

By Senator Haridopolos

26-1542-06

See HB

1 A bill to be entitled

2 An act relating to Town of Grant-Valkaria,

3 Brevard County; creating the Town of

4 Grant-Valkaria; providing a charter for the

5 town; providing powers of the town; providing

6 for liberal construction; providing for a town

7 council-administrator form of government;

8 providing corporate boundaries; providing that

9 the town may contract with other governmental

10 entities; providing for a town council and its

11 powers and duties, compensation, and

12 membership; providing for a mayor and vice

13 mayor and their powers and duties; providing

14 for filling of vacancies; providing for

15 meetings of the town council; providing for

16 ordinances; restricting the use of eminent

17 domain; providing for a town administrator and

18 his or her powers and duties, appointment,

19 qualifications, and compensation; requiring the

20 town administrator to furnish a security bond;

21 providing for removal or absence of the town

22 administrator; providing that the town may

23 establish departments, offices, and agencies

24 and providing for administration of those under

25 the direction and supervision of the town

26 administrator; providing for a personnel

27 system; providing for a town attorney;

28 providing for land use, development, and

29 environmental planning; providing for

30 accounting procedures; specifying the fiscal

31 year of the town; requiring an annual audit;

1 providing for availability of financial records
2 of the town; providing for public deposits;
3 providing requirements for purchase or sale of
4 real property by the town; providing for an
5 annual budget; authorizing the levy of certain
6 taxes within the town; prohibiting the issuance
7 of certain bonds or entering into certain types
8 of contracts unless approved by referendum;
9 providing for emergency appropriations;
10 providing for town elections; providing for
11 conduct of officials in office; providing for
12 appointments and removals of town
13 administrative officers and employees;
14 providing that the town council shall deal with
15 the town administrator and not officers and
16 employees of the administrator; providing for
17 regulation of campaign financing; requiring a
18 long-range plan and a 5-year financial plan;
19 providing for emergency operations; providing
20 for dissolution; providing for charter
21 amendment and review; providing for regulation
22 of land use, zoning, and development; providing
23 for transition, including an interim council,
24 continuity and sources of revenues, and
25 continuity of services; providing severability;
26 requiring a referendum; providing an effective
27 date.

28
29 WHEREAS, we, the people of the Town of Grant-Valkaria,
30 under the Constitution and laws of the State of Florida, in
31 order to secure the local benefits of self-government,

1 | preserve our history, protect our future, maintain a rural
2 | quality of life, and foster responsible, community-controlled
3 | growth, have ratified this charter by referendum, and

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

8 |
9 | Be It Enacted by the Legislature of the State of Florida:

10 |
11 | Section 1. Town of Grant-Valkaria; charter; creation;
12 | powers; construction; form of government; boundaries;
13 | intergovernmental relations.--

14 | (1) CHARTER; CREATION.--This act, together with any
15 | amendments thereto, may be known as the "Charter of the Town
16 | of Grant-Valkaria," and the Town of Grant-Valkaria ("town") is
17 | hereby created and established.

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

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

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

31 | (5) CORPORATE BOUNDARIES.--

1
2 That area lying mostly North of Senne Road,
3 East of Babcock Road, South of the City limits
4 of Malabar, and West of the centerline of the
5 Indian River Channel. Bounded on the North by
6 the North lines of Sections 15, 14 and 13 of
7 Township 29S, Range 37E, and Sections 18 and
8 17, Township 29S, Range 38E, Brevard County,
9 Florida, and its easterly projection to the
10 centerline of the Indian River Channel.
11
12 Bounded on the East by a line beginning at the
13 centerline of the Indian River Channel and the
14 Easterly projection of the North line of
15 Section 17, Township 29 South, Range 38 East;
16 thence Southerly along said centerline of the
17 Indian River Channel to the Westerly projection
18 of the South line of the North 220 feet of GL-4
19 Section 10, Township 29 South, Range 38 East;
20 thence Easterly 3,150 Feet along said Westerly
21 projection of the South line of the North 220
22 feet of GL-4; thence due South to the Easterly
23 projection of the North line of GL-2 of Section
24 34, Township 29 South, Range 38 East; thence
25 Westerly along said Easterly projection of the
26 North line of GL-2 to the centerline of the
27 Indian River Channel; thence Southerly along
28 said centerline of the Indian River Channel to
29 the intersection of the Easterly projection of
30 the South line of Section 3, Township 30 South,
31 Range 38 East.

1
2 Bounded on the South by a line beginning at the
3 intersection of the centerline of the Indian
4 River channel and the Easterly projection of
5 the South line of Section 3, Township 30 South,
6 Range 38 East; thence Westerly along said South
7 line and its Westerly projection to the East
8 line of Tax Parcel 250, lying in Section 1,
9 Township 30 South, Range 37 East, as recorded
10 in Official Records Book (ORB) 4258, Page 968
11 of the Public Records of Brevard County,
12 Florida; thence northerly along said East line
13 to the North line of said Section 1; thence
14 westerly along said North line and its westerly
15 projection to the East line of the SW 1/4 of
16 Section 34, Township 29 South, Range 37 East;
17 thence northerly along the East line of the SW
18 1/4 of said Section 34 to the South line of Tax
19 Parcel 762 as recorded in Official Records Book
20 4895, Page 625 of said Public Records; thence
21 easterly along the South line of said Tax
22 Parcel 762 to the East line of said Tax Parcel
23 762; thence northerly along said East line to
24 the North line of the SW 1/4 of said Section
25 34; thence westerly along the North line of the
26 SW 1/4 of said Section 34 to the intersection
27 of the centerline of Babcock St.
28
29 Bounded on the West by the centerline of
30 Babcock St.
31 Except:

1 Tax Parcel 276 as recorded in Official Record
2 Book 5193 Page 3598, in Section 27, Township 29
3 South, Range 37 East, of Public Records of
4 Brevard County, Florida.
5
6 Tax Parcel 334 as recorded in Official Record
7 Book 5193 Page 3629, in Section 27, Township 29
8 South, Range 37 East, of Public Records of
9 Brevard County, Florida.
10 Tax Parcel 335 as recorded in Official Record
11 Book 5193 Page 3562, in Section 27, Township 29
12 South, Range 37 East, of Public Records of
13 Brevard County, Florida.
14 Tax Parcel 336 as recorded in Official Record
15 Book 5193 Page 3831, in Section 27, Township 29
16 South, Range 37 East, of Public Records of
17 Brevard County, Florida.
18 Tax Parcel 504 as recorded in Official Record
19 Book 5375 Page 6773, in Section 27, Township 29
20 South, Range 37 East, of Public Records of
21 Brevard County, Florida.
22 Tax Parcel 278 as recorded in Official Record
23 Book 4003 page 3742, in Section 22, Township 29
24 South, Range 37 East, of Public Records of
25 Brevard County, Florida.
26 Tax Parcels 270 and 309, as recorded in
27 Official Record Book 4951 Page 1494, in Section
28 22, Township 29 South, Range 37 East, of Public
29 Records of Brevard County, Florida.
30
31

1 AND in the SW 1/4 of Section 15, Township 29
2 South, Range 37 East being more particularly
3 described as follows:
4 Tax Parcel 519, 573, 536, 572, 532, 549, 533,
5 575, 534, 554, 535, 515 and 540 as recorded in
6 the Official Record Book 4607 page 3439 of the
7 Public Records of Brevard County, Florida.
8
9 Except: All of land described in ORB 4643 page
10 324, in Section 15, Township 29 South, Range 37
11 East, as recorded in Public Records of Brevard
12 County, Florida
13 AKA as tax parcels:
14 Tax parcel 277, as recorded in ORB 4167 page
15 3180
16 Tax parcel 278, as recorded in ORB 4167 page
17 3180
18 Tax parcel 279, as recorded in ORB 4167 page
19 3180
20 Tax parcel 280, as recorded in ORB 4167 page
21 3180
22 Tax parcel 281, as recorded in ORB 4237 page
23 679
24 Tax parcel 290, as recorded in ORB 4237 page
25 680
26 Tax parcel 298, as recorded in ORB 4237 page
27 681
28 and,
29
30 The South 435.00 feet of the West 350.00 feet
31 of Lot 24, Florida Indian River Land Company

1 Subdivision, as recorded in Plat Book 1, Page
2 165, of the Public Records of Brevard County,
3 Florida, less and except the South 35.00 feet
4 and the West 50.00 feet thereof.

5
6 (6) INTERGOVERNMENTAL RELATIONS.--The town may
7 participate by contract or otherwise with any governmental
8 entity of the state, or any other state or states of the
9 United States, in the performance of any activity that one or
10 more of such entities have the authority to undertake.

11 Section 2. Town council; mayor; vice mayor;
12 ordinances; eminent domain.--

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

15 (a) The town council shall consist of six council
16 members and one mayor, for a total of seven members, all of
17 whom shall be elected at large and in accordance with section
18 6. The council members shall occupy seats numbered 1 through
19 6.

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

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

30 (2) MAYOR.--The mayor shall preside at meetings of the
31 town council. The mayor shall be a regular voting member of

1 the town council. The mayor shall be recognized as the head of
2 town government for all ceremonial purposes; for purposes of
3 military law; for service of process and execution of town
4 council authorized contracts, deeds, and other documents; and
5 as the town official designated to represent the town when
6 dealing with other governmental entities on behalf of the
7 town.

8 (3) VICE MAYOR.--The vice mayor shall act as mayor in
9 the absence of the mayor. The vice mayor shall be elected from
10 among council members for a term of 1 year or until his or her
11 successor is elected. A council member shall not serve
12 consecutive terms as vice mayor unless no other council member
13 is willing to serve as vice mayor.

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

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

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

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

1 The burden of establishing good cause shall be on the council
2 member in question; however, any council member may at any
3 time during any duly held meeting move to establish good cause
4 for his or her absence or the absence of any other council
5 member from any past, present, or future meeting or meetings,
6 which motion, if carried, shall be conclusive.

7 (d) A council member whose qualifications are in
8 question or who is otherwise subject to forfeiture of his or
9 her office shall not vote on any such matters. The council
10 member in question shall be entitled to a public hearing on
11 requests regarding an alleged forfeiture of office. If a
12 public hearing is requested, notice thereof shall be published
13 in one or more newspapers of general circulation in the town
14 at least 1 week in advance of the hearing.

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

20 (5) FILLING OF VACANCIES.--

21 (a) A vacancy on the town council shall be filled by a
22 majority vote of the remaining members of the town council,
23 unless at the time of the vacancy there are fewer than 6
24 months remaining before the next regular election of town
25 council members, in which case the town council shall have the
26 discretion to leave the seat vacant until the next regular
27 election of town council members. Any person appointed by the
28 town council to fill a vacancy shall hold office until the
29 next regular town council election. The elected replacement
30 shall serve the remaining term for the vacated seat.

31

1 (b) In the event that all the members of the town
2 council are removed by death, disability, recall, forfeiture
3 of office, resignation, or any combination thereof, the
4 Governor shall appoint an interim town council. The interim
5 town council shall call a special election within not fewer
6 than 60 days or more than 90 days after such appointment. Such
7 election shall be held in the same manner as the initial
8 elections under this charter. However, if there are fewer than
9 6 months remaining in the unexpired terms, the interim town
10 council appointed by the Governor shall serve out the
11 unexpired terms.

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

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

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

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

22 (b) The council members shall receive reimbursement
23 for council-approved expenses in accordance with applicable
24 law, or as may be otherwise provided by ordinance, for
25 authorized travel and per diem expenses incurred in the
26 performance of their official duties. An ordinance
27 establishing, increasing, or decreasing reimbursement for
28 expenses of the council members may be adopted at any time.

29 (7) INVESTIGATIONS.--The town council may make
30 investigations into the affairs of the town and the conduct of
31 any town department, office, or agency and for this purpose

1 may subpoena witnesses, administer oaths, take testimony, and
2 require the production of evidence.

3 (8) MEETINGS.--

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

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

17 (c) During all town council votes, the individual
18 votes as cast by each person on the town council shall be
19 recorded in the journal of that meeting. No action of the town
20 council, except as otherwise provided in this charter, shall
21 be valid or binding unless adopted by a majority decision.
22 Except as otherwise provided in this charter, all land use and
23 quasi-judicial items shall require a supermajority decision.

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

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

1 (b) Regulate land use and development;
2 (c) Levy taxes;
3 (d) Grant, renew, or extend a franchise;
4 (e) Regulate the rate charged by a public utility for
5 its services;
6 (f) Authorize the borrowing of money;
7 (g) Convey or lease, or authorize the conveyance or
8 lease of, any lands of the town;
9 (h) Provide for a fine or other penalty or establish a
10 rule or regulation for violation of which a fine or other
11 penalty is imposed;
12 (i) Amend or repeal any ordinance previously adopted;
13 or
14 (j) Adopt, with or without amendment, ordinances
15 proposed under the initiative power.
16
17 Acts other than those referred to in this subsection may be
18 done either by ordinance or by resolution.
19 (10) EMINENT DOMAIN.--In no case shall the town
20 council exercise its powers of eminent domain or condemnation
21 to acquire property for private development purposes,
22 regardless of the public good such eminent domain or
23 condemnation might support.
24 (11) ORDINANCES IN GENERAL.--
25 (a) Every proposed ordinance shall be introduced in
26 writing and in the form required for final adoption. No
27 ordinance shall contain more than one subject, which shall be
28 clearly expressed in its title. The enacting clause shall
29 read, "The Town of Grant-Valkaria hereby ordains:". Any
30 ordinance that repeals or amends an existing ordinance or part
31 of the town code shall set out in full the ordinance and the

1 sections or subsections to be repealed or amended and shall
2 indicate matters to be omitted by enclosing brackets or by
3 strikeout type and shall indicate new matters by italics or by
4 underscoring.

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

1 the times when they are available for public inspection and
2 purchase at a reasonable price.

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

7 (d) To meet a public emergency affecting life, health,
8 property, or the public peace, the town council may adopt one
9 or more emergency ordinances, but such ordinances may not levy
10 taxes; grant, renew, or extend a franchise; regulate the rate
11 charged by any public utility for its services; or authorize
12 the borrowing of money except as provided in section 5(8). An
13 emergency ordinance shall be introduced in the form and manner
14 prescribed for ordinances generally, except that it shall be
15 plainly designated as an emergency ordinance and shall
16 contain, after the enacting clause, a declaration stating that
17 an emergency exists and describing it in clear and specific
18 terms. An emergency ordinance may be adopted with or without
19 amendment or rejected at the meeting at which it is
20 introduced, but the affirmative vote of four or more members
21 shall be required for adoption. After its adoption, the
22 ordinance shall be published as prescribed for other adopted
23 ordinances. It shall become effective upon adoption or at such
24 later time as it may specify. Every emergency ordinance except
25 an emergency appropriation as described in section 5(9) shall
26 automatically stand repealed as of the 61st day following the
27 date on which it was adopted, but this shall not prevent
28 reenactment of the ordinance in the manner specified in this
29 section if the emergency still exists. An emergency ordinance
30 may also be repealed by adoption of a repealing ordinance in
31

1 the same manner specified in this section for adoption of
2 emergency ordinances.

3 (e) The town council may adopt any standard code of
4 technical regulations by reference thereto in an adopting
5 ordinance. The procedure and requirements governing such an
6 adopting ordinance shall be as prescribed for ordinances
7 generally, except that:

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

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

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

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

24 (g) Within 3 years after adoption of this charter and
25 at least every 10 years thereafter, the town council shall
26 provide for the preparation of a general codification of all
27 town ordinances and resolutions having the force and effect of
28 law. The general codification shall be adopted by the town
29 council by ordinance and shall be published, together with
30 this charter and any amendments thereto, pertinent provisions
31 of the constitution and other laws of the state, and such

1 codes of technical regulations and other rules and regulations
2 as the town council may specify. This compilation shall be
3 known and cited officially as the Grant-Valkaria Town Code.
4 Copies of the code shall be furnished to town officers, placed
5 in libraries, in public offices, and, if available, on a
6 website for free public reference, and made available for
7 purchase by the public at a reasonable price fixed by the town
8 council.

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

25 Section 3. Town administrator.--

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

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

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

24 (3) ABSENCE OR DISABILITY.--

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

29 (b) In the event of failure or inability of the town
30 administrator to make such designation, or should the person
31 so designated by the town administrator be unsatisfactory to

1 the town council, the town council may by resolution appoint
2 an interim town administrator to perform the duties of the
3 town administrator until he or she returns or his or her
4 disability ceases.

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

24 (5) BOND.--The town administrator and, where
25 applicable, an interim town administrator shall furnish a
26 security bond to be approved by the town council, in such
27 amount as the town council may specify, such bond to be
28 conditioned on the faithful performance of his or her duties.
29 The premium of the bond shall be paid by the town.

30 Section 4. Departments, offices, and agencies; town
31 attorney; land use.--

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

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

16 (3) PERSONNEL SYSTEM.--

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

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

26 (4) TOWN ATTORNEY.--The town council shall appoint the
27 town attorney by an affirmative vote of a majority of the town
28 council. The town council shall establish a contract term for
29 the town attorney that includes scheduled reviews. The town
30 attorney shall report to the town council to serve as chief
31 legal adviser to the town council, the town administrator, and

1 all town departments, offices, and agencies. Compensation and
2 benefits of the town attorney shall be set by the town
3 council. The town attorney shall be a member in good standing
4 of The Florida Bar. The town council may remove the town
5 attorney at any time by an affirmative vote of a majority of
6 the town council. The town attorney shall take office
7 immediately on appointment, and the terms and conditions shall
8 be reduced to a written contract. The town council shall have
9 the authority to engage such additional legal counsel as it
10 deems advisable and necessary.

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

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

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

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

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

26
27 The designated agency, the town administrator, and the town
28 council shall seek to act in cooperation with other
29 jurisdictions and organizations in their region to promote
30 integrated approaches to regional issues.

31 Section 5. Finances.--

1 (1) ACCOUNTING PROCEDURES.--The town administrator
2 shall prescribe and require, except as may be prescribed and
3 required by law, the use of plain and uniform systems of
4 keeping books of accounts by all town departments, officers,
5 or employees who are charged with the receipt or disbursements
6 of any of the funds of the town or who may be authorized to
7 purchase materials and supplies or to employ labor for the
8 town.

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

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

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

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

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

8 (7) ANNUAL BUDGET.--

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

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

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

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

24 (c) Budget financial procedures.--

25 1. If at any time during the fiscal year it appears
26 probable to the town administrator that the revenues available
27 will be insufficient to meet the amount appropriated in the
28 budget, the town administrator shall report to the town
29 council without delay. The town council shall then take action
30 to prevent or minimize any deficit and for that purpose may,
31 by resolution, reduce one or more appropriations.

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

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

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

13 (8) TAXATION AND REVENUE.--

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

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

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

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

22 Section 6. Town elections.--

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

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

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

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

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

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

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

22 (3) OATH OF OFFICE.--All elected officers, before
23 entering upon their duties, shall take and subscribe to the
24 following oath of office: "I do solemnly swear (or affirm)
25 that I will support, protect, and defend the Constitution and
26 Government of the United States and of the State of Florida
27 and the charter of the Town of Grant-Valkaria; that I am duly
28 qualified to hold office under the Constitution of the State
29 and of the charter of the Town of Grant-Valkaria; that I will
30 well and faithfully perform the duties of (mayor or council
31 member) upon which I am about to enter; and that I will work

1 to preserve and promote the history, environment, and rural
2 character of the Town of Grant-Valkaria."

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

13 (5) METHOD OF ELECTING THE MAYOR.--If the mayor's term
14 is expiring, the ballot for the general election shall contain
15 the names of all qualified candidates for mayor and shall
16 instruct electors to cast one vote for mayor. The candidate
17 for mayor receiving the largest number of votes shall be the
18 duly elected mayor.

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

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

26 (8) QUALIFYING OF CANDIDATES FOR OFFICE OF COUNCIL
27 MEMBER OR MAYOR.--

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

1 (b) Candidates for council member or mayor shall
2 qualify for election by the filing of a written notice of
3 candidacy with the clerk of the town at such time and in such
4 manner as may be prescribed by ordinance, plus payment of any
5 fees required by general law as a qualifying fee. The
6 candidate shall submit a qualifying statement, as prescribed
7 by ordinance, with the signatures of at least 1 percent of the
8 total number of electors at the last general election, and pay
9 any required filing fee.

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

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

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

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

28 (b) The electors of the town shall have the power to
29 require reconsideration by the town council of any adopted
30 ordinance. If the town council fails to repeal an ordinance so
31 reconsidered, the electors may approve or reject it at a town

1 election. However, such power of reconsideration shall not
2 extend to the budget or capital program or any emergency
3 ordinance or ordinance relating to appropriation of money,
4 levy of taxes, or salaries of town employees.

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

8 (10) INITIATIVE AND REFERENDUM PROCEEDINGS.--

9 (a) Any five electors may commence initiative or
10 referendum proceedings by filing with the town clerk an
11 affidavit stating that they will constitute the petitioners'
12 committee, stating that they will be responsible for
13 circulating the petition and filing it in proper form, stating
14 their names and addresses, specifying the address to which all
15 notices to the petitioners' committee are to be sent, and
16 setting out in full the proposed initiative ordinance or the
17 proposed amendment or repeal action relating to an existing
18 ordinance. The town clerk shall promptly file the affidavit
19 with the town administrator so that it can be placed on the
20 agenda for the next town council meeting. If the proposed
21 ordinance is in the correct form and is compatible with the
22 town charter and general and special law, the town council
23 shall promptly consider the proposal on its merits and
24 substance. If deficiencies of form or legality exist, the
25 proposal shall be returned to its sponsors for correction and
26 resubmission. If the town council delays, rejects, changes, or
27 refuses to consider a proposed ordinance or amendment or
28 repeal request for reasons that fail to satisfy its sponsors,
29 the proposed ordinance or amendment or repeal request may be
30 submitted to referendum by petition. Production of petition
31

1 forms and validation of signatures shall be the responsibility
2 of the petitioners' committee.

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

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

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

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

27 (f) Within 20 days after the petition is filed, the
28 town clerk shall complete a certificate as to its sufficiency,
29 specifying, if it is insufficient, the particulars in which it
30 is defective, and shall within 2 working days send a copy of
31 the certificate to the petitioners' committee by registered

1 mail. Verification of electors shall be as certified by the
2 Brevard County Supervisor of Elections. A petition certified
3 insufficient for lack of the required number of valid
4 signatures may be amended once if the petitioners' committee
5 files a notice of intention to amend it with the town clerk
6 within 5 days after receiving the copy of the certificate and
7 if the petitioners' committee files a supplementary petition
8 upon additional papers within 10 days after receiving the copy
9 of the certificate. Such supplementary petition shall comply
10 with the requirements of paragraphs (c) and (d). Within 20
11 days after a supplementary petition is filed, the town clerk
12 shall complete a certificate as to the sufficiency of the
13 petition as amended and shall promptly send a copy of such
14 certificate to the petitioners' committee by registered mail.
15 If a petition or amended petition is certified sufficient, or
16 if a petition or amended petition is certified insufficient
17 and the petitioners' committee does not elect to amend or to
18 request town council review under paragraph (g) within the
19 time required, the town clerk shall promptly present the
20 certificate to the town council, and the certificate shall
21 then be a final determination as to the sufficiency of the
22 petition.

23 (g) If a petition has been certified insufficient for
24 reasons other than the required number of elector signatures
25 and the petitioners' committee does not file notice of
26 intention to amend it, or if an amended petition has been
27 certified insufficient for reasons other than the required
28 number of elector signatures, the committee may, within 5 days
29 after receiving the copy of such certificate, file a request
30 that the petition be reviewed by the town council. The town
31 council shall review the petition and its accompanying

1 certificate at its next meeting following the filing of such
2 request and shall approve or disapprove it. The town council's
3 determination shall then be a final determination as to the
4 sufficiency of the petition.

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

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

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

17 1. There is a final determination of insufficiency of
18 the petition;

19 2. The petitioners' committee withdraws the petition;

20 3. The town council repeals the ordinance; or

21 4. Thirty days have elapsed after a vote of the
22 electors of the town on the ordinance.

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

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

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

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

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

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

29 Section 7. General provisions.--

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

31

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

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

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

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

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

15 4. The use of confidential information.

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

19
20 This ordinance shall include a statement of purpose and shall
21 provide for reasonable public disclosure of finances by
22 officials with major decisionmaking authority over monetary
23 expenditures and regulatory matters. Insofar as permissible
24 under state law, this ordinance may provide for fines and
25 imprisonment for violations.

26 (2) PROHIBITIONS.--Except where authorized by law,
27 neither the mayor nor any council member shall hold any other
28 elected public office during the term for which the mayor or
29 council member is elected. No elected town official shall hold
30 any appointive town office or town employment while in office.
31 No former elected town official shall hold any compensated

1 appointive town office or town employment until 12 months
2 after the expiration of his or her term. This subsection shall
3 not prevent participation in, or compensation for, activities
4 connected with any volunteer organization of the town.

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

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

20 (5) CAMPAIGN FINANCE.--

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

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

30 (6) LONG-RANGE PLAN.--The town council shall meet to
31 discuss long-range goals and objectives that, when achieved,

1 will sustain town operations and continued quality of life for
2 inhabitants of the town. Each year, goals and objectives shall
3 be established for 5, 10, and 20 years into the future. Once
4 established, the goals and objectives shall be presented as a
5 long-range plan at a meeting of the town council and
6 documented in presentations and minutes of the meeting. Inputs
7 shall be solicited from town residents during the preparation
8 of the long-range plan.

9 (7) FIVE-YEAR FINANCIAL PLAN.--In accordance with the
10 5-year goals and objectives established in the long-range plan
11 by the town council, the town council shall prepare a 5-year
12 financial plan (FYFP). The FYFP shall be presented in
13 conjunction with the annual budget and shall contain projected
14 financial requirements necessary to support proposed plans and
15 programs.

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

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

22 Section 8. Charter amendment.--

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

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

30 (b) The electors of the town may propose amendments to
31 this charter by petition signed by 20 percent of the

1 registered electors as of the last general election. Once the
2 petition is verified, the proposed amendment shall be placed
3 on the ballot at the next regularly scheduled election, unless
4 the amendment calls for placement on the ballot at a special
5 election. The proposed charter amendment will be published
6 twice in the local paper not fewer than 30 days or more than
7 60 days before the scheduled election.

8 (2) CHARTER REVIEW.--The charter shall be reviewed no
9 later than 3 years from the date the town was established.
10 After the initial review, the charter shall be reviewed no
11 more than once every 10 years. Each town council member shall
12 appoint one person to a seven-member charter review committee.
13 The charter review committee shall be appointed at least 6
14 months before the next scheduled election and complete its
15 work and present any recommendations for change no later than
16 90 days before the election. The town council shall hold a
17 minimum of two public hearings on the proposed changes prior
18 to placement on the regularly scheduled ballot.

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

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

26 (1) RURAL CHARACTER OF TOWN.--This section secures the
27 foundation on which this town was formed and maintains the
28 existing rural character of the town. "Rural" includes several
29 key elements that constitute the makeup of the town. These
30 elements include:

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

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

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

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

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

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

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

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

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

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

29 (d) Preserve the natural view and existing scenic
30 highway designation of U.S. Highway 1 through careful
31

1 management of development along and within these natural
2 assets.

3
4 By proactively managing future growth as a rural community and
5 limiting impacts through thoughtful community-based planned
6 development, the naturally existing rural character of the
7 town will be sustained. To this end, the land development
8 regulations and ordinances of the town shall uphold and
9 enforce the goals and overall spirit of this section. All
10 zoning in effect at the time of incorporation shall remain
11 unchanged after incorporation (i.e. "grandfathered in"). All
12 present county zoning classifications and land use designation
13 terminology shall continue in effect until the town is
14 established and the town's long-range comprehensive plan and
15 future land use map are completed and adopted. A new
16 long-range comprehensive plan and future land use map shall be
17 completed and adopted within 1 year after incorporation.

18 (3) PROPOSED CHANGE; PRIOR NOTICE; VOTE
19 REQUIRED.--Prior to voting on a proposed increase in
20 development intensity, including, but not limited to, density
21 levels, building heights, and traffic impacts, the town
22 council shall notify all property owners inside the town whose
23 property is within 1,500 feet of the proposed change.
24 Notification shall occur no fewer than 30 days prior to
25 consideration by the town council. An affirmative vote of six
26 or more members of the town council shall be required to enact
27 any such proposed change.

28 Section 10. Transition.--

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

30 (a) For the purpose of compliance with general law
31 relating to the assessment and collection of ad valorem taxes,

1 the town is hereby created and established effective when
2 approved by the electors at the August 1, 2006, special
3 election and filed with the Secretary of State in the manner
4 prescribed by law.

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

11 (2) TEMPORAL NATURE OF TRANSITION SECTIONS OF
12 CHARTER.--This section is inserted solely for the purpose of
13 effecting the incorporation of the town and the transition
14 from an unincorporated area of Brevard County to a new
15 incorporated municipality. Each of the following subsections
16 of this section shall automatically, and without further vote
17 or act of the electors of the town, become ineffective and no
18 longer a part of this charter at such time as the
19 implementation of such subsection has been accomplished.

20 (3) FIRST TRANSITION PERIOD; CHARTER ACCEPTANCE TO
21 FIRST ELECTION.--

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

27 (b) Based on prior commitment to and involvement in
28 the incorporation process, the Grant-Valkaria Preservation
29 Committee-Steering Committee (GVPC-SC) is recognized as the
30 appropriate body to select an interim council. The interim
31 council shall transition from charter development and

1 community organization by providing an interim town government
2 during the time period between the approval of the charter and
3 the dissolution of the interim council. Upon the certification
4 of acceptance of the charter by the electors of the town, as
5 reported by the Brevard County Supervisor of Elections, the
6 GVPC-SC shall convene forthwith and identify five electors to
7 act as interim town council members.

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

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

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

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

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

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

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

28 5. Scheduling the first town council meeting.

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

31 7. Identifying and managing funds.

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

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

17 (f) Until otherwise modified or replaced by this
18 charter or the council, all codes, ordinances, and resolutions
19 of Brevard County in effect on the day of adoption of this
20 charter shall, to the extent applicable to the town, remain in
21 force and effect as municipal codes, ordinances, and
22 resolutions of the town. Until otherwise determined by the
23 council, said codes, ordinances, and resolutions shall be
24 applied, interpreted, and implemented by the town in a manner
25 consistent with established policies of Brevard County on the
26 date of the adoption of this charter.

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

29 (a) For the first election, only electors who have
30 resided within the proposed town boundaries, as described in
31 section 1(5), for the 2 years preceding the date of the first

1 election shall be eligible to hold the office of council
2 member or mayor.

3 (b) At the first election under this charter, all six
4 council members and the mayor shall be elected. The three
5 council candidates receiving the greatest number of votes
6 shall be duly elected council members and shall be designated
7 as holding seats 1, 3, and 5, respectively. The three council
8 candidates receiving the next greatest number of votes shall
9 be duly elected council members and shall be designated as
10 holding seats 2, 4, and 6, respectively. The candidate for
11 mayor receiving the greatest number of votes shall be the duly
12 elected mayor. Notwithstanding the date of the first election,
13 the terms of the mayor and council seats 1, 3, and 5 shall end
14 2 weeks after the general election in 2010, and the terms of
15 council seats 2, 4, and 6 shall end 2 weeks after the general
16 election in 2008. Division of council seats into 4-year and
17 2-year terms is required in order to allow staggered terms of
18 office.

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

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

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

14 (8) TRANSITION CONTINUITY OF SERVICES.--To ensure that
15 there is no discontinuity in the provision, level, or quality
16 of municipal service delivery to the proposed town, and until
17 such time as the town may enter into interlocal agreements
18 with Brevard County regarding the provision of municipal
19 services, all municipal services currently provided by Brevard
20 County will continue to be provided by Brevard County at the
21 service levels existing at the time of municipal
22 incorporation. All federal, state, grant, and other funding
23 sources existing prior to the time the town is incorporated
24 shall continue to be applied in the manner and at the level
25 anticipated and projected by the Brevard County Budget prior
26 to the incorporation of the town. The future cost and level of
27 municipal service delivery provided to the town by Brevard
28 County beyond fiscal year 2006-2007 shall be negotiated and
29 determined through interlocal agreement between the town and
30 appropriate representatives of Brevard County.

1 (9) STATE-SHARED REVENUES.--The town shall be entitled
2 to participate in all shared revenue programs of the state,
3 effective immediately on the date of incorporation. The
4 provisions of section 218.23, Florida Statutes, shall be
5 waived for the purpose of eligibility to receive
6 revenue-sharing funds from the date of incorporation through
7 the end of state fiscal year 2005-2006. The provisions of
8 section 218.26(3), Florida Statutes, shall be waived for state
9 fiscal year 2005-2006, and the apportionment factors for the
10 municipalities and counties shall be recalculated pursuant to
11 section 218.245, Florida Statutes. The initial population
12 estimates for calculating eligibility for shared revenues
13 shall be determined by the University of Florida Bureau of
14 Economic and Business Research as of the effective date of
15 this charter. Should the bureau be unable to provide an
16 appropriate population estimate, the initial population for
17 calculating eligibility for shared revenues shall be
18 established at the level of 3,907 as projected in the
19 incorporation feasibility study.

20 (10) GAS TAX REVENUES.--Notwithstanding the
21 requirements of section 336.025, Florida Statutes, to the
22 contrary, the town shall be entitled to receive local option
23 gas tax revenues beginning the first day of the month
24 following the charter referendum. These revenues shall be
25 distributed to the town as a fully eligible incorporated
26 municipality of Brevard County in accordance with the
27 distribution formula initially established and adopted on
28 October 18, 1988, as part of the "Brevard County Local Option
29 Gasoline Tax Revenue Distribution, Interlocal Agreement" and
30 as amended by the Board of County Commissioners of Brevard
31 County through Ordinance No. 99-40 as ratified on October 12,

1 1999, extending the Local Option Gas Tax Interlocal Agreement
2 through August 31, 2021.

3 (11) SHARED REVENUES.--Brevard County shall distribute
4 to the town, from taxes, franchise fees, and ad valorem taxes,
5 revenues collected within the municipal boundaries of the
6 town. This calculation shall be based upon a population
7 projection of 3,907 residents for the town as estimated for
8 the feasibility study in anticipation of the year 2008 census.

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

18 Section 12. This act shall only take effect upon
19 approval by a majority vote of those qualified electors of the
20 area described in subsection (5) of section 1 voting in a
21 referendum to be called by the Brevard County Supervisor of
22 Elections on or before August 1, 2006, except that this
23 section shall take effect upon becoming a law.
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