1.02. Form of government.—The Town shall have a “Council-Administrator” form of government.

Section 1.03. Corporate boundary.—

DESCRIPTION  
TOWN OF SOUTHWEST RANCHES  
ANNEXATION AREA

Portions of Sections 26,27,33,34 and 35 of Township 50 South, Range 40 East, together with portions of Sections 2 and 3 of Township 51 South, Range 40 East, being more particularly described as follows:

BEGINNING at the Southwest corner of Section 1, Township 51 South, Range 40 East, said point also being the Southeast corner of Section 2, Township 51 South, Range 40 East;

Thence (on the municipal boundary of the City of Pembroke Pines as established by Ordinance Number 362) Westerly on the South line of said Section 2, also being the North line of Section 11, Township 51 South, Range 40 East and the South line of Section 3, also being the North line of Section 10, Township 51 South, Range 40 East, to the intersection with the Southerly prolongation of the East line of Tract A of ABUNDANT LIVING MINISTRIES according to the plat thereof as recorded in Plat Book 139, Page 13, of the Public Records of Broward County;

The next Three (3) courses being on the municipal boundary of the City of Pembroke Pines as established by Ordinance Numbers 868 and 908;

Thence North, on East line of said Tract A and its Southerly prolongation to the intersection with the North line of the South one-half (S ½) of Tract 56 in Section 3, Township 51 South, Range 40 EAST as shown on THE EVERGLADES SUGAR & LAND CO. SUBDIVISION, according to the plat thereof as recorded in Plat Book 2, Page 39, of the Public Records of Dade County, Florida;

Thence West on the North line of the South one-Half (S ½) of said Tracts 54, 55 and said Tract 56, all in Section 3 and as shown on said EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION to the Northwest corner of said South one-half (S ½) of Tract 54;

Thence South on the West line of said Tract 54 and its Southerly prolongation to the intersection with said South line of Section 3;

Thence (on the municipal boundary of the City of Pembroke Pines as established by Ordinance Number 362) Westerly on the South line of said Section 3, Township 51 South, Range 40 East, to the Southwest Corner of said Section 3, said point also being the Southeast Corner of Section 4;

The next Seven (7) courses being on the municipal boundary of the Town of Davie as established by Ordinance Number 86-14;

Thence Northerly on the West line of said Section 3, said line also being the East line of said Section 4 and on the East line of said Section 33, said line also being the West line of said Section 34 to a point on the North line of the Southeast one-quarter (SE ¼) of said Section 33;

Thence Westerly on said North line of the Southeast one-quarter (SE ¼) of said Section 33 to an intersection with the northerly prolongation of the East boundary of Tract 64 in said Section 33 of FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1, as recorded in Plat Book 2, Page 17, of the Public Records of Dade County, Florida;

Thence Southerly on said northerly prolongation and said East boundary of Tract 64 to the Southeast corner of said Tract 64;

Thence Westerly on the South line of said Tract 64 to the intersection with the Easterly right-of-way line of Interstate 75;

Thence Northerly on the said Easterly right-of-way line of Interstate 75 to the intersection with the South line of the plat of REGENCY as recorded in Plat Book 121, Page 48, of the Public Records of Broward County, Florida;

Thence Easterly on the said South line of the plat of REGENCY and its Easterly prolongation to the intersection with the East line of Section 33, Township 50 South, Range 40 East;

Thence Northerly on the East line of said Section 33 and the East line of Section 28, Township 50 South, Range 40 East to a point on the centerline of the South Florida Water Management District Canal C-11 (South New River Canal);

Thence (on the municipal boundary of the Town of Davie as established by Ordinance Number 74-44) Easterly on the centerline of the South Florida Water Management District Canal C-11 (South New River Canal) to an intersection with the East line of Section 26, Township 50 South, Range 40 East;

The next Ten (10) courses being on the municipal boundary of Cooper City as established by Ordinance Numbers 87-10-2, 87-10-3 and 89-5-8;

Thence Southerly on the said East line of said Section 26 to an intersection with the South right-of-way line of the South Florida Water Management District Canal C-11 (South New River Canal);

Thence Westerly on said South right-of-way line to an intersection with a line 660 feet West of and parallel with the East line of said Section 26;

Thence Southerly on said parallel line to an intersection with the South line of said Section 26, said line also being the North line of Section 35, Township 50 South, Range 40 East;

Thence Westerly on the said South line of Section 26 and said North line of Section 35 to the Northwest corner of said Section 35, Township 50 South, Range 40 East;

Thence Southerly on the West line of said Section 35 to the Southwest corner of the Northwest one-quarter (NW ¼) of said Section 35;

Thence Easterly on the South line of the Northwest one-quarter (NW ¼) of said Section 35 to the Southeast corner of the Northwest one-quarter of said Section 35;

Thence Northerly on the East line of the Northwest one-quarter (NW ¼) of said Section 35 to an intersection with the westerly prolongation of the South line of Tract 13 of said Section 35 of FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1, as recorded in Plat Book 2, Page 17, of the Public Records of Dade County, Florida;

Thence Easterly on the said Westerly prolongation and the said South line of Tract 13 to the Southeast corner of said Tract 13, said point also being the Northwest corner of Tract 5 of said Section 35 of FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1, as recorded in Plat Book 2, Page 17, of the Public Records of Dade County, Florida;

Thence Southerly on the West line of said Tract 5 to the Southwest corner of said Tract 5;

Thence Easterly on the South line of said Tract 5 and its Easterly prolongation to the East line of said Section 35;

The next Three (3) courses being on the municipal boundary of Cooper City as established by Ordinance Number 95-10-1;

Thence Southerly on the East line of said Section 35 to an intersection with the Easterly prolongation of the North line of Tract 54 of said Section 35 of FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1, as recorded in Plat Book 2, Page 17, of the Public Records of Dade County, Florida;

Thence Westerly on the Easterly prolongation and the North line of said Tract 54 to an intersection with a line lying 949 feet East of and parallel to the West line of said Tract 54;

Thence Southerly on said parallel line to an intersection with the South line of said Tract 54, said line also being the North line of Tract A, Flamingo Road Baptist Church, as recorded in Plat Book 112, Page 34, of the Public Records of Broward County, Florida;

Thence Westerly on said South line of Tract 54, also being the North line of said Tract A, Flamingo Road Baptist Church to the Northwest corner of said Tract A;

Thence Southerly on the West line of said Tract A, Flamingo Road Baptist Church and its Southerly prolongation to the intersection with the South line of Section 35, Township 50 South, Range 40 East, said point also being the North line of Section 2, Township 51 South, Range 40 East;

The next Five (5) courses being on the municipal boundary of Cooper City as established by Ordinance Number 86-12-21;

Thence Westerly on the North line of the Northeast one-quarter (NE ¼) of said Section 2 to the intersection with the Northerly prolongation of

the East line of SHERIDAN HOUSE PLAT NO. 2, as recorded in Plat Book 122, Page 42, of the Public Records of Broward County, Florida;

Thence Southerly to the Southeast along said East line and its Northerly prolongation corner of SHERIDAN HOUSE PLAT NO. 2;

Thence Westerly on the South line of said SHERIDAN HOUSE PLAT NO. 2 to an intersection with the East right-of-way line of Appaloosa Trail (SW 127th Avenue), as recorded in Deed Book 4230, Page 626, of the Public Records of Broward County, Florida;

Thence Southerly on said East right-of-way line to an intersection with the South line of Tract 4 of said Section 2 of THE EVERGLADES SUGAR & LAND CO., as recorded in Plat Book 2, Page 39 of the Public Records of Dade County, Florida;

Thence Easterly on said South line of Tract 4 to an intersection with the West line of the East one-half (E ½) of Tracts 29 and 30 of said Section 2 of THE EVERGLADES SUGAR & LAND CO., as recorded in Plat Book 2, Page 39 of the Public Records of Dade County, Florida;

Thence (on the municipal boundary of Cooper City as established by Ordinance Number 87-2-3) Southerly on the said West line of the East one-half (E ½) of Tracts 29 and 30 of said Section 2 of THE EVERGLADES SUGAR & LAND CO., to an intersection with the North line of SCHOTT MEMORIAL PLAT, as recorded in Plat Book 158, Page 32, of the Public Records of Broward County, Florida;

The next Three (3) courses being on the municipal boundary of Cooper City as established by Ordinance Number 97-1-1;

Westerly on the North line of said SCHOTT MEMORIAL PLAT, as recorded in Plat Book 158, Page 32, of the Public Records of Broward County, Florida, to the Northwest corner of said SCHOTT MEMORIAL PLAT;

Thence Southerly on the West line of said SCHOTT MEMORIAL PLAT, to the Southwest corner of said SCHOTT MEMORIAL PLAT;

Thence Easterly on the South line of said SCHOTT MEMORIAL PLAT and its Easterly prolongation to an intersection with the East line of Section 2, Township 51 South, Range 40 East;

Thence (on the municipal boundary of Cooper City as established by Ordinance Number 84-2-1) Southerly on the East line of said Section 2 to the POINT OF BEGINNING;

TOGETHER WITH;

Tract 4, and the 15 foot platted right-of-way lying East of and adjacent to said Tract 4, all lying within Section 35, Township 50 South, Range 40 East of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, according to the plat thereof as recorded in Plat Book 2, Page 17 of the Public Records of Broward County, Florida;

TOGETHER WITH;

Portions of Sections 4,5 and 6 of Township 51 South, Range 40 East, together with a portions of Sections 1 and 3 of Township 51 South, Range

39 East, together with portions of sections 28,29,30,31,32 and 33 of Township 50 South, Range 40 East, together with portions of Sections 25,26,27,34,35 and 36 of Township 50 South, Range 39 East, being more particularly described as follows:

BEGINNING at the Southwest corner of the East one-half (E ½) of the Southwest one-quarter (SW ¼) of Section 4, Township 51 South, Range 40 East;

The next Two (2) courses being on the municipal boundary line of the City of Pembroke Pines as established by Ordinance Number 536;

Thence Westerly, on the South line of said Section 4 to the Southwest corner of said Section 4, said point also being the Southeast corner of Section 5, Township 51 South, Range 40 East;

Thence Westerly on the South line of said Section 5 to an intersection with a line 72 feet West of and parallel with the East line of said Section 5;

Thence Northerly, on said parallel line a distance of 135.88 feet to a point on the Easterly Plat limits line of STONERIDGE LAKE ESTATES PLAT, as recorded in Plat Book 157, Page 49 of the Public Records of Broward County, Florida, said point being labeled as "P.O.B. (Parcel 1)" on said plat;

The next Five (5) courses being on the municipal boundary of the City of Pembroke Pines as established by Ordinance Number 1118;

Thence Northerly on said parallel line, a distance of 299.99 feet;

Thence Easterly a distance of 15.00 feet to an intersection with a line 57 feet West of and parallel with the East line of said Section 5;

Thence Northerly on said parallel line, a distance of 1,559.50 feet to an intersection with the North line of Tract 51 of said Section 5, Township 51 South, Range 40 East, of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, as recorded in Plat Book 2, Page 17, of the Public Records of Dade County, Florida, said line also being the Plat Limits line of said STONERIDGE LAKE ESTATES PLAT;

Thence Westerly on said Plat Limits line, and on the North line of said Tract 51 and the North line of Tract 62 of said Section 5 of said plat of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, to the Northwest corner of said Tract 62;

Thence Southerly on the West line of said Tract 62 and the West line of Tract 61 of said Section 5, of said FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, (said line described as being 15 feet East of and parallel with the West line of the Southeast one-quarter (SE ¼) of said Section 5 by said Pembroke Pines Ordinance Number 1118) to an intersection with the Easterly prolongation of the North line of Tract 37 of said Section 5 of said FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1;

The next Two (2) courses being on the municipal boundary of the City of Pembroke Pines as established by Ordinance Number 1084;

Thence Westerly on the North line of said Tract 37 and the Easterly prolongation thereof, and on the North line of Tract 44 of said Section 5 of said FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, to the Northwest corner of said Tract 44;

Thence Southerly on the West line of said Tract 44 and on the West line of Tracts 43, 42 and 41, and the Southerly prolongation thereof, of said Section 5 of said FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, said line being 15 feet East of and parallel with the West line of said Section 5, to an intersection with the South line of said Section 5;

The next Two courses being on the municipal boundary of the City of Pembroke Pines as established by Ordinance Number 536;

Thence Westerly on the South line of said Section 5 and on the South line of Section 6, Township 51 South, Range 40 East to the Southwest corner of said Section 6, also being the Southeast corner of Section 1, Township 51 South, Range 39 East;

Thence continue Westerly on the South line of said Section 1, to an intersection with the East line of Tract 59 of said Section 1, as shown on THE EVERGLADES LAND COMPANY, as recorded in Plat Book 2, Page 1, of the Public Records of Dade County, Florida;

Thence (on the municipal boundary of the City of Pembroke Pines as established by Ordinance Numbers 916 and 915) Northerly on the East line of Tracts 59,54,43,38 and 27 to the Northeast corner of said Tract 27 of said Section 1 as shown on said plat of THE EVERGLADES LAND COMPANY;

The next Three (3) courses being on the municipal boundary of the City of Pembroke Pines as established by Ordinance Number 1163;

Thence Easterly on the South line of Tracts 21 and 20 of said Section 1 as shown on said plat of THE EVERGLADES LAND COMPANY, to an intersection with the East line of the West one-half (W ½) of said Tract 20;

Thence Northerly on the East line of the West one-half (W ½) of said Tract 20 to an intersection with the North line of the South one-half (S ½) of said Tract 20;

Thence Westerly on the North line of the South one-half (S ½) of said Tracts 20 and 21 of said Section 1, to an intersection with the West line of said Tract 21, also being the East line of Tract 22 of said Section 1;

Thence (on the municipal boundary of the City of Pembroke pines as established Ordinance Number 916) Northerly on the East line of Tracts 22,11 and 6 to the North line of said Section 1, of said plat of THE EVERGLADES LAND COMPANY;

Thence (on the municipal boundary of the City of Pembroke Pines as established by Ordinance Numbers 916 and 910) Westerly on the North line of said Section 1, also being the South line of Section 36, Township 50 South, Range 39 East to the intersection with the East line of Tract

58 in said Section 36, as shown on THE EVERGLADES LAND COMPANY'S SUBDIVISION OF SECTION 36 & SOUTH HALF OF SECTION 25, TOWNSHIP 50 SOUTH, RANGE 39 EAST, as recorded in Plat Book 1, Page 63 of the Public Records of Dade County, Florida;

Thence (on the municipal boundary of the City of Pembroke Pines as established by Ordinance Number 907) Northerly on the East lines of Tracts 58,55 and 42 in said Section 36 as shown on said plat of THE EVERGLADES LAND COMPANY'S SUBDIVISION OF SECTION 36 & SOUTH HALF OF SECTION 25, TOWNSHIP 50 SOUTH, RANGE 39 EAST to the Northeast corner of said Tract 42, said point also being the Southeast corner of FRONTIER TRAILS, as recorded in Plat Book 97, Page 8, of the Public Records of Broward County, Florida;

The next Three (3) courses being on the municipal boundary of the City of Pembroke Pines as established by Ordinance Number 930;

Thence Northerly on the East line of said FRONTIER TRAILS to the Northeast corner of said FRONTIER TRAILS, said corner being on the center line of the right-of-way for Southwest 51st Manor (a 50 foot right-of-way);

Thence Westerly on said center line to the Northwest corner of said FRONTIER TRAILS;

Thence Southerly on the West line of said FRONTIER TRAILS to the Southwest corner of said FRONTIER TRAILS, said point also being the Northwest corner of Tract 42 of said Section 36 of the Plat of THE EVERGLADES LAND COMPANY'S SUBDIVISION OF SECTION 36 & SOUTH HALF OF SECTION 25, TOWNSHIP 50 SOUTH, RANGE 39 EAST;

Thence (on the municipal boundary of the City of Pembroke Pines as established by Ordinance Number 907) Southerly on the West line of said Tracts 42,55 and 58 to an intersection with the south line of said Section 36;

Thence (on the municipal boundary of the City of Pembroke Pines as established by Ordinance Number 907) Westerly on said South line of Section 36 and the South line of Section 35, Township 50 South, Range 39 East to an intersection with the Southerly prolongation of the East line of SELIGMAN-KIA ACRES, according to the Plat thereof, as recorded in Plat Book 104, Page 40 of the Public Records of Broward County, Florida;

The next Four (4) courses being on the municipal boundary of the City of Pembroke Pines as established by Ordinance Number 909;

Thence Northerly on said East line of SELIGMAN-KIA ACRES and its Southerly prolongation to the Northeast corner of Lot 8, Block 4, of said SELIGMAN-KIA ACRES

Thence Westerly on said North line of Lot 8, Block 4 and its Westerly prolongation to the Northeast corner of Lot 8, Block 3 of said SELIGMAN-KIA ACRES;



Thence continue Westerly on the North line of said Lot 8, Block 3 to the Northwest corner of said Lot 8, Block 3, said corner being located on the West line of said SELIGMAN-KIA ACRES;

Thence Southerly on said West line of SELIGMAN-KIA ACRES to an intersection with a line 91.69 feet North of and parallel with the South line of Tract 20 in said Section 35 of THE EVERGLADES LAND COMPANY, as recorded in Plat Book 2, Page 1, of the Public Records of Dade County, Florida, (said South line of Tract 20 also being the South boundary of SELIGMAN-DURANGO WEST as recorded in Plat Book 98, Page 48, of the Public Records of Broward County, Florida);

The next Three (3) courses being on the municipal boundary of the City of Pembroke Pines as established by Ordinance Number 907;

Thence Westerly on said parallel line to an intersection with the East line of the Northwest one-quarter (NW  $\frac{1}{4}$ ) of said Section 35, said line also being the Centerline of the right-of-way of Southwest 202nd Avenue;

Thence Northerly on said East line of the Northwest one-quarter (NW  $\frac{1}{4}$ ) of said Section 35, to an intersection with the Southerly boundary of TRAILS OF EL RANCHO ACRES, as recorded in Plat Book 93, Page 34, of the Public Records of Broward County, Florida;

Thence Westerly on said Southerly boundary of TRAILS OF EL RANCHO ACRES to an intersection with the East line of Tract 9 of said Section 35, of THE EVERGLADES LAND COMPANY, as recorded in Plat Book 2, Page 1, of the Public Records of Dade County, Florida;

The next Five (5) courses being on the municipal boundary of the City of Pembroke Pines as established by Ordinance Numbers 1046 and 1041;

Thence Northerly on the East line of said Tracts 9 and 8 of said Section 35 and continuing Northerly on the East line of Tract 57 of Section 26, Township 50 South, Range 39 East of said plat of THE EVERGLADES LAND COMPANY to an intersection with a line 726 feet South of and parallel with the South right-of-way line of Griffin Road;

Thence Westerly on said parallel line to an intersection with a line 239.93 feet West of and parallel with the East line of Tracts 57 and 56 of said Section 26 of said plat of THE EVERGLADES LAND COMPANY;

Thence Northerly on said parallel line to an intersection with the South right-of-way line of Griffin Road;

Thence Westerly on said South right-of-way line of Griffin Road to an intersection with the West line of Section 26, Township 50 South, Range 39 East;

Thence Southerly on the West line of line of said Section 26, and continuing Southerly on the West line of Section 35, Township 50 South, Range 39 East, to an intersection with the Easterly prolongation of the North line of Tract 32 of Section 34, Township 50 South, Range 39 East of said plat of THE EVERGLADES LAND COMPANY;

The next Three (3) courses being on the municipal boundary of the City of Pembroke Pines as established by Ordinance Number 1047;

Thence Westerly on the said Easterly prolongation and said North line of said Tract 32 to the Northwest corner of said Tract 32;

Thence Southerly on the West line of said Tract 32 to an intersection with the South line of the North one-half (N ½) of Tract 32 of Section 34, Township 50 South, Range 39 East;

Thence Easterly on said South line of the North one-half (N ½) of Tract 32 and its Easterly prolongation to an intersection with the East line of Section 34, Township 50 South, Range 39 East, said line also being the West line of Section 35, Township 50 South, Range 39 East;

The next Two (2) courses being on the municipal boundary of the City of Pembroke Pines as established by Ordinance Number 1046;

Thence Southerly on said East line of Section 34 also being the West line of said Section 35 to an intersection with the South line of the Northwest one-quarter (NW ¼) of said Section 35;

Thence Easterly on said South line of the Northwest one-quarter (NW ¼) of said Section 35 to an intersection with the Northerly prolongation of Tract 39, of said Section 35 of THE EVERGLADES LAND COMPANY as recorded in Plat Book 2, Page 1, of the Public Records of Dade County, Florida;

Thence (on the municipal boundary of the City of Pembroke Pines as established by Ordinance Number 907) Southerly on the said Northerly prolongation and the West line of Tracts 39, 42 and 55 of said Section 35 of THE EVERGLADES LAND COMPANY as recorded in Plat Book 2, Page 1, of the Public Records of Dade County, Florida said line also being the West plat limits of THE TRAILS, as recorded in Plat Book 143, Page 35 of the Public Records of Broward County, Florida to the Southwest corner of said Tract 55;

The next Two (2) courses being on the municipal boundary of the City of Pembroke Pines as established by Ordinance Number 945;

Thence Westerly on the North line of Tract 57 of Section 35 of THE EVERGLADES LAND COMPANY as recorded in Plat Book 2, Page 1, of the Public Records of Dade County, Florida and its Westerly prolongation to an intersection with the West line of said Section 35, Township 50 South, Range 39 East;

Thence Southerly on said West line of said Section 35 to the Southwest corner of said Section 35, Township 50 South, Range 39 East, said point also being the Northeast corner of Section 3, Township 51 South, Range 39 East;

Thence Southerly on the East line of said Section 3, to an intersection with the South right-of-way line of Stirling Road as shown on and dedicated by BROWARD COUNTY INTERIM CONTINGENCY SANITARY LANDFILL, as recorded in Plat Book 135, Page 7, of the Public Records of Broward County, Florida, said right-of-way line being 55 feet South of and parallel with the North line of said Section 3;

Thence Westerly on said South right-of-way line to an intersection with the East right-of-way line of State Road No. 25 (also known as U.S.

Highway No. 27 as shown on the State of Florida Department of Transportation Right-of-Way Map Section 86060-2516, Sheets 4, 5, and 6 of 7, dated August 16, 1976 and last revised November 1987;

Thence Southerly on said East right-of-way line of State Road No. 25 to an intersection with the South line of Section 3, Township 51 South, Range 39 East;

Thence Westerly on the municipal boundary of the City of Pembroke Pines as established by Ordinance Number 536 to the Southwest corner of said Section 3, Township 51 South, Range 39 East;

Thence Northerly on the West line of said Section 3, and continuing Northerly on the West line of Section 34, Township 50 South, Range 39 East and on the West line of the Southwest one-quarter (NW  $\frac{1}{4}$ ) of Section 27, Township 50 South, Range 39 East, to an intersection with the North right-of-way line of the South Florida Water Management District canal C-11 (also known as the South New River Canal) in said Section 27 as shown on South Florida Water Management District right-of-way maps for Canal C-11, Drawing Number C-11-3, Sheet 1 of 3;

Thence (on the municipal boundary of the City of Weston as established by Chapter 96-472, Laws of Florida) Easterly on the said North right-of-way line of the South Florida Water Management District Canal C-11 (South New River Canal) to a point on the East line of Section 29, Township 50 South, Range 40 East, said East line also being the West line of Section 28, Township 50 South, Range 40 East;

The next Two (2) courses being on the municipal boundary of the Town of Davie as established by Ordinance Number 77-44;

Thence Southerly on said East line to a point on the centerline of right-of-way of the South Florida Water Management District Canal C-11 (South New River Canal);

Thence Easterly on said centerline of the South Florida Water Management District Canal C-11 (South New River Canal) to an intersection with the West line of the East one-half (E  $\frac{1}{2}$ ) of the West one-half (W  $\frac{1}{2}$ ) of Section 28, Township 50 South, Range 40 East;

Thence (on the municipal boundary of the Town of Davie as established by Ordinance Number 86-14) Southerly on the said West line of the East one-half (E  $\frac{1}{2}$ ) of the West one-half (W  $\frac{1}{2}$ ) of said Section 28, and on the West line of the East one-half (E  $\frac{1}{2}$ ) of the West one-half (W  $\frac{1}{2}$ ) of Section 33, Township 50 South, Range 40 East, to an intersection with the North line of Tract 45 of said Section 33, as shown on FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, as recorded in Plat Book 2, Page 17 of the Public Records of Dade County, Florida;

The next Two (2) courses being on the municipal boundary of the Town of Davie as established by Ordinance Number 88-31;

Thence Westerly on the North line of said Tract 45 (said line also being the North Plat Limits line of HAWKE'S BLUFF "TOO", as recorded in Plat Book 134, Page 25, of the Public Records Broward County, Florida) to an intersection with a line 55 feet East of and parallel with the West line of said Section 33;

Thence Southerly on said parallel line to an intersection with a line 1,400 feet North of and parallel with the South line of said Section 33;

The next Two (2) courses being on the municipal boundary of the Town of Davie as established by Ordinance Number 93-12;

Thence Westerly on said parallel line to an intersection with the West right-of-way line of Southwest 160th Avenue;

Thence Southerly on said West right-of-way line, to an intersection with the North line of Tract 6 of Section 5, Township 51 South, Range 40 East of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, as recorded in Plat Book 2, Page 17 of the Public Records of Dade County, Florida, said line also being the North Plat Limits of SOUTH BROWARD DRAINAGE DISTRICT as recorded in Plat Book 144, Page 12, of the Public Records of Broward County, Florida;

Thence (on the municipal boundary of the Town of Davie as established by Ordinance Number 88-50) Westerly on said North line of Tract 6 to an intersection with the East line of the West one-half (W ½) of Tract 5 of said Section 5, as shown on said FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, said line also being the Plat Limits line of ESTATES OF STIRLING LAKE as recorded in Plat Book 142, Page 6, of the Public Records of Broward County, Florida;

The next Nine (9) courses being on the municipal boundary of the Town of Davie as established by Ordinance Number 89-11;

Thence Northerly on the East line of the West one-half (W ½) of said Tract 5, and on the East line of the West one-half (W ½) of Tracts 4, 3, 2 and 1, of said Section 5, of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, to an intersection with a line 55 feet South of and parallel with the North line of said Section 5;

Thence Westerly on said parallel line to an intersection with the West line of said Tract 1 of said Section 5;

Thence Southerly on the West line of said Tracts 1, 2 and 3 to the Northeast corner of Tract 13 of said Section 5 of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1;

Thence Westerly on the North line of said Tract 13 to an intersection with the West line of the Northeast one-quarter (NE ¼) of said Section 5;

Thence Southerly on said West line to an intersection with the South line of Tract 10 of said Section 5 of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1;

Thence Easterly on said South line to an intersection with the West line of the East one-half (E ½) of said Tract 10;

Thence Northerly on said West line, to an intersection with a line 13.30 feet North of and parallel with the South line of said Tract 10;

Thence Easterly on said parallel line to an intersection with the West line of Tract 7 of said Section 5 of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1;

Thence Southerly on said West line of Tract 7 and on the West line of Tract 8 of said Section 5, to an intersection with the South line of the Northeast one-quarter (NE ¼) of said Section 5;

The next Three (3) courses being on the municipal boundary of the City of Pembroke Pines as established by Ordinance Number 1118;

Thence Southerly on the West line of Tract 49 of said Section 5 of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, to the Southwest corner of said Tract 49;

Thence Easterly on the South line of said Tract 49, to an intersection with a line 57 feet West of and parallel with the East line of said Section 5;

Thence Northerly on said parallel line, to an intersection with the South line of the Northeast one-quarter (NE ¼) of said Section 5;

Thence (on the municipal boundary of the Town of Davie as established by Ordinance Number 88-50) Easterly on said South line of the Northeast one-quarter (NE ¼) of Section 5, to an intersection with the East line of said Section 5, said line also being the West line of Section 4, Township 51 South, Range 40 East;

Thence (on the municipal boundary of the Town of Davie as established by Ordinance Number 88-31) Easterly on the South line of the Northwest one-quarter (NW ¼) of said Section 4, to an intersection with the West line of the East one-half (E ½) of the West one-half (W ½) of said Section 4;

Thence (on the municipal boundary of the Town of Davie as established by Ordinance Number 86-14) Southerly on said West line of the East one-half (E ½) of the West one-half (W ½) of said Section 4, to the POINT OF BEGINNING;

TOGETHER WITH;

A parcel of land in the West one-half (W ½) of the East one-half (E ½) of Section 2, Township 51 South, Range 39 East, said parcel including Lots 60, 61 and 62 and the adjacent right-of-way for Sytan Pass lying North of said Lots, all as shown on the REPLAT OF WEST BROWARD INDUSTRIAL PARK, as recorded in Plat Book 157, Page 39, of the Public Records of Broward County, Florida, said parcel being bounded as follows:

On the South by the Northern Plat Limits line of the B.C.W. PLAT, as recorded in Plat Book 162, Page 22, of the Public Records of Broward County, Florida;

On the West by the Easterly Plat limits line of the BROWARD CORRECTIONAL INSTITUTION, as recorded in Plat Book 90, Page 12, of the Public Records of Broward County, Florida;

On the North by the North line of said Lot 62 of REPLAT OF PORTION OF WEST BROWARD INDUSTRIAL PARK and the Easterly extension thereof, said line also being the common plat limits line between said REPLAT OF PORTION OF WEST BROWARD INDUSTRIAL PARK,

and the plat of BROWARD COUNTY INTERIM CONTINGENCY SANITARY LANDFILL, as recorded in Plat Book 135, Page 7, of the Public Records of Broward County, Florida;

On the East by the East line of said Lot 60 of REPLAT OF PORTION OF WEST BROWARD INDUSTRIAL PARK and the Northerly extension thereof, said line also being the municipal boundary of the City of Pembroke Pines as established by Ordinance Number 907;

Note: There is a history of differences in the interpretation of the plats of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1 (Plat Book 2, Page 17, Dade County Records), THE EVERGLADES SUGAR & LAND CO. (Plat Book 2, Page 39, Dade County, Records), THE EVERGLADES LAND COMPANY,(Plat Book 2, Page 1, Dade County, Records), and THE EVERGLADES LAND COMPANY'S SUBDIVISION OF SECTION 36 & SOUTH HALF OF SECTION 25, TOWNSHIP 50 SOUTH, RANGE 39 EAST, (Plat Book 1, Page 63 Dade County, Records). In some instances, the lack of adequate dimensions, labels and dedication statements on these plats, has resulted in differences of interpretation with the respect to certain tract lines being located on the sectional breakdown lines or on the platted right-of-way lines. This legal description cannot resolve these differences. It is the intent of this legal description to match the boundary of a municipality in those instances where the legal description is affected by these differences.

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.

Section 1.05. Construction.—This Charter and the powers of the Town shall be construed liberally in favor of the Town.

## 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.

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.

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 2 years by a majority of the Council at the first meeting of the Council after each election.

Section 2.04. Election and term of office.—

(a) ELECTION AND TERM OF OFFICE.—Except as provided in Section 9.03(c), each Council member and the Mayor shall be elected at large for 4-year terms by the electors of the Town in the manner provided in Article VI. Each Council member and the Mayor shall remain in office until his or her successor is elected and assumes the duties of the position.

(b) DESIGNATED SEATS.—Except as provided in Section 9.03(c), the Town Council shall be divided into four seats, designated 1, 2, 3, and 4, to be voted on town-wide, with each qualified elector entitled to vote for one candidate for each seat.

Section 2.05. Qualifications.—Except as provided in Section 9.03(c), 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, 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. Only electors of the Town who have resided continuously in the Town for at least 1 year preceding the date of such filing 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 1 year preceding the date of such filing may file a written notice of candidacy for said Council seat in accordance with the remaining provisions of this section.

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 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.

(3) 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 30 days or more than 60 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 30 days or more than 60 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.

Section 2.07. Compensation; reimbursement for expenses.—

(a) The Council members shall be compensated at the rate of \$300 per month. The Mayor shall be compensated at the rate of \$400 per month. The



Mayor and Council shall receive reimbursement 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; however, in no event shall any establishment of compensation or any increase in compensation become effective prior to the first day of the first month following the first regular election of the Town subsequent to the adoption of such ordinance.

Section 2.08. Rules of procedure.—The Council shall determine its own rules of procedure.

### 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.

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.

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.

(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 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) Implement the purchase code and guidelines adopted by the Council for the acquisition of goods and services for the Town.

(k) Perform such other duties as are specified in this Charter or as may be required by the Council.

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, a qualified administrative officer of the Town. In the event of failure 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 officer of the Town to perform the duties of the Administrator until he or she shall return or his or her disability shall cease.

Section 3.05. Bond of Administrator.—The 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.

Section 3.06. Town Clerk.—The Administrator shall appoint a Town Clerk or management firm to serve as Town Clerk (the “Clerk”). 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.

Section 3.07. Town Attorney.—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.

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 so requested, furnish the Mayor, Council, or Administrator his or her opinion on any question of law involving the respective powers and duties of the Mayor, Council, or Administrator.
- (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.

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.

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.

#### ARTICLE IV. LEGISLATIVE

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 p.m. local time. Notwithstanding the aforesaid, the Council may conclude debate and voting on any agenda item under consideration at 11 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.

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 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.

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.

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.

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.

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.

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.

#### 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.

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.

### ARTICLE V. QUASI-JUDICIAL

Section 5.01. Quasi-judicial meeting procedures.—All quasi-judicial items relating to land use and zoning require four affirmative votes of the Council. Any four members of the Council shall constitute a quorum for quasi-judicial items. All voting shall be by roll call.

### ARTICLE VI. ELECTIONS

#### 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 March of even-numbered years, commencing in 2002.

(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 Council seat, with a maximum of one vote per candidate. The candidate for Mayor receiving the most votes shall be the duly elected Mayor. The candidate receiving the most votes in each designated Council seat, respectively, shall be the duly elected Council member for that designated 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; 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.

## ARTICLE VII. CHARTER AMENDMENTS

Section 7.01. Charter amendments.—This Charter may be amended in accordance with the provisions of this Article.

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 chapter 166, Florida Statutes, 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 a majority 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.

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.

## 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.

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.

Section 8.03. Town personnel system.—All new employments, appointments, and promotions of Town officers and employees shall be made pursu-



ant to personnel procedures to be established by the Administrator from time to time.

Section 8.04. Charitable contributions.—The Town shall not make any charitable contribution to any person or entity unless authorized by the Council.

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.

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.

Section 8.07. Calendar day.—For the purposes of this Charter, a day shall mean a calendar day.

## ARTICLE IX. TRANSITION PROVISIONS

Section 9.01. Referendum for incorporation.—Upon approval by an affirmative vote of the voters voting in the referendum as provided in chapter 97-371, Laws of Florida, voting for incorporation in the election of March 14, 2000, a referendum election called for by this act shall be called by the Board of County Commissioners of Broward County for June 6, 2000, at which time the following question shall be placed upon the ballot in Precincts 47Z, 48Z, and 74Z (or any future restructuring or renumbering of said precincts of the geographical area described in Section 1.03, as may be determined by the Broward County Supervisor of Elections):

### INCORPORATION OF THE TOWN OF SOUTHWEST RANCHES

Select one below:

The charter of the Town of Southwest Ranches shall provide for incorporation, municipal powers, and a Town Council-Administrator form of government and shall provide for election of the Mayor and the other members of the Town Council at large.

The charter of the Town of Southwest Ranches shall provide for incorporation, municipal powers, and a Town Council-Administrator form of government and shall provide, beginning with the municipal election of 2002, that the Mayor and each other member of the Town Council shall be elected at large, but, other than the Mayor, each Council member must reside within one of four separate residential districts.

In the event that the second choice of the ballot proposition provided for in this section receives the majority of the votes cast in the referendum called for in this section, the provisions of Section 2.04 and Section 6.01(d) of the Charter shall instead read as follows:

Section 2.04. Election and terms of office.—

(a) MAYOR.—Except as provided in Section 9.03(c), 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.—Except as provided in Section 9.03(c), 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 of 2000, but at least 6 months before the qualifying period for the municipal election of 2002, 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 be electors of the Town and 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.

Section 6.01. Elections.—

(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.

Section 9.02. 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.

Section 9.03. Initial election of Council members; dates; qualifying period; certification of election results; induction into office.—

(a) DATES.—Following the adoption of this Charter in accordance with Section 9.01, a special election for the election of the Mayor and four Council members shall be held on July 25, 2000.

(b) QUALIFYING PERIOD.—Any individual wishing to run for Mayor or one of the four Council seats shall qualify as a candidate with the Broward

County Supervisor of Elections between June 8, 2000, and June 23, 2000, in accordance with the provisions of this Charter and general law.

(c) CERTIFICATION OF ELECTION RESULTS.—For the initial election, a canvassing board shall be appointed by the Board of County Commissioners of Broward County to certify the results of the election. At the first election under this Charter, the four candidates for Council member receiving the highest number of votes shall be elected. At such initial election, seats shall not be designated. Of the elected candidates, the two receiving the greatest number of votes shall serve until their successors are elected in March 2004 and assume the duties of the office, and the remaining two shall serve until their successors are elected in March 2002 and assume the duties of the office. The candidate receiving the highest number of votes shall occupy seat 1; the candidate receiving the second highest number shall occupy seat 2; the candidate receiving the third highest number shall occupy seat 3; and the candidate receiving the fourth highest number shall occupy seat 4. Thereafter, all Council members shall be elected for 4-year terms. The mayoral candidate receiving the highest number of votes shall be elected. The Mayor shall be elected at the first election to serve until his or her successor is elected in March 2004 and assumes the duties of the office, and for a 4-year term at all subsequent elections.

(d) INDUCTION INTO OFFICE.—Those candidates who are elected on July 25, 2000, shall take office at the initial Council meeting, which shall be held at 7:30 p.m. on August 8, 2000, at a place to be designated by the Mayor.

Section 9.04. 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.

Section 9.05. 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.

Section 9.06. 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.

Section 9.07. First year expenses.—The Council, in order to provide monies for the expenses and support of the Town, shall have the power to borrow

money necessary for the operation of Town government until such time as a budget is adopted and revenues are raised in accordance with the provisions of this Charter.

Section 9.08. Transitional ordinances and resolutions.—The Council shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted within 60 days after the first Council meeting may be passed as emergency ordinances. These transitional ordinances shall be effective for no longer than 90 days after adoption, and thereafter may be readopted, renewed, or otherwise continued only in the manner normally prescribed for ordinances.

Section 9.09. 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 section 218.23, Florida Statutes, 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 section 218.26(3), Florida Statutes, shall be waived for the fiscal year 2001-2002, and the apportionment factors for the municipalities and counties shall be recalculated pursuant to section 218.245, Florida Statutes. 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.

Section 9.10. Gas tax revenues.—Notwithstanding the requirements of section 336.025, Florida Statutes, 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.

Section 9.11. 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.

Section 9.12. Conflicting provisions.—This act shall take precedence over any other prior enacted law.

Section 2. This act shall only take effect upon approval by a majority of those qualified electors residing within the proposed corporate limits of the proposed Town of Southwest Ranches as described in section 1.03 of the charter, voting in a referendum election to be called by the Board of County Commissioners of Broward County and to be held on June 6, 2000, in accordance with the provisions relating to elections currently in force except that:

(1) This section and section 9.01 of the charter shall take effect upon this act becoming a law.

(2) If a majority of the qualified voters voting do not approve this act then this act shall not take effect.

(3) If approved by a majority of the qualified voters voting then this act and charter shall take effect upon certification of the election results by the Board County Supervisor of Elections.

Approved by the Governor May 22, 2000.

Filed in Office Secretary of State May 22, 2000.