

1 A bill to be entitled

2 An act relating to the Town of Grant-Valkaria, Brevard  
3 County; creating the Town of Grant-Valkaria; providing a  
4 charter for the town; providing powers of the town;  
5 providing for liberal construction; providing for a town  
6 council-administrator form of government; providing  
7 corporate boundaries; providing that the town may contract  
8 with other governmental entities; providing for a town  
9 council and its powers and duties, compensation, and  
10 membership; providing for a mayor and vice mayor and their  
11 powers and duties; providing for filling of vacancies;  
12 providing for meetings of the town council; providing for  
13 ordinances; restricting the use of eminent domain;  
14 providing for a town administrator and his or her powers  
15 and duties, appointment, qualifications, and compensation;  
16 requiring the town administrator to furnish a security  
17 bond; providing for removal or absence of the town  
18 administrator; providing that the town may establish  
19 departments, offices, and agencies and providing for  
20 administration of those under the direction and  
21 supervision of the town administrator; providing for a  
22 personnel system; providing for a town attorney; providing  
23 for land use, development, and environmental planning;  
24 providing for accounting procedures; specifying the fiscal  
25 year of the town; requiring an annual audit; providing for  
26 availability of financial records of the town; providing  
27 for public deposits; providing requirements for purchase

28 or sale of real property by the town; providing for an  
29 annual budget; authorizing the levy of certain taxes  
30 within the town; prohibiting the issuance of certain bonds  
31 or entering into certain types of contracts unless  
32 approved by referendum; providing for emergency  
33 appropriations; providing for town elections; providing  
34 for conduct of officials in office; providing for  
35 appointments and removals of town administrative officers  
36 and employees; providing that the town council shall deal  
37 with the town administrator and not officers and employees  
38 of the administrator; providing for regulation of campaign  
39 financing; requiring a long-range plan and a 5-year  
40 financial plan; providing for emergency operations;  
41 providing for dissolution; providing for charter amendment  
42 and review; providing for regulation of land use, zoning,  
43 and development; providing for transition, including an  
44 interim council, continuity and sources of revenues, and  
45 continuity of services; providing severability; requiring  
46 a referendum; providing an effective date.

47  
48 WHEREAS, we, the people of the Town of Grant-Valkaria,  
49 under the Constitution and laws of the State of Florida, in  
50 order to secure the local benefits of self-government, preserve  
51 our history, protect our future, maintain a rural quality of  
52 life, and foster responsible, community-controlled growth, have  
53 ratified this charter by referendum, and

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

58  
 59 Be It Enacted by the Legislature of the State of Florida:

60  
 61 Section 1. Town of Grant-Valkaria; charter; creation;  
 62 powers; construction; form of government; boundaries;  
 63 intergovernmental relations.--

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

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

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

78 (4) FORM OF GOVERNMENT.--The town shall have a town  
 79 council-administrator form of government, as defined in sections  
 80 2 and 3.

81           (5) CORPORATE BOUNDARIES.--  
 82  
 83           That area lying mostly North of Senne Road, East of  
 84           Babcock Road, South of the City limits of Malabar, and  
 85           West of the centerline of the Indian River Channel.  
 86           Bounded on the North by the North lines of Sections  
 87           15, 14 and 13 of Township 29S, Range 37E, and Sections  
 88           18 and 17, Township 29S, Range 38E, Brevard County,  
 89           Florida, and its easterly projection to the centerline  
 90           of the Indian River channel.  
 91           Bounded on the East by a line beginning at the  
 92           centerline of the Indian River Channel and the  
 93           Easterly projection of the North line of Section 17,  
 94           Township 29 South, Range 38 East; thence Southerly  
 95           along said centerline of the Indian River Channel to  
 96           the Westerly projection of the South line of the North  
 97           220 feet of GL-4 Section 10, Township 29 South, Range  
 98           38 East; thence Easterly 3,150 Feet along said  
 99           Westerly projection of the South line of the North 220  
 100           feet of GL-4; thence due South to the Easterly  
 101           projection of the North line of GL-2 of Section 34,  
 102           Township 29 South, Range 38 East; thence Westerly  
 103           along said Easterly projection of the North line of  
 104           GL-2 to the centerline of the Indian River Channel;  
 105           thence Southerly along said centerline of the Indian  
 106           River Channel to the intersection of the Easterly

107 projection of the South line of Section 3, Township 30  
108 South, Range 38 East.  
109 Bounded on the South by a line beginning at the  
110 intersection of the centerline of the Indian River  
111 channel and the Easterly projection of the South line  
112 of Section 3, Township 30 South, Range 38 East; thence  
113 Westerly along said South line and its Westerly  
114 projection to the East line of Tax Parcel 250, lying  
115 in Section 1, Township 30 South, Range 37 East, as  
116 recorded in Official Records Book (ORB) 4258, Page 968  
117 of the Public Records of Brevard County, Florida;  
118 thence northerly along said East line to the North  
119 line of said Section 1; thence westerly along said  
120 North line and its westerly projection to the East  
121 line of the SW 1/4 of Section 34, Township 29 South,  
122 Range 37 East; thence northerly along the East line of  
123 the SW 1/4 of said Section 34 to the South line of Tax  
124 Parcel 762 as recorded in Official Records Book 4895,  
125 Page 625 of said Public Records; thence easterly along  
126 the South line of said Tax Parcel 762 to the East line  
127 of said Tax Parcel 762; thence northerly along said  
128 East line to the North line of the SW 1/4 of said  
129 Section 34; thence westerly along the North line of  
130 the SW 1/4 of said Section 34 to the intersection of  
131 the centerline of Babcock St.  
132 Bounded on the West by the centerline of Babcock St.  
133 Except:

134        Tax Parcel 276 as recorded in Official Record Book  
135        5193 Page 3598, in Section 27, Township 29 South,  
136        Range 37 East, of Public Records of Brevard County,  
137        Florida.

138        Tax Parcel 334 as recorded in Official Record Book  
139        5193 Page 3629, in Section 27, Township 29 South,  
140        Range 37 East, of Public Records of Brevard County,  
141        Florida.

142        Tax Parcel 335 as recorded in Official Record Book  
143        5193 Page 3562, in Section 27, Township 29 South,  
144        Range 37 East, of Public Records of Brevard County,  
145        Florida.

146        Tax Parcel 336 as recorded in Official Record Book  
147        5193 Page 3831, in Section 27, Township 29 South,  
148        Range 37 East, of Public Records of Brevard County,  
149        Florida.

150        Tax Parcel 504 as recorded in Official Record Book  
151        5375 Page 6773, in Section 27, Township 29 South,  
152        Range 37 East, of Public Records of Brevard County,  
153        Florida.

154        Tax Parcel 278 as recorded in Official Record Book  
155        4003 page 3742, in Section 22, Township 29 South,  
156        Range 37 East, of Public Records of Brevard County,  
157        Florida.

158        Tax Parcels 270 and 309, as recorded in Official  
159        Record Book 4951 Page 1494, in Section 22, Township 29

160        South, Range 37 East, of Public Records of Brevard  
 161        County, Florida.  
 162        AND in the SW 1/4 of Section 15, Township 29 South,  
 163        Range 37 East being more particularly described as  
 164        follows:  
 165        Tax Parcel 519, 573, 536, 572, 532, 549, 533, 575,  
 166        534, 554, 535, 515 and 540 as recorded in the Official  
 167        Record Book 4607 page 3439 of the Public Records of  
 168        Brevard County, Florida.  
 169        Except: All of land described in ORB 4643 page 324, in  
 170        Section 15, Township 29 South, Range 37 East, as  
 171        recorded in Public Records of Brevard County, Florida  
 172        AKA as tax parcels:  
 173        Tax parcel 277, as recorded in ORB 4167 page 3180  
 174        Tax parcel 278, as recorded in ORB 4167 page 3180  
 175        Tax parcel 279, as recorded in ORB 4167 page 3180  
 176        Tax parcel 280, as recorded in ORB 4167 page 3180  
 177        Tax parcel 281, as recorded in ORB 4237 page 679  
 178        Tax parcel 290, as recorded in ORB 4237 page 680  
 179        Tax parcel 298, as recorded in ORB 4237 page 681  
 180        and,  
 181        The South 435.00 feet of the West 350.00 feet of Lot  
 182        24, Florida Indian River Land Company Subdivision, as  
 183        recorded in Plat Book 1, Page 165, of the Public  
 184        Records of Brevard County, Florida, less and except  
 185        the South 35.00 feet and the West 50.00 feet thereof.  
 186

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

192        Section 2. Town council; mayor; vice mayor; ordinances;  
 193 eminent domain.--

194        (1) TOWN COUNCIL.--The term "council" means the Grant-  
 195 Valkaria Town Council and includes the mayor.

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

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

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

210        (2) MAYOR.--The mayor shall preside at meetings of the  
 211 town council. The mayor shall be a regular voting member of the  
 212 town council. The mayor shall be recognized as the head of town  
 213 government for all ceremonial purposes; for purposes of military



214 law; for service of process and execution of town council  
 215 authorized contracts, deeds, and other documents; and as the  
 216 town official designated to represent the town when dealing with  
 217 other governmental entities on behalf of the town.

218 (3) VICE MAYOR.--The vice mayor shall act as mayor in the  
 219 absence of the mayor. The vice mayor shall be elected from among  
 220 council members for a term of 1 year or until his or her  
 221 successor is elected. A council member shall not serve  
 222 consecutive terms as vice mayor unless no other council member  
 223 is willing to serve as vice mayor.

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

228 (a) A town council member shall forfeit his or her seat if  
 229 at any time during his or her term he or she ceases to maintain  
 230 his or her permanent residence in the town or if he or she  
 231 otherwise ceases to be a qualified elector of the town.

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

237 (c) The town council shall be the sole judge of the  
 238 qualifications of its members and shall hear all questions  
 239 relating to forfeiture of a council member's office, including  
 240 whether good cause for absence has been or may be established.

241 The burden of establishing good cause shall be on the council  
242 member in question; however, any council member may at any time  
243 during any duly held meeting move to establish good cause for  
244 his or her absence or the absence of any other council member  
245 from any past, present, or future meeting or meetings, which  
246 motion, if carried, shall be conclusive.

247 (d) A council member whose qualifications are in question  
248 or who is otherwise subject to forfeiture of his or her office  
249 shall not vote on any such matters. The council member in  
250 question shall be entitled to a public hearing on requests  
251 regarding an alleged forfeiture of office. If a public hearing  
252 is requested, notice thereof shall be published in one or more  
253 newspapers of general circulation in the town at least 1 week in  
254 advance of the hearing.

255 (e) Any final determination by the town council that a  
256 council member has forfeited his or her office shall be made by  
257 resolution. All votes and other acts of the council member in  
258 question prior to the effective date of such resolution shall be  
259 valid regardless of the grounds of forfeiture.

260 (5) FILLING OF VACANCIES.--

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

268 town council to fill a vacancy shall hold office until the next  
 269 regular town council election. The elected replacement shall  
 270 serve the remaining term for the vacated seat.

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

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

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

288 (6) COMPENSATION; REIMBURSEMENT FOR EXPENSES.--

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

291 (b) The council members shall receive reimbursement for  
 292 council-approved expenses in accordance with applicable law, or  
 293 as may be otherwise provided by ordinance, for authorized travel  
 294 and per diem expenses incurred in the performance of their

295 official duties. An ordinance establishing, increasing, or  
 296 decreasing reimbursement for expenses of the council members may  
 297 be adopted at any time.

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

303 (8) MEETINGS.--

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

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

317 (c) During all town council votes, the individual votes as  
 318 cast by each person on the town council shall be recorded in the  
 319 journal of that meeting. No action of the town council, except  
 320 as otherwise provided in this charter, shall be valid or binding  
 321 unless adopted by a majority decision. Except as otherwise

322 provided in this charter, all land use and quasi-judicial items  
323 shall require a supermajority decision.

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

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

331 (b) Regulate land use and development;

332 (c) Levy taxes;

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

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

336 (f) Authorize the borrowing of money;

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

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

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

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

345  
346 Acts other than those referred to in this subsection may be done  
347 either by ordinance or by resolution.

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

352           (11) ORDINANCES IN GENERAL.--

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

363           (b) Any member of the town council at any regular or  
 364 special meeting of the town council may introduce an ordinance.  
 365 Upon introduction of any ordinance, the town clerk shall  
 366 distribute a copy to each council member and the town  
 367 administrator, shall file a reasonable number of copies in the  
 368 office of the town clerk and such other public places as the  
 369 town council may designate, and shall publish the ordinance  
 370 together with a notice setting out the time and place for a  
 371 public hearing thereon and for its consideration by the town  
 372 council. The public hearing shall follow the publication by at  
 373 least 7 calendar days, may be held separately or in connection  
 374 with a regular or special town council meeting, and may be

375 adjourned from time to time; all persons interested shall have  
376 an opportunity to be heard. After the hearing, the town council  
377 may adopt the ordinance with or without amendment or reject it,  
378 but if it is amended as to any matter of substance, the town  
379 council may not adopt it until the ordinance or its amended  
380 sections have been subjected to all the procedures hereinbefore  
381 required in the case of a newly introduced ordinance. As soon as  
382 feasible after adoption, the clerk shall have the ordinance and  
383 a notice of its adoption published and available at a reasonable  
384 price. As used in this section, the term "publish" means to  
385 provide in the contemporary means of information sharing, which  
386 includes, but is not limited to, one or more newspapers of  
387 general circulation in the town and, if available, in a website,  
388 the ordinance or a brief summary thereof, the places where  
389 copies of it have been filed, and the times when they are  
390 available for public inspection and purchase at a reasonable  
391 price.

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

395 (d) To meet a public emergency affecting life, health,  
396 property, or the public peace, the town council may adopt one or  
397 more emergency ordinances, but such ordinances may not levy  
398 taxes; grant, renew, or extend a franchise; regulate the rate  
399 charged by any public utility for its services; or authorize the  
400 borrowing of money except as provided in section 5(8). An  
401 emergency ordinance shall be introduced in the form and manner

402 prescribed for ordinances generally, except that it shall be  
403 plainly designated as an emergency ordinance and shall contain,  
404 after the enacting clause, a declaration stating that an  
405 emergency exists and describing it in clear and specific terms.  
406 An emergency ordinance may be adopted with or without amendment  
407 or rejected at the meeting at which it is introduced, but the  
408 affirmative vote of four or more members shall be required for  
409 adoption. After its adoption, the ordinance shall be published  
410 as prescribed for other adopted ordinances. It shall become  
411 effective upon adoption or at such later time as it may specify.  
412 Every emergency ordinance except an emergency appropriation as  
413 described in section 5(9) shall automatically stand repealed as  
414 of the 61st day following the date on which it was adopted, but  
415 this shall not prevent reenactment of the ordinance in the  
416 manner specified in this section if the emergency still exists.  
417 An emergency ordinance may also be repealed by adoption of a  
418 repealing ordinance in the same manner specified in this section  
419 for adoption of emergency ordinances.

420 (e) The town council may adopt any standard code of  
421 technical regulations by reference thereto in an adopting  
422 ordinance. The procedure and requirements governing such an  
423 adopting ordinance shall be as prescribed for ordinances  
424 generally, except that:

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



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

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

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

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

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

471        Section 3. Town administrator.--

472        (1) APPOINTMENT; QUALIFICATIONS; COMPENSATION.--The town  
473 council, by majority vote, shall appoint a town administrator  
474 for an indefinite term and set the town administrator's  
475 compensation. The town administrator shall be appointed  
476 primarily on the basis of education and experience in the  
477 accepted competencies and practices of local government  
478 management. The town administrator need not be a resident of the  
479 town or state at the time of appointment but may reside outside  
480 the town while in office only with the approval of the town

481 council. The town administrator is continuously responsible to  
482 the town council, the elected representatives of the people.

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

499 (3) ABSENCE OR DISABILITY.--

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

504 (b) In the event of failure or inability of the town  
505 administrator to make such designation, or should the person so  
506 designated by the town administrator be unsatisfactory to the  
507 town council, the town council may by resolution appoint an

508 interim town administrator to perform the duties of the town  
 509 administrator until he or she returns or his or her disability  
 510 ceases.

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

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

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

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

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

532 (e) Prepare and submit the annual budget and capital  
 533 program, as specified in section 5, to the town council and

534 implement the final budget approved by the town council to  
535 achieve the goals of the town.

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

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

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

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

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

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

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

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

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

558 (5) BOND.--The town administrator and, where applicable,  
559 an interim town administrator shall furnish a security bond to  
560 be approved by the town council, in such amount as the town

561 council may specify, such bond to be conditioned on the faithful  
562 performance of his or her duties. The premium of the bond shall  
563 be paid by the town.

564 Section 4. Departments, offices, and agencies; town  
565 attorney; land use.--

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

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

581 (3) PERSONNEL SYSTEM.--

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

585 (b) Consistent with all applicable federal and state laws,  
586 the town council shall provide by ordinance for the  
587 establishment, regulation, and maintenance of a merit system

588 governing personnel policies necessary to effective  
 589 administration of the employees of the town's departments,  
 590 offices, and agencies.

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

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

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

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

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

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

622  
 623 The designated agency, the town administrator, and the town  
 624 council shall seek to act in cooperation with other  
 625 jurisdictions and organizations in their region to promote  
 626 integrated approaches to regional issues.

627           Section 5. Finances.--

628           (1) ACCOUNTING PROCEDURES.--The town administrator shall  
 629 prescribe and require, except as may be prescribed and required  
 630 by law, the use of plain and uniform systems of keeping books of  
 631 accounts by all town departments, officers, or employees who are  
 632 charged with the receipt or disbursements of any of the funds of  
 633 the town or who may be authorized to purchase materials and  
 634 supplies or to employ labor for the town.

635           (2) FISCAL YEAR.--The fiscal year of the town shall begin  
 636 with the first day of October in each year and end on the last  
 637 day of September of the following year, as set forth in section  
 638 166.241, Florida Statutes.

639           (3) ANNUAL AUDIT.--The town council shall retain a  
 640 certified public accountant to be the independent auditor of



641 accounts of the town. It shall be the duty of the auditor to  
642 audit the accounts of the town and all its officers whose duty  
643 involves the collection, custody, and payment of moneys to or by  
644 the town. The auditor shall, on or before April 15 of each year,  
645 make and deliver a detailed report of any and all accounts,  
646 records, and books from the previous fiscal year examined and  
647 audited by him or her, which report under his or her hand and  
648 seal shall be made available for public inspection.

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

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

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

664 (7) ANNUAL BUDGET.--

665 (a) Submission of annual budget.--On or before July 15 of  
666 each year, the town administrator shall submit a budget in  
667 accordance with state law. It shall outline the financial

668 policies of the town for the ensuing fiscal year, describe the  
669 important features of the budget, indicate any major changes  
670 from the current year in fiscal policy, summarize the town's  
671 fiscal position, and include any other material as the town  
672 administrator deems necessary.

673 (b) Town council action on the budget.--

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

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

680 (c) Budget financial procedures.--

681 1. If at any time during the fiscal year it appears  
682 probable to the town administrator that the revenues available  
683 will be insufficient to meet the amount appropriated in the  
684 budget, the town administrator shall report to the town council  
685 without delay. The town council shall then take action to  
686 prevent or minimize any deficit and for that purpose may, by  
687 resolution, reduce one or more appropriations.

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

693 3. The town council may, by resolution, transfer or  
694 otherwise allocate or reallocate part or all of any unencumbered

695 balance within a department, office, or agency to any other  
 696 department, office, or agency.

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

700 (8) TAXATION AND REVENUE.--

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

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

717 (c) Borrowing money; selling bonds.--Unless authorized by  
 718 the electors of the town at a duly held referendum election, the  
 719 town council shall not authorize or allow to be authorized the  
 720 issuance of revenue bonds or enter into lease-purchase contracts  
 721 or any other unfunded multiyear contracts for the purchase of

722 real property or the construction of capital improvements the  
723 repayment of which extends beyond the end of any fiscal year.

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

737 Section 6. Town elections.--

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

747 (a) Regular elections.--The regular town elections shall  
748 be held every 2 years beginning on November 7, 2006, coincident

749 with county, state, and national elections. Poll workers and  
 750 clerks of elections, if required, shall be appointed by the  
 751 Brevard County Supervisor of Elections.

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

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

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

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

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

767 (3) OATH OF OFFICE.--All elected officers, before entering  
 768 upon their duties, shall take and subscribe to the following  
 769 oath of office: "I do solemnly swear (or affirm) that I will  
 770 support, protect, and defend the Constitution and Government of  
 771 the United States and of the State of Florida and the charter of  
 772 the Town of Grant-Valkaria; that I am duly qualified to hold  
 773 office under the Constitution of the State and of the charter of  
 774 the Town of Grant-Valkaria; that I will well and faithfully  
 775 perform the duties of (mayor or council member) upon which I am

776 about to enter; and that I will work to preserve and promote the  
777 history, environment, and rural character of the Town of Grant-  
778 Valkaria."

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

789 (5) METHOD OF ELECTING THE MAYOR.--If the mayor's term is  
790 expiring, the ballot for the general election shall contain the  
791 names of all qualified candidates for mayor and shall instruct  
792 electors to cast one vote for mayor. The candidate for mayor  
793 receiving the largest number of votes shall be the duly elected  
794 mayor.

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

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

801 (8) QUALIFYING OF CANDIDATES FOR OFFICE OF COUNCIL MEMBER  
802 OR MAYOR.--

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

806        (b) Candidates for council member or mayor shall qualify  
807 for election by the filing of a written notice of candidacy with  
808 the clerk of the town at such time and in such manner as may be  
809 prescribed by ordinance, plus payment of any fees required by  
810 general law as a qualifying fee. The candidate shall submit a  
811 qualifying statement, as prescribed by ordinance, with the  
812 signatures of at least 1 percent of the total number of electors  
813 at the last general election, and pay any required filing fee.

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

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

823        (9) INITIATIVE, CITIZEN REFERENDUM, AND RECALL.--

824        (a) The electors of the town shall have power to propose  
825 ordinances to the town council; however, such power shall not  
826 extend to the budget or capital program or any ordinance  
827 relating to appropriation of money, levy of taxes, or salaries  
828 of town employees. If the town council fails to adopt the

829 proposed ordinance or a modification thereof, the electors shall  
830 have the power to adopt or reject it at a town election.

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

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

842 (10) INITIATIVE AND REFERENDUM PROCEEDINGS.--

843 (a) Any five electors may commence initiative or  
844 referendum proceedings by filing with the town clerk an  
845 affidavit stating that they will constitute the petitioners'  
846 committee, stating that they will be responsible for circulating  
847 the petition and filing it in proper form, stating their names  
848 and addresses, specifying the address to which all notices to  
849 the petitioners' committee are to be sent, and setting out in  
850 full the proposed initiative ordinance or the proposed amendment  
851 or repeal action relating to an existing ordinance. The town  
852 clerk shall promptly file the affidavit with the town  
853 administrator so that it can be placed on the agenda for the  
854 next town council meeting. If the proposed ordinance is in the  
855 correct form and is compatible with the town charter and general



856 and special law, the town council shall promptly consider the  
857 proposal on its merits and substance. If deficiencies of form or  
858 legality exist, the proposal shall be returned to its sponsors  
859 for correction and resubmission. If the town council delays,  
860 rejects, changes, or refuses to consider a proposed ordinance or  
861 amendment or repeal request for reasons that fail to satisfy its  
862 sponsors, the proposed ordinance or amendment or repeal request  
863 may be submitted to referendum by petition. Production of  
864 petition forms and validation of signatures shall be the  
865 responsibility of the petitioners' committee.

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

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

878 (d) Each paper of a petition shall have attached to it,  
879 when filed, an affidavit executed by its circulator stating that  
880 the circulator personally circulated the paper, giving the  
881 number of signatures on the paper, and stating that all the  
882 signatures were affixed in the circulator's presence, that the

883 circulator believes them to be the genuine signatures of the  
884 persons whose names they purport to be, and that each signer had  
885 an opportunity before signing to read the full text of the  
886 proposed ordinance, amendment, or repeal request.

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

890 (f) Within 20 days after the petition is filed, the town  
891 clerk shall complete a certificate as to its sufficiency,  
892 specifying, if it is insufficient, the particulars in which it  
893 is defective, and shall within 2 working days send a copy of the  
894 certificate to the petitioners' committee by registered mail.  
895 Verification of electors shall be as certified by the Brevard  
896 County Supervisor of Elections. A petition certified  
897 insufficient for lack of the required number of valid signatures  
898 may be amended once if the petitioners' committee files a notice  
899 of intention to amend it with the town clerk within 5 days after  
900 receiving the copy of the certificate and if the petitioners'  
901 committee files a supplementary petition upon additional papers  
902 within 10 days after receiving the copy of the certificate. Such  
903 supplementary petition shall comply with the requirements of  
904 paragraphs (c) and (d). Within 20 days after a supplementary  
905 petition is filed, the town clerk shall complete a certificate  
906 as to the sufficiency of the petition as amended and shall  
907 promptly send a copy of such certificate to the petitioners'  
908 committee by registered mail. If a petition or amended petition  
909 is certified sufficient, or if a petition or amended petition is

910 certified insufficient and the petitioners' committee does not  
911 elect to amend or to request town council review under paragraph  
912 (g) within the time required, the town clerk shall promptly  
913 present the certificate to the town council, and the certificate  
914 shall then be a final determination as to the sufficiency of the  
915 petition.

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

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

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

935 (j) When a referendum petition is filed with the town  
936 clerk, the ordinance sought to be reconsidered shall be

937 suspended from taking effect. Such suspension shall terminate  
938 when:

939 1. There is a final determination of insufficiency of the  
940 petition;

941 2. The petitioners' committee withdraws the petition;

942 3. The town council repeals the ordinance; or

943 4. Thirty days have elapsed after a vote of the electors  
944 of the town on the ordinance.

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

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

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

972       (11) RESULTS OF INITIATIVE OR REFERENDUM.--

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

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

982       Section 7. General provisions.--

983       (1) CONDUCT OF OFFICIALS IN OFFICE.--

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

988       (b) The use of public office for private gain is  
 989 prohibited. The town council shall implement this prohibition by

990 ordinance, the terms of which shall address, but not be limited  
 991 to:

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

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

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

998 4. The use of confidential information.

999 5. Appearances by public officials before other town  
 1000 departments, offices, or agencies on behalf of private  
 1001 interests.

1002  
 1003 This ordinance shall include a statement of purpose and shall  
 1004 provide for reasonable public disclosure of finances by  
 1005 officials with major decisionmaking authority over monetary  
 1006 expenditures and regulatory matters. Insofar as permissible  
 1007 under state law, this ordinance may provide for fines and  
 1008 imprisonment for violations.

1009 (2) PROHIBITIONS.--Except where authorized by law, neither  
 1010 the mayor nor any council member shall hold any other elected  
 1011 public office during the term for which the mayor or council  
 1012 member is elected. No elected town official shall hold any  
 1013 appointive town office or town employment while in office. No  
 1014 former elected town official shall hold any compensated  
 1015 appointive town office or town employment until 12 months after  
 1016 the expiration of his or her term. This subsection shall not

1017 prevent participation in, or compensation for, activities  
 1018 connected with any volunteer organization of the town.

1019 (3) APPOINTMENTS AND REMOVALS.--Neither the council  
 1020 members nor the mayor shall in any manner control or demand the  
 1021 appointment or removal of any town administrative officer or  
 1022 employee whom the town administrator or any subordinate of the  
 1023 town administrator is empowered to appoint, but the town council  
 1024 may express its views and fully and freely discuss with the town  
 1025 administrator anything pertaining to appointment and removal of  
 1026 such officers and employees.

1027 (4) INTERFERENCE WITH ADMINISTRATION.--Except for the  
 1028 purpose of inquiries and investigations, the town council and  
 1029 its members shall deal with the town officers and employees who  
 1030 are subject to the direction of the town administrator solely  
 1031 through the town administrator, and neither the town council nor  
 1032 its members shall give orders to any such officer or employee  
 1033 either publicly or privately.

1034 (5) CAMPAIGN FINANCE.--

1035 (a) The town council shall adopt ordinances to protect the  
 1036 ability of citizens to be informed of financing used in  
 1037 campaigns for local office. The ordinances shall provide for  
 1038 convenient public disclosure. Insofar as is permissible under  
 1039 state law, such regulations may also provide for fines and  
 1040 imprisonment for violations.

1041 (b) The town council may adopt ordinances that limit  
 1042 contributions, time limits on fundraising, and public financing.

1043        (6) LONG-RANGE PLAN.--The town council shall meet to  
1044 discuss long-range goals and objectives that, when achieved,  
1045 will sustain town operations and continued quality of life for  
1046 inhabitants of the town. Each year, goals and objectives shall  
1047 be established for 5, 10, and 20 years into the future. Once  
1048 established, the goals and objectives shall be presented as a  
1049 long-range plan at a meeting of the town council and documented  
1050 in presentations and minutes of the meeting. Inputs shall be  
1051 solicited from town residents during the preparation of the  
1052 long-range plan.

1053        (7) FIVE-YEAR FINANCIAL PLAN.--In accordance with the 5-  
1054 year goals and objectives established in the long-range plan by  
1055 the town council, the town council shall prepare a 5-year  
1056 financial plan (FYFP). The FYFP shall be presented in  
1057 conjunction with the annual budget and shall contain projected  
1058 financial requirements necessary to support proposed plans and  
1059 programs.

1060        (8) EMERGENCY OPERATIONS.--The town council shall  
1061 establish an emergency preparedness plan for the town. This plan  
1062 shall be reviewed annually.

1063        (9) DISSOLUTION.--The charter of this town may not be  
1064 revoked except in accordance with the dissolution procedures of  
1065 chapter 165, Florida Statutes.

1066        Section 8. Charter amendment.--

1067        (1) PROCEDURE TO AMEND THE CHARTER.--

1068        (a) The town council may, by ordinance, propose amendments  
1069 to this charter. Upon approval of the initiating ordinance by



1070 majority of the town council, the proposed amendment shall be  
1071 placed on the ballot at the next regularly scheduled election,  
1072 unless the amendment calls for placement on the ballot at a  
1073 special election.

1074 (b) The electors of the town may propose amendments to  
1075 this charter by petition signed by 20 percent of the registered  
1076 electors as of the last general election. Once the petition is  
1077 verified, the proposed amendment shall be placed on the ballot  
1078 at the next regularly scheduled ballot, unless the amendment  
1079 calls for placement on the ballot at a special ballot. The  
1080 proposed charter amendment will be published twice in the local  
1081 paper not fewer than 30 days or more than 60 days before the  
1082 scheduled election.

1083 (2) CHARTER REVIEW.--The charter shall be reviewed no  
1084 later than 3 years from the date the town was established. After  
1085 the initial review, the charter shall be reviewed no more than  
1086 once every 10 years. Each town council member shall appoint one  
1087 person to a seven-member charter review committee. The charter  
1088 review committee shall be appointed at least 6 months before the  
1089 next scheduled election and complete its work and present any  
1090 recommendations for change no later than 90 days before the  
1091 election. The town council shall hold a minimum of two public  
1092 hearings on the proposed changes prior to placement on the  
1093 regularly scheduled ballot.

1094 (3) RESULTS OF ELECTION.--If a majority of the electors  
1095 voting on the proposed amendment passes the item, it shall be  
1096 considered adopted upon certification of the election results.

1097 The town council shall have the amendment incorporated into the  
 1098 charter and shall file the revised charter with the Department  
 1099 of State.

1100 Section 9. Land use, zoning, and development.--

1101 (1) RURAL CHARACTER OF TOWN.--This section secures the  
 1102 foundation on which this town was formed and maintains the  
 1103 existing rural character of the town. "Rural" includes several  
 1104 key elements that constitute the makeup of the town. These  
 1105 elements include:

1106 (a) Low development intensity and an abundance of  
 1107 agricultural lands.

1108 (b) Inherent "green canopy" and natural preserve that  
 1109 currently covers the majority of the town.

1110 (c) Inherent natural resources including aquifers,  
 1111 watersheds, wetlands, and the waterways of the Indian River  
 1112 Lagoon.

1113 (d) Predominant and viable wildlife areas and protected  
 1114 species habitat.

1115 (e) Small, family-owned and family-operated businesses.

1116 (f) Commercial development as deemed appropriate to the  
 1117 character and emerging needs of the town.

1118 (2) LAND USE, ZONING, AND DEVELOPMENT REQUIREMENTS.--In  
 1119 order to preserve and promote the existing rural elements listed  
 1120 in subsection (1), this section outlines land use, zoning, and  
 1121 development requirements and the requirements for approval of  
 1122 development intensity increases for any parcel within the  
 1123 boundaries of the town. The provisions of this section shall

1124 make it incumbent upon all future development to protect the  
 1125 rural elements of the town and:

1126 (a) Continue the use of private wells as sources of  
 1127 potable water and the use of private septic recycling.

1128 (b) Promote and preserve public lands and parks for  
 1129 community enjoyment.

1130 (c) Protect and promote the wildlife and the wildlife  
 1131 habitat that coexist within the town.

1132 (d) Preserve the natural view and existing scenic highway  
 1133 designation of U.S. Highway 1 through careful management of  
 1134 development along and within these natural assets.

1135  
 1136 By proactively managing future growth as a rural community and  
 1137 limiting impacts through thoughtful community-based planned  
 1138 development, the naturally existing rural character of the town  
 1139 will be sustained. To this end, the land development regulations  
 1140 and ordinances of the town shall uphold and enforce the goals  
 1141 and overall spirit of this section. All zoning in effect at the  
 1142 time of incorporation shall remain unchanged after incorporation  
 1143 (i.e. "grandfathered in"). All present county zoning  
 1144 classifications and land use designation terminology shall  
 1145 continue in effect until the town is established and the town's  
 1146 long-range comprehensive plan and future land use map are  
 1147 completed and adopted. A new long-range comprehensive plan and  
 1148 future land use map shall be completed and adopted within 1 year  
 1149 after incorporation.

1150           (3) PROPOSED CHANGE; PRIOR NOTICE; VOTE REQUIRED.--Prior  
 1151 to voting on a proposed increase in development intensity,  
 1152 including, but not limited to, density levels, building heights,  
 1153 and traffic impacts, the town council shall notify all property  
 1154 owners inside the town whose property is within 1,500 feet of  
 1155 the proposed change. Notification shall occur no fewer than 30  
 1156 days prior to consideration by the town council. An affirmative  
 1157 vote of six or more members of the town council shall be  
 1158 required to enact any such proposed change.

1159           Section 10. Transition.--

1160           (1) CREATION AND ESTABLISHMENT OF THE TOWN.--

1161           (a) For the purpose of compliance with general law  
 1162 relating to the assessment and collection of ad valorem taxes,  
 1163 the town is hereby created and established effective when  
 1164 approved by the electors at the August 1, 2006, special election  
 1165 and filed with the Secretary of State in the manner prescribed  
 1166 by law.

1167           (b) The town name used in this charter is "Town of Grant-  
 1168 Valkaria." As a first act of home rule and to ensure community  
 1169 participation, residents will have the opportunity to select  
 1170 their town name. The elected town council shall set the  
 1171 procedures for the residents' selection of the town name within  
 1172 6 months after the first town council meeting.

1173           (2) TEMPORAL NATURE OF TRANSITION SECTIONS OF  
 1174 CHARTER.--This section is inserted solely for the purpose of  
 1175 effecting the incorporation of the town and the transition from  
 1176 an unincorporated area of Brevard County to a new incorporated

1177 municipality. Each of the following subsections of this section  
1178 shall automatically, and without further vote or act of the  
1179 electors of the town, become ineffective and no longer a part of  
1180 this charter at such time as the implementation of such  
1181 subsection has been accomplished.

1182 (3) FIRST TRANSITION PERIOD; CHARTER ACCEPTANCE TO FIRST  
1183 ELECTION.--

1184 (a) Since upon approval of the charter a governmental unit  
1185 equivalent to the town does not exist to provide people with  
1186 positions accredited to effect a transition, an interim council  
1187 committed to the charter and the transition to town government  
1188 shall be identified and authorized.

1189 (b) Based on prior commitment to and involvement in the  
1190 incorporation process, the Grant-Valkaria Preservation  
1191 Committee-Steering Committee (GVPC-SC) is recognized as the  
1192 appropriate body to select an interim council. The interim  
1193 council shall transition from charter development and community  
1194 organization by providing an interim town government during the  
1195 time period between the approval of the charter and the  
1196 dissolution of the interim council. Upon the certification of  
1197 acceptance of the charter by the electors of the town, as  
1198 reported by the Brevard County Supervisor of Elections, the  
1199 GVPC-SC shall convene forthwith and identify five electors to  
1200 act as interim town council members.

1201 (c) Dissolution of the interim council shall occur at the  
1202 beginning of the term of the first elected town council.

1203 (d) The positions of interim council members shall be

1204 voluntary positions. Interim council members shall receive no  
 1205 compensation.

1206 (e) Powers of the interim council shall be in accordance  
 1207 with this charter and shall include:

1208 1. Preparing and adopting temporary regulations that are  
 1209 applicable only to the first town council election and designed  
 1210 to ensure its proper conduct, to prevent fraud, and to provide  
 1211 for recount of ballots in cases of doubt or fraud.

1212 2. Providing a method for certification of candidates for  
 1213 the first town council election.

1214 3. Scheduling the three community candidate forums as  
 1215 described in section 6 in preparation for the first town council  
 1216 election.

1217 4. Coordinating with the Brevard County Supervisor of  
 1218 Elections with regard to the first town council election and to  
 1219 effect the timely receipt by the interim council of the official  
 1220 certification results for the town council election.

1221 5. Scheduling the first town council meeting.

1222 6. Enacting emergency ordinances as may be warranted to  
 1223 protect public safety.

1224 7. Identifying and managing funds.

1225 8. Filing applicable forms and requests for revenue  
 1226 sharing and other funding sources.

1227 9. Disbursing funds for the purpose of conducting town  
 1228 business to include the funding of the first election of the  
 1229 town council. The moneys available for this purpose shall be  
 1230 those identified within the Proposed Town of Grant-Valkaria

1231 Municipal Incorporation Feasibility Study and shall accrue from  
 1232 the municipal ad valorem millage rate of 4.369 mills as applied  
 1233 to the total taxable value of the properties contained within  
 1234 the proposed boundaries of the Town of Grant-Valkaria as they  
 1235 accrue to the town general fund and from those funds accruing  
 1236 from all applicable state and county revenue-sharing programs as  
 1237 calculated effective from the first day of the month following  
 1238 the charter referendum, being the first day of legal status of  
 1239 the Town of Grant-Valkaria as a newly incorporated municipality  
 1240 within the state.

1241 (f) Until otherwise modified or replaced by this charter  
 1242 or the council, all codes, ordinances, and resolutions of  
 1243 Brevard County in effect on the day of adoption of this charter  
 1244 shall, to the extent applicable to the town, remain in force and  
 1245 effect as municipal codes, ordinances, and resolutions of the  
 1246 town. Until otherwise determined by the council, said codes,  
 1247 ordinances, and resolutions shall be applied, interpreted, and  
 1248 implemented by the town in a manner consistent with established  
 1249 policies of Brevard County on the date of the adoption of this  
 1250 charter.

1251 (4) FIRST ELECTION; TERMS OF COUNCIL MEMBERS AND MAYOR.--

1252 (a) The first election for council members and mayor shall  
 1253 be held on November 7, 2006. For the first election, only  
 1254 electors who have resided within the proposed town boundaries,  
 1255 as described in section 1(5), for the 2 years preceding the date  
 1256 of the first election shall be eligible to hold the office of  
 1257 council member or mayor.

1258        (b) At the first election under this charter, all six  
 1259 council members and the mayor shall be elected. The three  
 1260 council candidates receiving the greatest number of votes shall  
 1261 be duly elected council members and shall be designated as  
 1262 holding seats 1, 3, and 5, respectively. The three council  
 1263 candidates receiving the next greatest number of votes shall be  
 1264 duly elected council members and shall be designated as holding  
 1265 seats 2, 4, and 6, respectively. The candidate for mayor  
 1266 receiving the greatest number of votes shall be the duly elected  
 1267 mayor. Notwithstanding the date of the first election, the terms  
 1268 of the mayor and council members holding seats 1, 3, and 5 shall  
 1269 end 2 weeks after the general election in 2010, and the terms of  
 1270 council members holding seats 2, 4, and 6 shall end 2 weeks  
 1271 after the general election in 2008. Division of council seats  
 1272 into 4-year and 2-year terms is required in order to allow  
 1273 staggered terms of office.

1274        (5) INITIAL EXPENSES.--The initial expenses of the town  
 1275 council, including the expense of recruiting a town  
 1276 administrator, shall be paid by the town on vouchers signed by  
 1277 the mayor. The town council, in order to provide moneys for the  
 1278 expenses and support of the town, shall have the power to borrow  
 1279 money, if necessary, for the operation of town government until  
 1280 such time as a budget is adopted and revenues accrue in  
 1281 accordance with the provisions of this charter. Notwithstanding  
 1282 the provisions of paragraph (3) (e), the amount borrowed shall be  
 1283 in accordance with and shall not exceed the projected revenues  
 1284 of the incorporation feasibility study for the town for fiscal



1285 year 2006-2007.

1286 (6) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--The town  
 1287 council shall adopt ordinances and resolutions required to  
 1288 effect the transition. Ordinances adopted within 60 days after  
 1289 the first regular council meeting may be passed as emergency  
 1290 ordinances.

1291 (7) REVENUE SOURCE TRANSITION.--Until otherwise modified  
 1292 by the council, all municipal taxes and fees, including  
 1293 communications services taxes, imposed within the town  
 1294 boundaries by the county as the municipal government for  
 1295 unincorporated Brevard County, which taxes and fees are in  
 1296 effect on the date of adoption of this charter, shall continue  
 1297 at the same rate and under the same conditions as if those taxes  
 1298 and fees had been adopted and assessed by the town.

1299 (8) TRANSITION CONTINUITY OF SERVICES.--To ensure that  
 1300 there is no discontinuity in the provision, level, or quality of  
 1301 municipal service delivery to the proposed town, and until such  
 1302 time as the town may enter into interlocal agreements with  
 1303 Brevard County regarding the provision of municipal services,  
 1304 all municipal services currently provided by Brevard County  
 1305 shall continue to be provided by Brevard County at the service  
 1306 levels existing at the time of municipal incorporation. All  
 1307 federal, state, grant, and other funding sources existing prior  
 1308 to the time the town is incorporated shall continue to be  
 1309 applied in the manner and at the level anticipated and projected  
 1310 by the Brevard County budget prior to the incorporation of the  
 1311 town. The future cost and level of municipal service delivery

1312 provided to the town by Brevard County beyond fiscal year 2006-  
1313 2007 shall be negotiated and determined through an interlocal  
1314 agreement between the town and appropriate representatives of  
1315 Brevard County.

1316 (9) STATE-SHARED REVENUES.--The town shall be entitled to  
1317 participate in all shared revenue programs of the state,  
1318 effective immediately on December 1, 2006. The provisions of  
1319 section 218.23, Florida Statutes, shall be waived for the  
1320 purpose of eligibility to receive revenue-sharing funds from  
1321 December 1, 2006, through the end of state fiscal year 2008-  
1322 2009. The provisions of section 218.26(3), Florida Statutes,  
1323 shall be waived through state fiscal year 2008-2009, and the  
1324 apportionment factors for the municipalities and counties shall  
1325 be recalculated pursuant to section 218.245, Florida Statutes.  
1326 The initial population estimates for calculating eligibility for  
1327 shared revenues shall be determined by the University of Florida  
1328 Bureau of Economic and Business Research as of the effective  
1329 date of this charter. Should the bureau be unable to provide an  
1330 appropriate population estimate, the initial population for  
1331 calculating eligibility for shared revenues shall be established  
1332 at the level of 3,907 as projected in the incorporation  
1333 feasibility study.

1334 (10) GAS TAX REVENUES.--Notwithstanding the requirements  
1335 of section 336.025, Florida Statutes, to the contrary, the town  
1336 shall be entitled to receive local option gas tax revenues  
1337 beginning the first day of the month following the charter  
1338 referendum. These revenues shall be distributed to the town as a

1339 fully eligible incorporated municipality of Brevard County in  
 1340 accordance with the distribution formula initially established  
 1341 and adopted on October 18, 1988, as part of the "Brevard County  
 1342 Local Option Gasoline Tax Revenue Distribution, Interlocal  
 1343 Agreement" and as amended by the Board of County Commissioners  
 1344 of Brevard County through Ordinance No. 99-40 as ratified on  
 1345 October 12, 1999, extending the Local Option Gas Tax Interlocal  
 1346 Agreement through August 31, 2021.

1347 (11) SHARED REVENUES.--Beginning December 1, 2006, through  
 1348 December 31, 2007, Brevard County shall distribute to the town,  
 1349 from taxes, franchise fees, and ad valorem taxes, which include  
 1350 communication services taxes, revenues collected within the  
 1351 municipal boundaries of the town. This calculation shall be  
 1352 based upon a population projection of 3,907 residents for the  
 1353 town as estimated for the feasibility study in anticipation of  
 1354 the year 2008 census.

1355 Section 11. Severability.--If any section or part of a  
 1356 section of this charter shall be held invalid by a court of  
 1357 competent jurisdiction, such holding shall not affect the  
 1358 remainder of this charter nor the context in which such section  
 1359 or partial section so held invalid may appear, except to the  
 1360 extent that an entire section or a partial section may be  
 1361 inseparably connected in meaning and effect with the section or  
 1362 partial section to which such holding shall directly apply.

1363 Section 12. This act shall only take effect upon approval  
 1364 by a majority vote of those qualified electors of the area  
 1365 described in subsection (5) of section 1 voting in a referendum

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1366 | to be called by the Brevard County Supervisor of Elections on or  
1367 | before August 1, 2006, except that this section shall take  
1368 | effect upon becoming a law.