

House Bill No. 1297

An act relating to the Town of Grant-Valkaria, Brevard County; creating the Town of Grant-Valkaria; providing a charter for the town; providing powers of the town; providing for liberal construction; providing for a town council-administrator form of government; providing corporate boundaries; providing that the town may contract with other governmental entities; providing for a town council and its powers and duties, compensation, and membership; providing for a mayor and vice mayor and their powers and duties; providing for filling of vacancies; providing for meetings of the town council; providing for ordinances; restricting the use of eminent domain; providing for a town administrator and his or her powers and duties, appointment, qualifications, and compensation; requiring the town administrator to furnish a security bond; providing for removal or absence of the town administrator; providing that the town may establish departments, offices, and agencies and providing for administration of those under the direction and supervision of the town administrator; providing for a personnel system; providing for a town attorney; providing for land use, development, and environmental planning; providing for accounting procedures; specifying the fiscal year of the town; requiring an annual audit; providing for availability of financial records of the town; providing for public deposits; providing requirements for purchase or sale of real property by the town; providing for an annual budget; authorizing the levy of certain taxes within the town; prohibiting the issuance of certain bonds or entering into certain types of contracts unless approved by referendum; providing for emergency appropriations; providing for town elections; providing for conduct of officials in office; providing for appointments and removals of town administrative officers and employees; providing that the town council shall deal with the town administrator and not officers and employees of the administrator; providing for regulation of campaign financing; requiring a long-range plan and a 5-year financial plan; providing for emergency operations; providing for dissolution; providing for charter amendment and review; providing for regulation of land use, zoning, and development; providing for transition, including an interim council, continuity and sources of revenues, and continuity of services; providing severability; requiring a referendum; providing an effective date.

WHEREAS, we, the people of the Town of Grant-Valkaria, under the Constitution and laws of the State of Florida, in order to secure the local benefits of self-government, preserve our history, protect our future, maintain a rural quality of life, and foster responsible, community-controlled growth, have ratified this charter by referendum, and

WHEREAS, this charter secures the benefits of home rule and affirms the value of representative democracy, strong community leadership, citizen participation, and regional cooperation, NOW, THEREFORE,

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

Section 1. Town of Grant-Valkaria; charter; creation; powers; construction; form of government; boundaries; intergovernmental relations.—

(1) CHARTER; CREATION.—This act, together with any amendments thereto, may be known as the “Charter of the Town of Grant-Valkaria,” and the Town of Grant-Valkaria (“town”) is hereby created and established.

(2) POWERS OF THE TOWN.—The town shall retain claim to all power and legal rights granted to municipalities under the Constitution and laws of the State of Florida as fully and completely as though they were specifically enumerated in this charter.

(3) CONSTRUCTION.—The power of the town, under this charter, shall be construed liberally in favor of the town. The specific mention of particular powers in this charter shall not be construed as limiting in any way the general power granted in this section.

(4) FORM OF GOVERNMENT.—The town shall have a town council-administrator form of government, as defined in sections 2 and 3.

(5) CORPORATE BOUNDARIES.—

That area lying mostly North of Senne Road, East of Babcock Road, South of the City limits of Malabar, and West of the centerline of the Indian River Channel. Bounded on the North by the North lines of Sections 15, 14 and 13 of Township 29S, Range 37E, and Sections 18 and 17, Township 29S, Range 38E, Brevard County, Florida, and its easterly projection to the centerline of the Indian River channel.

Bounded on the East by a line beginning at the centerline of the Indian River Channel and the Easterly projection of the North line of Section 17, Township 29 South, Range 38 East; thence Southerly along said centerline of the Indian River Channel to the Westerly projection of the South line of the North 220 feet of GL-4 Section 10, Township 29 South, Range 38 East; thence Easterly 3,150 Feet along said Westerly projection of the South line of the North 220 feet of GL-4; thence due South to the Easterly projection of the North line of GL-2 of Section 34, Township 29 South, Range 38 East; thence Westerly along said Easterly projection of the North line of GL-2 to the centerline of the Indian River Channel; thence Southerly along said centerline of the Indian River Channel to the intersection of the Easterly projection of the South line of Section 3, Township 30 South, Range 38 East.

Bounded on the South by a line beginning at the intersection of the centerline of the Indian River channel and the Easterly projection of the South line of Section 3, Township 30 South, Range 38 East; thence Westerly along said South line and its Westerly projection to the East line of Tax Parcel 250, lying in Section 1, Township 30 South, Range 37 East, as recorded in Official Records Book (ORB) 4258, Page 968 of the Public Records of Brevard County, Florida; thence northerly along said East line to the North line of said Section 1; thence westerly along said

North line and its westerly projection to the East line of the SW ¼ of Section 34, Township 29 South, Range 37 East; thence northerly along the East line of the SW ¼ of said Section 34 to the South line of Tax Parcel 762 as recorded in Official Records Book 4895, Page 625 of said Public Records; thence easterly along the South line of said Tax Parcel 762 to the East line of said Tax Parcel 762; thence northerly along said East line to the North line of the SW ¼ of said Section 34; thence westerly along the North line of the SW ¼ of said Section 34 to the intersection of the centerline of Babcock St.

Bounded on the West by the centerline of Babcock St.

Except:

Tax Parcel 276 as recorded in Official Record Book 5193 Page 3598, in Section 27, Township 29 South, Range 37 East, of Public Records of Brevard County, Florida.

Tax Parcel 334 as recorded in Official Record Book 5193 Page 3629, in Section 27, Township 29 South, Range 37 East, of Public Records of Brevard County, Florida.

Tax Parcel 335 as recorded in Official Record Book 5193 Page 3562, in Section 27, Township 29 South, Range 37 East, of Public Records of Brevard County, Florida.

Tax Parcel 336 as recorded in Official Record Book 5193 Page 3831, in Section 27, Township 29 South, Range 37 East, of Public Records of Brevard County, Florida.

Tax Parcel 504 as recorded in Official Record Book 5375 Page 6773, in Section 27, Township 29 South, Range 37 East, of Public Records of Brevard County, Florida.

Tax Parcel 278 as recorded in Official Record Book 4003 page 3742, in Section 22, Township 29 South, Range 37 East, of Public Records of Brevard County, Florida.

Tax Parcels 270 and 309, as recorded in Official Record Book 4951 Page 1494, in Section 22, Township 29 South, Range 37 East, of Public Records of Brevard County, Florida.

AND in the SW ¼ of Section 15, Township 29 South, Range 37 East being more particularly described as follows:

Tax Parcel 519, 573, 536, 572, 532, 549, 533, 575, 534, 554, 535, 515 and 540 as recorded in the Official Record Book 4607 page 3439 of the Public Records of Brevard County, Florida.

Except: All of land described in ORB 4643 page 324, in Section 15, Township 29 South, Range 37 East, as recorded in Public Records of Brevard County, Florida

AKA as tax parcels:

Tax parcel 277, as recorded in ORB 4167 page 3180

Tax parcel 278, as recorded in ORB 4167 page 3180

Tax parcel 279, as recorded in ORB 4167 page 3180

Tax parcel 280, as recorded in ORB 4167 page 3180

Tax parcel 281, as recorded in ORB 4237 page 679

Tax parcel 290, as recorded in ORB 4237 page 680

Tax parcel 298, as recorded in ORB 4237 page 681

and,

The South 435.00 feet of the West 350.00 feet of Lot 24, Florida Indian River Land Company Subdivision, as recorded in Plat Book 1, Page 165, of the Public Records of Brevard County, Florida, less and except the South 35.00 feet and the West 50.00 feet thereof.

(6) INTERGOVERNMENTAL RELATIONS.—The town may participate by contract or otherwise with any governmental entity of the state, or any other state or states of the United States, in the performance of any activity that one or more of such entities have the authority to undertake.

Section 2. Town council; mayor; vice mayor; ordinances; eminent domain.—

(1) TOWN COUNCIL.—The term “council” means the Grant-Valkaria Town Council and includes the mayor.

(a) The town council shall consist of six council members and one mayor, for a total of seven members, all of whom shall be elected at large and in accordance with section 6. The council members shall occupy seats numbered 1 through 6.

(b) Four or more members of the town council shall constitute a majority, and five or more members of the town council shall constitute a supermajority. A majority of the town council shall constitute a quorum, but a smaller number may adjourn as required and may compel the attendance of absent members in the manner and subject to any penalties prescribed by rules adopted by the town council.

(c) All powers of the town shall be vested in the elected town council, except as otherwise provided by law or by this charter.

(2) MAYOR.—The mayor shall preside at meetings of the town council. The mayor shall be a regular voting member of the town council. The mayor shall be recognized as the head of town government for all ceremonial purposes; for purposes of military law; for service of process and execution of town council authorized contracts, deeds, and other documents; and as the

town official designated to represent the town when dealing with other governmental entities on behalf of the town.

(3) 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 term of 1 year or until his or her successor is elected. A council member shall not serve consecutive terms as vice mayor unless no other council member is willing to serve as vice mayor.

(4) VACANCIES.—The office of a town council member shall become vacant upon the incumbent's death, resignation, or removal from office in any manner authorized by law or by forfeiture of his or her office.

(a) A town council member shall forfeit his or her seat 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.

(b) Any member of the town council shall be subject to forfeiture of his or her office if he or she is absent without good cause from any three consecutive regular meetings of the council or if he or she is absent without good cause from any four regular meetings of the council within any 12-month period.

(c) The town 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 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.

(d) 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.

(e) Any final determination by the town 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.

(5) FILLING OF VACANCIES.—

(a) A vacancy on the town council shall be filled by a majority vote of the remaining members of the town council, unless at the time of the vacancy there are fewer than 6 months remaining before the next regular election of town council members, in which case the town council shall have the discretion to leave the seat vacant until the next regular election of town council members. Any person appointed by the town council to fill a vacancy

shall hold office until the next regular town council election. The elected replacement shall serve the remaining term for the vacated seat.

(b) In the event that all the members of the town council are removed by death, disability, recall, forfeiture of office, resignation, or any combination thereof, the Governor shall appoint an interim town council. The interim town council shall call a special election within not fewer than 60 days or more than 90 days after such appointment. Such election shall be held in the same manner as the initial elections under this charter. However, if there are fewer than 6 months remaining in the unexpired terms, the interim town council appointed by the Governor shall serve out the unexpired terms.

(c) Persons filling vacancies shall meet the qualifications specified in section 6(8).

(d) Notwithstanding any quorum requirements established herein, if at any time the full membership of the town council is reduced to less than a quorum, the remaining members may, by unanimous vote, appoint additional members to the extent permitted or required under this subsection.

(6) COMPENSATION; REIMBURSEMENT FOR EXPENSES.—

(a) The council members shall serve as town volunteers and shall not be compensated.

(b) The council members shall receive reimbursement for council-approved expenses 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. An ordinance establishing, increasing, or decreasing reimbursement for expenses of the council members may be adopted at any time.

(7) INVESTIGATIONS.—The town council may make investigations into the affairs of the town and the conduct of any town department, office, or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence.

(8) MEETINGS.—

(a) The town council shall hold a minimum of 11 monthly meetings in each fiscal year at such times and places as the town council may prescribe by rule. Special meetings may be held on the call of the mayor or four or more members and, whenever feasible, upon no less than 24 hours' notice to each member. Except as otherwise provided by general law, all meetings shall be public.

(b) The town council shall determine its own rules and order of business and procedure; however, in the absence of same, the latest edition of Robert's Rules of Order shall be used. The town council shall provide for keeping the journal of its proceedings, which journal shall be a public record except as otherwise provided by general law.

(c) During all town council votes, the individual votes as cast by each person on the town council shall be recorded in the journal of that meeting.

No action of the town council, except as otherwise provided in this charter, shall be valid or binding unless adopted by a majority decision. Except as otherwise provided in this charter, all land use and quasi-judicial items shall require a supermajority decision.

(9) ORDINANCES.—In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the town council shall be done by ordinance, in accordance with the provisions of this charter, which:

(a) Adopt or amend an administrative code or establish, alter, or abolish any town department, office, or agency;

(b) Regulate land use and development;

(c) Levy taxes;

(d) Grant, renew, or extend a franchise;

(e) Regulate the rate charged by a public utility for its services;

(f) Authorize the borrowing of money;

(g) Convey or lease, or authorize the conveyance or lease of, any lands of the town;

(h) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(i) Amend or repeal any ordinance previously adopted; or

(j) Adopt, with or without amendment, ordinances proposed under the initiative power.

Acts other than those referred to in this subsection may be done either by ordinance or by resolution.

(10) EMINENT DOMAIN.—In no case shall the town council exercise its powers of eminent domain or condemnation to acquire property for private development purposes, regardless of the public good such eminent domain or condemnation might support.

(11) ORDINANCES IN GENERAL.—

(a) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. The enacting clause shall read, “The Town of Grant-Valkaria hereby ordains:”. Any ordinance that repeals or amends an existing ordinance or part of the town code shall set out in full the ordinance and the sections or subsections to be repealed or amended and shall indicate matters to be omitted by enclosing brackets or by strikeout type and shall indicate new matters by italics or by under-scoring.

(b) Any member of the town council at any regular or special meeting of the town council may introduce an ordinance. Upon introduction of any ordinance, the town clerk shall distribute a copy to each council member and the town administrator, shall file a reasonable number of copies in the office of the town clerk and such other public places as the town council may designate, and shall publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the town council. The public hearing shall follow the publication by at least 7 calendar days, may be held separately or in connection with a regular or special town council meeting, and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the hearing, the town council may adopt the ordinance with or without amendment or reject it, but if it is amended as to any matter of substance, the town council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required in the case of a newly introduced ordinance. As soon as feasible after adoption, the clerk shall have the ordinance and a notice of its adoption published and available at a reasonable price. As used in this section, the term "publish" means to provide in the contemporary means of information sharing, which includes, but is not limited to, one or more newspapers of general circulation in the town and, if available, in a website, the ordinance or a brief summary thereof, the places where copies of it have been filed, and the times when they are available for public inspection and purchase at a reasonable price.

(c) Except as otherwise provided in this charter, every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date specified therein.

(d) To meet a public emergency affecting life, health, property, or the public peace, the town council may adopt one or more emergency ordinances, but such ordinances may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except as provided in section 5(8). An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated 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. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of four or more members shall be required for adoption. After its adoption, the ordinance shall be published as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except an emergency appropriation as described in section 5(9) shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. 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) The town council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and

requirements governing such an adopting ordinance shall be as prescribed for ordinances generally, except that:

1. The requirements of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance.

2. A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the town clerk pursuant to this charter.

3. Copies of any adopted code of technical regulations shall be made available by the town clerk for distribution or for purchase at a reasonable price, consistent with the current year's budget.

(f) The town clerk shall authenticate by signing and shall record in full in a properly indexed document kept for that purpose all ordinances and resolutions adopted by the town council.

(g) Within 3 years after adoption of this charter and at least every 10 years thereafter, the town council shall provide for the preparation of a general codification of all town ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the town council by ordinance and shall be published, together with this charter and any amendments thereto, pertinent provisions of the constitution and other laws of the state, and such codes of technical regulations and other rules and regulations as the town council may specify. This compilation shall be known and cited officially as the Grant-Valkaria Town Code. Copies of the code shall be furnished to town officers, placed in libraries, public offices, and, if available, on a website for free public reference, and made available for purchase by the public at a reasonable price fixed by the town council.

(h) The town council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be published promptly following its adoption, and the published ordinances, resolutions, and charter amendments shall be distributed or sold to the public at reasonable prices as fixed by the town council. Following publication of the first Grant-Valkaria Town Code and at all times thereafter, the ordinances, resolutions, and charter amendments shall be published in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The town council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any changes in or additions to the provisions of the Constitution and laws of the State of Florida or the codes of technical regulations and other rules and regulations included in the code.

Section 3. Town administrator.—

(1) APPOINTMENT; QUALIFICATIONS; COMPENSATION.—The town council, by majority vote, shall appoint a town administrator for an indefinite term and set the town administrator's compensation. The town administrator shall be appointed primarily on the basis of education and experience in the accepted competencies and practices of local government

management. The town administrator need not be a resident of the town or state at the time of appointment but may reside outside the town while in office only with the approval of the town council. The town administrator is continuously responsible to the town council, the elected representatives of the people.

(2) REMOVAL.—The town council may request the resignation of the town administrator. If the town administrator declines to resign at the town council's request, the town council may suspend the administrator by a resolution approved by a majority of the town council. Such resolution shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the town administrator. The town administrator shall have 15 days in which to reply thereto in writing and, upon request, shall be afforded a public hearing, which shall occur not earlier than 10 days or later than 15 days after such hearing is requested. After the public hearing, if one is requested, and after full consideration, the town council, by a majority vote, may adopt a final resolution of removal. The town administrator shall continue to receive full salary until the effective date of a final resolution of removal.

(3) ABSENCE OR DISABILITY.—

(a) To perform his or her duties during his or her temporary absence or disability, the town administrator may designate, by letter filed with the town clerk, an interim town administrator.

(b) In the event of failure or inability of the town administrator to make such designation, or should the person so designated by the town administrator be unsatisfactory to the town council, the town council may by resolution appoint an interim town administrator to perform the duties of the town administrator until he or she returns or his or her disability ceases.

(4) POWERS AND DUTIES.—The town administrator shall be the chief executive officer of the town, responsible to the town council for the management of all town affairs placed in the town administrator's charge by or under this charter. The town administrator shall:

(a) Hire or fill existing positions, including the town clerk, and when the town administrator deems it necessary for the good of the town, suspend or remove town employees, except as otherwise provided by law or this charter. The town administrator may serve as town clerk.

(b) Direct and supervise the administration of all departments and offices, but not town boards or agencies, except as otherwise directed by the town council or provided by this charter.

(c) Attend all town council meetings. The town administrator shall have the right to take part in discussion but shall not have the right to vote.

(d) Ensure that all laws, provisions of this charter, and acts of the town council, subject to enforcement by the town administrator or by officers subject to the town administrator's direction and supervision, are faithfully executed.

(e) Prepare and submit the annual budget and capital program, as specified in section 5, to the town council and implement the final budget approved by the town council to achieve the goals of the town.

(f) Submit to the town council, and make available to the public, a complete report on the financial and administrative activities of the town as of the end of each fiscal year.

(g) Prepare such other reports as the town council may require concerning the operations of town departments, offices, boards, and agencies.

(h) Keep the town council fully advised as to the financial condition and current and future needs of the town.

(i) Assist the town council in developing long-term goals for the town and strategies to implement these goals.

(j) Make recommendations to the town council concerning the affairs of the town and facilitate the work of the town council in developing policy.

(k) Provide staff support services for the mayor and council members.

(l) Encourage and provide staff support for regional and intergovernmental cooperation.

(m) Promote partnerships among the town council, staff, and citizens in developing public policy and building a sense of community.

(n) Perform all such other duties as are specified in this charter or that may be required by the town council.

(5) BOND.—The town administrator and, where applicable, an interim town administrator shall furnish a security bond to be approved by the town council, in such amount as the town council may specify, such 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 4. Departments, offices, and agencies; town attorney; land use.—

(1) CREATION OF DEPARTMENTS, OFFICES, AND AGENCIES.—The town council may establish town departments, offices, and agencies in addition to those created by this charter and shall prescribe the functions of all departments, offices, and agencies. No function assigned by this charter to a particular department, office, or agency may be discontinued or assigned to any other unless specified by this charter.

(2) DIRECTION BY TOWN ADMINISTRATOR.—All departments, offices, and agencies under the direction and supervision of the town administrator shall be administered by an officer appointed by and subject to the direction and supervision of the town administrator. With the consent of the town council, the town administrator may serve as the head of one or more such departments, offices, or agencies or may appoint one person as the head of two or more of them.

(3) PERSONNEL SYSTEM.—

(a) All appointments and promotions of town officers and employees shall be made primarily on the basis of merit or other evidence of competence.

(b) Consistent with all applicable federal and state laws, the town council shall provide by ordinance for the establishment, regulation, and maintenance of a merit system governing personnel policies necessary to effective administration of the employees of the town's departments, offices, and agencies.

(4) TOWN ATTORNEY.—The town council shall appoint the town attorney by an affirmative vote of a majority of the town council. The town council shall establish a contract term for the town attorney that includes scheduled reviews. The town attorney shall report to the town council to serve as chief legal adviser to the town council, the town administrator, and all town departments, offices, and agencies. Compensation and benefits of the town attorney shall be set by the town council. The town attorney shall be a member in good standing of The Florida Bar. The town council may remove the town attorney at any time by an affirmative vote of a majority of the town council. The town attorney shall take office immediately on appointment, and the terms and conditions shall be reduced to a written contract. The town council shall have the authority to engage such additional legal counsel as it deems advisable and necessary.

(5) LAND USE, DEVELOPMENT, AND ENVIRONMENTAL PLANNING.—Consistent with all applicable federal and state laws with respect to land use, development, and environmental planning, the town council shall:

(a) Designate an agency or agencies to carry out the planning function and such decisionmaking responsibilities as may be specified by ordinance or in section 9.

(b) Adopt a comprehensive plan and determine to what extent zoning and other land use control ordinances must be consistent with the plan.

(c) Determine to what extent the comprehensive plan and zoning and other land use ordinances must be consistent with regional plans.

(d) Adopt development regulations, to be specified by ordinance, to implement the plan.

The designated agency, the town administrator, and the town council shall seek to act in cooperation with other jurisdictions and organizations in their region to promote integrated approaches to regional issues.

Section 5. Finances.—

(1) ACCOUNTING PROCEDURES.—The town administrator shall prescribe and require, except as may be prescribed and required by law, the use of plain and uniform systems of keeping books of accounts by all town departments, officers, or employees who are charged with the receipt or

disbursements of any of the funds of the town or who may be authorized to purchase materials and supplies or to employ labor for the town.

(2) FISCAL YEAR.—The fiscal year of the town shall begin with the first day of October in each year and end on the last day of September of the following year, as set forth in section 166.241, Florida Statutes.

(3) ANNUAL AUDIT.—The town council shall retain a certified public accountant to be the independent auditor of accounts of the town. It shall be the duty of the auditor to audit the accounts of the town and all its officers whose duty involves the collection, custody, and payment of moneys to or by the town. The auditor shall, on or before April 15 of each year, make and deliver a detailed report of any and all accounts, records, and books from the previous fiscal year examined and audited by him or her, which report under his or her hand and seal shall be made available for public inspection.

(4) PUBLIC FINANCIAL RECORDS.—The town administrator shall regularly make available as public records at a suitable location all major revenues and expenditures of the town for a given fiscal year. This information shall be made available, at a minimum, quarterly.

(5) PUBLIC DEPOSITS.—All public deposits shall be made in qualified public depositories and shall be secured as provided by state law.

(6) PURCHASE, SALE, AND LEASE OF REAL PROPERTY.—All purchases or sales of real property by the town or leases of town-owned property are subject to public notice and hearing before action is taken by the town council. Such action shall require a supermajority vote of the town council. The public notice shall be of the same extent and nature as that required by general law for rezoning.

(7) ANNUAL BUDGET.—

(a) Submission of annual budget.—On or before July 15 of each year, the town administrator shall submit a budget in accordance with state law. It shall outline the financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in fiscal policy, summarize the town's fiscal position, and include any other material as the town administrator deems necessary.

(b) Town council action on the budget.—

1. The town council shall adopt a budget for the ensuing fiscal year by resolution on or before September 30 of each year.

2. The town council shall not authorize or allow to be authorized a budget that exceeds the reasonably expected revenue for the ensuing fiscal year.

(c) Budget financial procedures.—

1. If at any time during the fiscal year it appears probable to the town administrator that the revenues available will be insufficient to meet the amount appropriated in the budget, the town administrator shall report to the town council without delay. The town council shall then take action to

prevent or minimize any deficit and for that purpose may, by resolution, reduce one or more appropriations.

2. The town administrator shall have full authority to transfer unencumbered funds between different programs within a department, office, or agency. The town administrator shall not have the authority to transfer funds between departments, offices, or agencies.

3. The town council may, by resolution, transfer or otherwise allocate or reallocate part or all of any unencumbered balance within a department, office, or agency to any other department, office, or agency.

(d) Budget as public record.—Copies of the budget as adopted shall be public record and shall be made available to the public at a suitable location in the town.

(8) TAXATION AND REVENUE.—

(a) Property taxable.—All property, real or personal, in the town not expressly exempt by state law shall be subject to taxation by the town within the limits set forth by the State Constitution and general law.

(b) Authority of town to levy taxes.—The town council shall have the right to raise, by taxation on the taxable property within the corporate limits of the town and on licenses, such amounts as may be necessary to carry on the government of the town, within the limits set forth by the State Constitution and general law. The town council shall have the right to levy such additional taxes, within the limits set forth by the State Constitution and general law, as may be necessary to pay the interest on, and to provide a sinking fund for the ultimate redemption of, the outstanding bonds of the town as may from time to time be issued in accordance with law and to pay any lawful judgment that the town may be compelled to satisfy.

(c) Borrowing money; selling bonds.—Unless authorized by the electors of the town at a duly held referendum election, the town council shall not authorize or allow to be authorized the issuance of revenue bonds or enter into lease-purchase contracts or any other unfunded multiyear contracts for the purchase of real property or the construction of capital improvements the repayment of which extends beyond the end of any fiscal year.

(9) EMERGENCY APPROPRIATIONS.—To address a public emergency affecting life, health, property, or the public peace, the town council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of section 2. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the town council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid or refinanced as long-term debt not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

Section 6. Town elections.—

(1) CONDUCT OF ELECTIONS.—The provisions of the general election laws of the state shall apply to all elections held under this charter. The town council may, by ordinance, make all regulations it considers needful or desirable, not inconsistent with this charter, for the conduct of municipal elections and for the prevention of fraud therein. Nothing in this charter shall preclude the town council from authorizing the administration of town elections by the county supervisor of elections.

(a) Regular elections.—The regular town elections shall be held every 2 years beginning on November 7, 2006, coincident with county, state, and national elections. Poll workers and clerks of elections, if required, shall be appointed by the Brevard County Supervisor of Elections.

(b) Special elections.—Special elections, when required, shall be scheduled by the town council at such times and in such manner as shall be consistent with this charter and state law.

(c) Single candidates.—No election for a town council seat shall be required in any election if there is only one duly qualified candidate for that seat.

(d) Electors.—Any person who is a resident of the town, is qualified as an elector of the state, and is registered to vote in the manner prescribed by law shall be an elector of the town.

(e) Nonpartisan elections.—All elections for the offices of council member and mayor shall be conducted on a nonpartisan basis.

(2) COMMENCEMENT OF TERMS.—The term of office of any elected official shall commence 2 weeks after the election.

(3) OATH OF OFFICE.—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 Grant-Valkaria; that I am duly qualified to hold office under the Constitution of the State and of the charter of the Town of Grant-Valkaria; that I will well and faithfully perform the duties of (mayor or council member) upon which I am about to enter; and that I will work to preserve and promote the history, environment, and rural character of the Town of Grant-Valkaria.”

(4) METHOD OF ELECTING COUNCIL MEMBERS.—The ballot for the general election shall contain the names of all qualified candidates for council members and the number of seats up for election. The ballot shall instruct electors to cast one vote for each open council seat. The candidates who receive the largest number of votes shall be the duly elected council members and shall be designated as holding a specific council seat number. Council seat numbers shall be assigned such that the lowest seat number available is given to the candidate who receives the largest number of votes.

(5) METHOD OF ELECTING THE MAYOR.—If the mayor’s term is expiring, the ballot for the general election shall contain the names of all

qualified candidates for mayor and shall instruct electors to cast one vote for mayor. The candidate for mayor receiving the largest number of votes shall be the duly elected mayor.

(6) TIE VOTES.—In the event of a tie for the office of council member or mayor, the winner shall be determined by lot.

(7) CANDIDATE FORUMS.—The town shall sponsor and budget for a minimum of three candidate forums. Each candidate for mayor or council seat shall participate in a minimum of two candidate forums.

(8) QUALIFYING OF CANDIDATES FOR OFFICE OF COUNCIL MEMBER OR MAYOR.—

(a) Only electors of the town who have resided in the town for the 2 years preceding the date of filing for candidacy shall be eligible to hold the office of council member or mayor.

(b) Candidates for council member or mayor 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, plus payment of any fees required by general law as a qualifying fee. The candidate shall submit a qualifying statement, as prescribed by ordinance, with the signatures of at least 1 percent of the total number of electors at the last general election, and pay any required filing fee.

(c) The qualifying period shall not be less than 45 days and not more than 60 days prior to the elections. If there is an insufficient number of candidates at the conclusion of the qualifying period, all candidates shall be seated according to paragraph (1)(c) and subsection (6). The qualifying period shall be extended 5 business days for the remaining open seat or seats.

(d) A person may not be a candidate for more than one office in the same election.

(9) INITIATIVE, CITIZEN REFERENDUM, AND RECALL.—

(a) The electors of the town shall have power to propose ordinances to the town council; however, such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, or salaries of town employees. If the town council fails to adopt the proposed ordinance or a modification thereof, the electors shall have the power to adopt or reject it at a town election.

(b) The electors of the town shall have the power to require reconsideration by the town council of any adopted ordinance. If the town council fails to repeal an ordinance so reconsidered, the electors may approve or reject it at a town election. However, such power of reconsideration shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money, levy of taxes, or salaries of town employees.

(c) The electors of the town shall have the power to remove from office any elected official of the town in accordance with general law.

(10) INITIATIVE AND REFERENDUM PROCEEDINGS.—

(a) Any five electors may commence initiative or referendum proceedings by filing with the town clerk an affidavit stating that they will constitute the petitioners' committee, stating that they will be responsible for circulating the petition and filing it in proper form, stating their names and addresses, specifying the address to which all notices to the petitioners' committee are to be sent, and setting out in full the proposed initiative ordinance or the proposed amendment or repeal action relating to an existing ordinance. The town clerk shall promptly file the affidavit with the town administrator so that it can be placed on the agenda for the next town council meeting. If the proposed ordinance is in the correct form and is compatible with the town charter and general and special law, the town council shall promptly consider the proposal on its merits and substance. If deficiencies of form or legality exist, the proposal shall be returned to its sponsors for correction and resubmission. If the town council delays, rejects, changes, or refuses to consider a proposed ordinance or amendment or repeal request for reasons that fail to satisfy its sponsors, the proposed ordinance or amendment or repeal request may be submitted to referendum by petition. Production of petition forms and validation of signatures shall be the responsibility of the petitioners' committee.

(b) Referendum and initiative petitions must be signed by electors of the town, as certified by the Brevard County Supervisor of Elections, equal in number to at least 20 percent of the total number of electors voting at the last regular election.

(c) All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Referendum and initiative petitions shall contain or shall have attached to them throughout their circulation the full text of the proposed ordinance, amendment, or repeal request.

(d) Each paper of a petition shall have attached to it, when filed, an affidavit executed by its circulator stating that the circulator personally circulated the paper, giving the number of signatures on the paper, and stating that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the proposed ordinance, amendment, or repeal request.

(e) Referendum petitions must be filed within 30 days after adoption by the town council of the ordinance sought to be reconsidered.

(f) Within 20 days after the petition is filed, the town clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars in which it is defective, and shall within 2 working days send a copy of the certificate to the petitioners' committee by registered mail. Verification of electors shall be as certified by the Brevard County Supervisor of Elections. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice

of intention to amend it with the town clerk within 5 days after receiving the copy of the certificate and if the petitioners' committee files a supplementary petition upon additional papers within 10 days after receiving the copy of the certificate. Such supplementary petition shall comply with the requirements of paragraphs (c) and (d). Within 20 days after a supplementary petition is filed, the town clerk shall complete a certificate as to the sufficiency of the petition as amended and shall promptly send a copy of such certificate to the petitioners' committee by registered mail. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or to request town council review under paragraph (g) within the time required, the town clerk shall promptly present the certificate to the town council, and the certificate shall then be a final determination as to the sufficiency of the petition.

(g) If a petition has been certified insufficient for reasons other than the required number of elector signatures and the petitioners' committee does not file notice of intention to amend it, or if an amended petition has been certified insufficient for reasons other than the required number of elector signatures, the committee may, within 5 days after receiving the copy of such certificate, file a request that the petition be reviewed by the town council. The town council shall review the petition and its accompanying certificate at its next meeting following the filing of such request and shall approve or disapprove it. The town council's determination shall then be a final determination as to the sufficiency of the petition.

(h) A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

(i) The cost of checking the names on a petition against the list of electors shall be borne by the petitioners' committee.

(j) When a referendum petition is filed with the town clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

1. There is a final determination of insufficiency of the petition;
2. The petitioners' committee withdraws the petition;
3. The town council repeals the ordinance; or
4. Thirty days have elapsed after a vote of the electors of the town on the ordinance.

(k) When an initiative or referendum petition has been finally determined sufficient, the town council shall promptly consider adoption of the proposed initiative ordinance or reconsider the referred ordinance by voting its repeal. If, within 60 days after the petition is determined sufficient, the town council fails to adopt a proposed initiative ordinance without any change in substance or fails to repeal the referred ordinance, it shall submit the proposed or referred ordinance to the electors of the town.

(l) The election on a proposed or referred ordinance shall be held not fewer than 30 days and not later than 1 year from the date that the petition was determined sufficient. If no regular town election is to be held within such period, the town council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the town council may in its discretion provide for a special election at an earlier date within such period. Copies of the proposed or referred ordinance shall be made available at the polls.

(m) An initiative or referendum petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote of the town by filing with the town clerk or other official designated by the town council a request for withdrawal signed by at least four members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(11) RESULTS OF INITIATIVE OR REFERENDUM.—

(a) If a majority of the electors voting in a referendum on a proposed initiative ordinance votes in favor of it, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances adopted by the town council.

(b) If a majority of the electors voting in a referendum on a request to repeal an existing ordinance votes in favor of repeal, the ordinance shall be considered repealed upon certification of the election results.

Section 7. General provisions.—

(1) CONDUCT OF OFFICIALS IN OFFICE.—

(a) All town council members, town officials, and town employees shall be subject to the code of ethics for public officers and employees set forth in part III of chapter 112, Florida Statutes, as required by law.

(b) The use of public office for private gain is prohibited. The town council shall implement this prohibition by ordinance, the terms of which shall address, but not be limited to:

1. Acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public.

2. The acceptance of gifts and other things of value.

3. Acting in a private capacity on matters dealt with as a public official.

4. The use of confidential information.

5. Appearances by public officials before other town departments, offices, or agencies on behalf of private interests.

This ordinance shall include a statement of purpose and shall provide for reasonable public disclosure of finances by officials with major decisionmaking authority over monetary expenditures and regulatory matters. Insofar

as permissible under state law, this ordinance may provide for fines and imprisonment for violations.

(2) PROHIBITIONS.—Except where authorized by law, neither the mayor nor any council member shall hold any other elected public office during the term for which the mayor or council member is elected. 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 12 months after the expiration of his or her term. This subsection shall not prevent participation in, or compensation for, activities connected with any volunteer organization of the town.

(3) APPOINTMENTS AND REMOVALS.—Neither the council members nor the mayor shall in any manner control or demand the appointment or removal of any town administrative officer or employee whom the town administrator or any subordinate of the town administrator is empowered to appoint, but the town council may express its views and fully and freely discuss with the town administrator anything pertaining to appointment and removal of such officers and employees.

(4) INTERFERENCE WITH ADMINISTRATION.—Except for the purpose of inquiries and investigations, the town council and its members shall deal with the town officers and employees who are subject to the direction of the town administrator solely through the town administrator, and neither the town council nor its members shall give orders to any such officer or employee either publicly or privately.

(5) CAMPAIGN FINANCE.—

(a) The town council shall adopt ordinances to protect the ability of citizens to be informed of financing used in campaigns for local office. The ordinances shall provide for convenient public disclosure. Insofar as is permissible under state law, such regulations may also provide for fines and imprisonment for violations.

(b) The town council may adopt ordinances that limit contributions, time limits on fundraising, and public financing.

(6) LONG-RANGE PLAN.—The town council shall meet to discuss long-range goals and objectives that, when achieved, will sustain town operations and continued quality of life for inhabitants of the town. Each year, goals and objectives shall be established for 5, 10, and 20 years into the future. Once established, the goals and objectives shall be presented as a long-range plan at a meeting of the town council and documented in presentations and minutes of the meeting. Inputs shall be solicited from town residents during the preparation of the long-range plan.

(7) FIVE-YEAR FINANCIAL PLAN.—In accordance with the 5-year goals and objectives established in the long-range plan by the town council, the town council shall prepare a 5-year financial plan (FYFP). The FYFP shall be presented in conjunction with the annual budget and shall contain

projected financial requirements necessary to support proposed plans and programs.

(8) EMERGENCY OPERATIONS.—The town council shall establish an emergency preparedness plan for the town. This plan shall be reviewed annually.

(9) DISSOLUTION.—The charter of this town may not be revoked except in accordance with the dissolution procedures of chapter 165, Florida Statutes.

Section 8. Charter amendment.—

(1) PROCEDURE TO AMEND THE CHARTER.—

(a) The town council may, by ordinance, propose amendments to this charter. Upon approval of the initiating ordinance by majority of the town council, the proposed amendment shall be placed on the ballot at the next regularly scheduled election, unless the amendment calls for placement on the ballot at a special election.

(b) The electors of the town may propose amendments to this charter by petition signed by 20 percent of the registered electors as of the last general election. Once the petition is verified, the proposed amendment shall be placed on the ballot at the next regularly scheduled ballot, unless the amendment calls for placement on the ballot at a special ballot. The proposed charter amendment will be published twice in the local paper not fewer than 30 days or more than 60 days before the scheduled election.

(2) CHARTER REVIEW.—The charter shall be reviewed no later than 3 years from the date the town was established. After the initial review, the charter shall be reviewed no more than once every 10 years. Each town council member shall appoint one person to a seven-member charter review committee. The charter review committee shall be appointed at least 6 months before the next scheduled election and complete its work and present any recommendations for change no later than 90 days before the election. The town council shall hold a minimum of two public hearings on the proposed changes prior to placement on the regularly scheduled ballot.

(3) RESULTS OF ELECTION.—If a majority of the electors voting on the proposed amendment passes the item, it shall be considered adopted upon certification of the election results. The town council shall have the amendment incorporated into the charter and shall file the revised charter with the Department of State.

Section 9. Land use, zoning, and development.—

(1) RURAL CHARACTER OF TOWN.—This section secures the foundation on which this town was formed and maintains the existing rural character of the town. “Rural” includes several key elements that constitute the makeup of the town. These elements include:

(a) Low development intensity and an abundance of agricultural lands.

(b) Inherent “green canopy” and natural preserve that currently covers the majority of the town.

(c) Inherent natural resources including aquifers, watersheds, wetlands, and the waterways of the Indian River Lagoon.

(d) Predominant and viable wildlife areas and protected species habitat.

(e) Small, family-owned and family-operated businesses.

(f) Commercial development as deemed appropriate to the character and emerging needs of the town.

(2) LAND USE, ZONING, AND DEVELOPMENT REQUIREMENTS.—In order to preserve and promote the existing rural elements listed in subsection (1), this section outlines land use, zoning, and development requirements and the requirements for approval of development intensity increases for any parcel within the boundaries of the town. The provisions of this section shall make it incumbent upon all future development to protect the rural elements of the town and:

(a) Continue the use of private wells as sources of potable water and the use of private septic recycling.

(b) Promote and preserve public lands and parks for community enjoyment.

(c) Protect and promote the wildlife and the wildlife habitat that coexist within the town.

(d) Preserve the natural view and existing scenic highway designation of U.S. Highway 1 through careful management of development along and within these natural assets.

By proactively managing future growth as a rural community and limiting impacts through thoughtful community-based planned development, the naturally existing rural character of the town will be sustained. To this end, the land development regulations and ordinances of the town shall uphold and enforce the goals and overall spirit of this section. All zoning in effect at the time of incorporation shall remain unchanged after incorporation (i.e. “grandfathered in”). All present county zoning classifications and land use designation terminology shall continue in effect until the town is established and the town’s long-range comprehensive plan and future land use map are completed and adopted. A new long-range comprehensive plan and future land use map shall be completed and adopted within 1 year after incorporation.

(3) PROPOSED CHANGE; PRIOR NOTICE; VOTE REQUIRED.—Prior to voting on a proposed increase in development intensity, including, but not limited to, density levels, building heights, and traffic impacts, the town council shall notify all property owners inside the town whose property is within 1,500 feet of the proposed change. Notification shall occur no fewer than 30 days prior to consideration by the town council. An affirmative vote

of six or more members of the town council shall be required to enact any such proposed change.

Section 10. Transition.—

(1) CREATION AND ESTABLISHMENT OF THE TOWN.—

(a) For the purpose of compliance with general law relating to the assessment and collection of ad valorem taxes, the town is hereby created and established effective when approved by the electors at the August 1, 2006, special election and filed with the Secretary of State in the manner prescribed by law.

(b) The town name used in this charter is “Town of Grant-Valkaria.” As a first act of home rule and to ensure community participation, residents will have the opportunity to select their town name. The elected town council shall set the procedures for the residents’ selection of the town name within 6 months after the first town council meeting.

(2) TEMPORAL NATURE OF TRANSITION SECTIONS OF CHARTER.—This section is inserted solely for the purpose of effecting the incorporation of the town and the transition from an unincorporated area of Brevard County to a new incorporated municipality. Each of the following subsections of this section 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 subsection has been accomplished.

(3) FIRST TRANSITION PERIOD; CHARTER ACCEPTANCE TO FIRST ELECTION.—

(a) Since upon approval of the charter a governmental unit equivalent to the town does not exist to provide people with positions accredited to effect a transition, an interim council committed to the charter and the transition to town government shall be identified and authorized.

(b) Based on prior commitment to and involvement in the incorporation process, the Grant-Valkaria Preservation Committee-Steering Committee (GVPC-SC) is recognized as the appropriate body to select an interim council. The interim council shall transition from charter development and community organization by providing an interim town government during the time period between the approval of the charter and the dissolution of the interim council. Upon the certification of acceptance of the charter by the electors of the town, as reported by the Brevard County Supervisor of Elections, the GVPC-SC shall convene forthwith and identify five electors to act as interim town council members.

(c) Dissolution of the interim council shall occur at the beginning of the term of the first elected town council.

(d) The positions of interim council members shall be voluntary positions. Interim council members shall receive no compensation.

(e) Powers of the interim council shall be in accordance with this charter and shall include:

1. Preparing and adopting temporary regulations that are applicable only to the first town council election and designed to ensure its proper conduct, to prevent fraud, and to provide for recount of ballots in cases of doubt or fraud.

2. Providing a method for certification of candidates for the first town council election.

3. Scheduling the three community candidate forums as described in section 6 in preparation for the first town council election.

4. Coordinating with the Brevard County Supervisor of Elections with regard to the first town council election and to effect the timely receipt by the interim council of the official certification results for the town council election.

5. Scheduling the first town council meeting.

6. Enacting emergency ordinances as may be warranted to protect public safety.

7. Identifying and managing funds.

8. Filing applicable forms and requests for revenue sharing and other funding sources.

9. Disbursing funds for the purpose of conducting town business to include the funding of the first election of the town council. The moneys available for this purpose shall be those identified within the Proposed Town of Grant-Valkaria Municipal Incorporation Feasibility Study and shall accrue from the municipal ad valorem millage rate of 4.369 mills as applied to the total taxable value of the properties contained within the proposed boundaries of the Town of Grant-Valkaria as they accrue to the town general fund and from those funds accruing from all applicable state and county revenue-sharing programs as calculated effective from the first day of the month following the charter referendum, being the first day of legal status of the Town of Grant-Valkaria as a newly incorporated municipality within the state.

(f) Until otherwise modified or replaced by this charter or the council, all codes, ordinances, and resolutions of Brevard County 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 Brevard County on the date of the adoption of this charter.

(4) FIRST ELECTION; TERMS OF COUNCIL MEMBERS AND MAYOR.—

(a) The first election for council members and mayor shall be held on November 7, 2006. For the first election, only electors who have resided within the proposed town boundaries, as described in section 1(5), for the 2 years preceding the date of the first election shall be eligible to hold the office of council member or mayor.

(b) At the first election under this charter, all six council members and the mayor shall be elected. The three council candidates receiving the greatest number of votes shall be duly elected council members and shall be designated as holding seats 1, 3, and 5, respectively. The three council candidates receiving the next greatest number of votes shall be duly elected council members and shall be designated as holding seats 2, 4, and 6, respectively. The candidate for mayor receiving the greatest number of votes shall be the duly elected mayor. Notwithstanding the date of the first election, the terms of the mayor and council members holding seats 1, 3, and 5 shall end 2 weeks after the general election in 2010, and the terms of council members holding seats 2, 4, and 6 shall end 2 weeks after the general election in 2008. Division of council seats into 4-year and 2-year terms is required in order to allow staggered terms of office.

(5) INITIAL EXPENSES.—The initial expenses of the town council, including the expense of recruiting a town administrator, shall be paid by the town on vouchers signed by the mayor. The town council, in order to provide moneys for the expenses and support of the town, shall have the power to borrow money, if necessary, for the operation of town government until such time as a budget is adopted and revenues accrue in accordance with the provisions of this charter. Notwithstanding the provisions of paragraph (3)(e), the amount borrowed shall be in accordance with and shall not exceed the projected revenues of the incorporation feasibility study for the town for fiscal year 2006-2007.

(6) TRANSITIONAL ORDINANCES AND RESOLUTIONS.—The town council shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted within 60 days after the first regular council meeting may be passed as emergency ordinances.

(7) REVENUE SOURCE TRANSITION.—Until otherwise modified by the council, all municipal taxes and fees, including communications services taxes, imposed within the town boundaries by the county as the municipal government for unincorporated Brevard County, which taxes and fees are in effect on the date of adoption of this charter, shall continue at the same rate and under the same conditions as if those taxes and fees had been adopted and assessed by the town.

(8) TRANSITION CONTINUITY OF SERVICES.—To ensure that there is no discontinuity in the provision, level, or quality of municipal service delivery to the proposed town, and until such time as the town may enter into interlocal agreements with Brevard County regarding the provision of municipal services, all municipal services currently provided by Brevard County shall continue to be provided by Brevard County at the service levels existing at the time of municipal incorporation. All federal, state, grant, and other funding sources existing prior to the time the town is incorporated

shall continue to be applied in the manner and at the level anticipated and projected by the Brevard County budget prior to the incorporation of the town. The future cost and level of municipal service delivery provided to the town by Brevard County beyond fiscal year 2006-2007 shall be negotiated and determined through an interlocal agreement between the town and appropriate representatives of Brevard County.

(9) STATE-SHARED REVENUES.—The town shall be entitled to participate in all shared revenue programs of the state, effective immediately on December 1, 2006. The provisions of section 218.23, Florida Statutes, shall be waived for the purpose of eligibility to receive revenue-sharing funds from December 1, 2006, through the end of state fiscal year 2008-2009. The provisions of section 218.26(3), Florida Statutes, shall be waived through state fiscal year 2008-2009, 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 3,907 as projected in the incorporation feasibility study.

(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 the first day of the month following the charter referendum. These revenues shall be distributed to the town as a fully eligible incorporated municipality of Brevard County in accordance with the distribution formula initially established and adopted on October 18, 1988, as part of the “Brevard County Local Option Gasoline Tax Revenue Distribution, Interlocal Agreement” and as amended by the Board of County Commissioners of Brevard County through Ordinance No. 99-40 as ratified on October 12, 1999, extending the Local Option Gas Tax Interlocal Agreement through August 31, 2021.

(11) SHARED REVENUES.—Beginning December 1, 2006, through December 31, 2007, Brevard County shall distribute to the town, from taxes, franchise fees, and ad valorem taxes, which include communication services taxes, revenues collected within the municipal boundaries of the town. This calculation shall be based upon a population projection of 3,907 residents for the town as estimated for the feasibility study in anticipation of the year 2008 census.

Section 11. Severability.—If any section or part of a section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context in which such section or partial section so held invalid may appear, except to the extent that an entire section or a partial section may be inseparably connected in meaning and effect with the section or partial section to which such holding shall directly apply.

Section 12. This act shall only take effect upon approval by a majority vote of those qualified electors of the area described in subsection (5) of

section 1 voting in a referendum to be called by the Brevard County Supervisor of Elections on or before August 1, 2006, except that this section shall take effect upon becoming a law.

Approved by the Governor June 14, 2006.

Filed in Office Secretary of State June 14, 2006.