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2006 Legislature

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

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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

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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.

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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

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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:

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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

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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.
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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

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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.

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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

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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

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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

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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.

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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

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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

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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.

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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.

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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

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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

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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

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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

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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

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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.

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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

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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

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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

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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

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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

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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

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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.--

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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

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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

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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

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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

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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

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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.

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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

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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

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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.

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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

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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.

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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

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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.

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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

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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

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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

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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.

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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

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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

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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

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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.