

ARTICLE I. - BOUNDARIES AND POWERS

Section 1.01. - Continuation of town.

The Town of Kenneth City, Florida, as created by laws of Florida, Chapter 57-1462, shall continue to be a municipal body politic and corporate under the laws of the State of Florida in perpetuity.

Section 1.02. – Corporate Limits.

The corporate boundaries of the Town of Kenneth City shall consist of the boundaries of the town as established by Laws of Fla., ch. 57-1462, § 2, and in addition thereto all lands annexed by the town subsequent to May 9, 1957, and prior to the effective date of this Charter revision, provided that the town shall have the power to change its boundaries in the manner prescribed by law.

Section 1.03. - Powers.

The town shall have all powers granted municipalities under the constitution and general laws of the State of Florida.

The powers of the town under this Charter shall be construed liberally in favor of the town and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in this article. The town shall have implied and incidental powers to exercise those powers enumerated herein or granted by general law. The town shall have perpetual succession, may sue and be sued, plead and be impleaded, and use a common seal.

Section 1.04. - Intergovernmental powers.

The town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof.

ARTICLE II. - TOWN COUNCIL

Section 2.01. - General powers and duties.

All powers of the town shall be vested in the town council, hereinafter referred to as the council, except as otherwise provided by law or by this Charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the town by law.

Section 2.02. - Compositions, qualifications and terms of office.

The council shall consist of five (5) members, comprised of four (4) councilmembers and a mayor, elected at large by the qualified voters of the town.

(A) *Qualifications.* The councilmembers and mayor shall be qualified electors of the town, citizens of the United States and shall have resided within the corporate limits of the town for at least two (2) years immediately prior to the date of their qualifying for office and throughout their term.

(B) *Judge of qualifications.* The council shall be the judge of whether candidates have met the qualifications for election to the council, and for such purpose shall have the power to subpoena witnesses and require the production of evidence, but the decision of the council in any such case shall be subject to review by the courts.

(C) *Election and Terms of office.*

- (1) The regular election of councilmembers shall be the second Tuesday in March for each year, except in years in which there is a Presidential Primary election. In such years when there is a Presidential Primary election, the regular election of council members shall be concurrent with the Presidential Primary election.
- (2) The terms of councilmembers shall be for two (2) years with two (2) members elected each year, continuing as began in 1982 at the regular town election.
- (3) The terms of mayor shall be for three (3) years, continuing as began in 1982 at the regular town election.
- (4) The mayor shall be limited to two (2) consecutive three-year terms, following which the mayor shall not be eligible to serve again as mayor until one mayoral term has passed.
- (5) The councilmembers shall be limited to three (3) consecutive two-year terms.
- (6) The terms of councilmen elected at a regular election shall commence on the first regular meeting of the town council following the certification of election results.

Section 2.03. - Oath of office.

Each councilmember before entering upon the discharge of the duties of his/her office shall take and subscribe to the following oath before some judicial officer of the state, viz:

I do solemnly swear (or affirm) that I will support, protect and defend the Constitution and government of the United States and the State of Florida and the Charter and code of ordinances of the Town of Kenneth

City against all enemies, domestic or foreign, and that I will faith fully perform all the duties of the office of councilmember, upon which I am about to enter, so help me God.

Section 2.04. - Prohibitions.

- (A) *Holding other office.* Except where authorized by law, no councilmember shall hold any other town office or town employment during the term for which s/he is elected to the council, and no former councilmember shall hold any compensated appointive town office or town employment until one (1) year after the expiration of the term for which s/he was elected to the council.
- (B) *Appointments and removals.* Neither the council nor any of its members shall in any manner dictate the appointment or removal of any town administrative officer or employee whom the manager or any of his/her subordinates are empowered to appoint, subject to the provisions of Section 3.03, paragraph (2).
- (C) *Interference with administration.* The council and its members shall deal with town officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

Section 2.05. - Vacancies; forfeiture of office.

- (A) *Vacancies.* A vacancy in the council shall occur upon the death, resignation, removal from office as authorized by law, or forfeiture of office of a councilmember.
- (B) *Filling of Vacancies.* When such vacancy occurs, the remaining councilmembers shall select, by the affirmative vote of not less than three (3) of the remaining members, a person to fill the vacancy until the next regular election following not less than thirty (30) days upon the occurrence of the vacancy and until a duly elected successor takes office. At this election the seat shall be filled as provided herein for elections for the balance, if any, of the unexpired term. (See Article VII.) Any person so appointed shall possess all the qualifications required by this Charter and by law. Should the office of mayor become vacant, the vice-mayor shall serve as mayor until a new mayor is elected at the next regular election.

Whenever two (2) or more vacancies shall occur at the same time, the mayor shall within fourteen (14) days call a special election to fill the vacancies. Such election shall be conducted in accordance with the procedures for elections set forth in this Charter.

In no event shall the council consist of more than two (2) members serving on an appointive basis.

- (C) *Forfeiture of office.* A councilmember shall forfeit his or her office if s/he (1) lacks at any time during his or her term of office any qualification for the office prescribed by this Charter or by law, (2) is found by the council to have violated any express prohibition of this Charter, (3) is convicted of a felony or a crime involving moral turpitude, or (4) is absent for more than five (5) regular meetings in a twelve-month period unless for a valid reason approved by a majority of councilmembers present, a twelve-month period being that period from March first to March first of the succeeding year.

Section 2.06. - Compensation.

(A) *Compensation and expenses.* The compensation of councilmembers, together with the manner of payment shall be established by ordinance, provided:

- (1) the salary of the mayor shall not exceed the sum of five hundred dollars (\$500.00) per month; and
- (2) the salary of each of the other councilmembers shall not exceed the sum of three hundred dollars (\$300.00) per month.
- (3) Expenses incurred on town business shall be reported on standard IRS approved expense form and accompanied by the appropriate receipts. All expense accounts shall be audited by the town clerk and shall be kept on file for at least three years and shall be available for public inspection.

(B) *Insurance benefits.* Any member of the town council shall be eligible to participate at his/her own expense in any health, hospital, life or other insurance programs available to the general employees of the town.

(C) No ordinance increasing the established salary of councilmembers shall be effective until the date of commencement of the terms of councilmen elected at the next regular election which follows the adoption of such ordinance by at least six (6) months.

Section 2.07. - Mayor.

The mayor shall be a voting councilmember shall serve as the presiding officer of the town council. The mayor shall be recognized as head of the town government for all ceremonial purposes, for purposes of exercising executive powers in case of war, riot, civil commotions or natural disasters and for purposes of service of civil process on the town. The mayor may succeed him/herself in office at the pleasure of the council. The mayor shall:

- (A) Represent the town on all public occasions or whenever such representation is right and proper.
- (B) Be recognized as the official head of the town by the courts for purposes of serving civil process, by the governor in the exercise of military law and for all ceremonial services.
- (C) Attend and preside at all council meetings and have the right to take part in all discussions.
- (D) Have the right to vote upon all questions and matters coming before the council, but shall not have the right to veto.
- (E) Execute all instruments to which the town is a party and act as contracting officer for the town.

Section 2.08. - Vice-mayor.

A vice-mayor, shall be appointed by the mayor from among the current councilmembers at the first regular meeting of the town council in March of each year and shall serve for one year. Selection of the vice-mayor shall be approved by a majority of the councilmembers present. The vice-mayor shall perform all the duties of mayor in the event the office of mayor becomes vacant or the mayor is unable to perform any of his/her duties by reason of absence from the town or in the event of the mayor's incapacity.

Section 2.09. - Meetings and procedure.

- (A) *Meetings.* The council shall meet regularly at the town hall at least once each month at such times as it may prescribe by resolution. Special meetings may be held on the call of the mayor or three (3) or more members of the council, upon no less than twenty-four (24) hours' notice to each member and to the public. The public shall be notified of all meetings.
- (B) *Procedure.* The council shall determine its own rules and order of business and shall provide for keeping minutes of its proceedings. The minutes shall be a public record.

The council shall enact rules of procedure, and prescribe penalties for the nonattendance or disorderly conduct of its members and enforce the same.

A majority of the members of the council shall constitute a quorum for the transaction of business but a lesser number may meet and adjourn from time to time and, under the provisions of rules of procedure, may compel the attendance of absent members by fines and penalties, though no other official action may be taken.

Voting on ordinances and resolutions shall be by roll call and shall be recorded in the minutes. The affirmative vote of the majority of a quorum shall be necessary to enact any ordinance or adopt any resolutions. A majority of the membership of the council present is required to enact any emergency ordinance.

Section 2.10. - Definitions of ordinances, resolutions and motions.

- (A) *Ordinance.* "Ordinance" means an official legislative action of the council, which action is a regulation of a general and permanent nature and enforceable as a local law.
- (B) *Resolution.* "Resolution" means an expression of the council concerning matters of administration, expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the council.
- (C) *Motions.* All actions by the council not required to be by ordinance and not taken by resolution shall be taken by motion.

Section 2.11. – Form and Procedure for Adoption of Ordinances and Resolutions.

The form, procedure for adoption, effective date and other requirements of ordinances and resolutions shall be as governed by general law, F.S. § 166.041, covering definitions of words, terms and procedures for adoptions, and any amendments to said Florida laws.

Section 2.12. - Emergency ordinances.

To meet a public emergency affecting life, health, property or the public peace, the council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, set service or user charges for any municipal services or authorize the borrowing of money.

- (A) *Form.* An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.

- (B) *Procedure.* The council may enact an emergency ordinance written and read once with a majority vote of those present without complying with the requirements of Florida Statutes.
- (C) *Effective date.* Emergency ordinances shall become effective upon adoption or at such other date as may be specified in the ordinance.
- (D) *Repeal.* Every emergency ordinance except emergency appropriations shall automatically stand repealed as of the sixty-first (61st) day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance under regular procedures, or if the emergency still exists, in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Section 2.13. - Codes of technical regulations.

The council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally that:

- (A) The requirements of subsection (B) of Section 2.13 for distribution and filing of copies of the ordinance shall be construed to include by reference copies of the code of technical regulations and amendments thereto as well as of the adopting ordinance, and
- (B) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and filed with the town clerk pursuant to Section 2.14 of this Charter.

Copies of any adopted code of technical regulations shall be made available by the town clerk for reference by the public.

Section 2.14. - Signatures and authentication.

The mayor and the town clerk shall authenticate by their signatures all ordinances and resolutions adopted by the council. The town clerk shall keep properly indexed books in which shall be recorded, in full, all ordinances and resolutions passed by council. Ordinances shall, at the direction of the council, be periodically codified. The town clerk shall also maintain the Charter in current form and shall enter all Charter amendments and send a copy of the revised Charter incorporating amendments to the secretary of state's office.

Section 2.15. - Codification.

Within one (1) year after adoption of this Charter and at least every ten (10) years thereafter, the council shall provide for the preparation of a general codification of all town ordinances and resolutions of a general and permanent nature having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as the Kenneth City Town Code.

ARTICLE III. - TOWN MANAGER

Section 3.01. - Appointment.

There shall be a town manager who shall be the chief administrative officer of the town. The town manager shall be responsible to the council for the administration of all town affairs. The town manager shall be appointed by the town council, and shall serve at the pleasure of the town council. The Town Manager shall be a Certified Public Manager or possess, at minimum, a Bachelor's Degree in Public Administration or related field and a minimum of three (3) years experience therein. The compensation of the town manager shall be fixed by the council. The town manager need not be a resident of the town or Florida at the time of his or her appointment.

Section 3.02. - Acting town manager.

By letter filed with the council, the town manager shall designate, subject to the approval of the council, a qualified town administrative officer to exercise the powers and to perform the duties of town manager during his or her temporary absence or disability. During such absence or disability, the council may revoke such designation at any time and thereupon shall appoint another officer of the town to serve until the town manager shall return or his or her disability shall cease.

Section 3.03. - Powers and duties.

The town manager shall:

- (1) Execute the laws and administer the government of the town except as limited in this Charter.
- (2) Appoint and, when necessary for the good of the town, remove all officers and employees of the town, except as s/he may authorize the head of a department or office to appoint and remove subordinates in such department or office, unless these powers are otherwise limited by law.
- (3) Prepare the budget annually and submit it to the town council.
- (4) Prepare and submit to the town council, as of the end of the fiscal year, a complete report on finances and administrative activities of the town for the preceding year.
- (5) Keep the town council advised of the financial condition and future needs of the town and make such recommendations as may seem desirable to the town manager.
- (6) Perform such other duties as may be prescribed by this Charter or may be required by the town council not inconsistent herewith.

ARTICLE IV. - GENERAL ADMINISTRATION

Section 4.01. - General provisions.

- (A) *Creation of departments.* The council may establish town departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.
- (B) *Direction by manager.* All departments, offices and agencies under the direction and supervision of the town manager shall be administered by an officer appointed by and subject to the direction and supervision of the town manager. With the consent of council, the town manager may serve as head of one or more such departments, offices or agencies or may appoint one person as head of two or more of them.

Section 4.02. - Town clerk.

The town manager shall recommend for appointment, subject to the approval of the town council, an officer and department head of the town who shall have the title of town clerk. The town clerk shall:

- (1) Give notice of council meetings to its members and the public;
- (2) Attend all council meetings and keep a journal of the proceedings which shall be a public record;
- (3) Be the custodian of all the records, documents and papers of the town;
- (4) Be custodian of the official seal of the town, and authorize to affix the same to such instruments of writing as is necessary;
- (5) Attest all documents, contracts and agreements to which the town is a party as required by law;
- (6) Administer oaths as necessary;
- (7) Arrange for and supervise all town elections;
- (8) Prepare the agenda for all council meetings and post such agenda on the approved bulletin boards at least forty-eight (48) hours prior to each of said meetings;
- (9) Keep properly indexed books in which shall be recorded, in full, all ordinances and resolutions passed by the council. Ordinances shall be periodically codified. The clerk shall also keep the Town Charter in current form and shall enter all Charter amendments;
- (10) Be responsible for the records retention program in accordance with state regulations and to destroy such records as authorized by the Florida Division of Archives History and Records Management;
- (11) Keep an accurate account of all monies due to the town and all receipts and disbursements by the town and of its assets and liabilities and of all appropriations made by the town council; furnish the council at any time such report, data and information as may be necessary to fully inform them of the financial affairs of the town, keep regular books of accounts, in which shall be

entered all indebtedness of the town, and which shall at all times show the financial condition of the town;

- (12) Be responsible for the supervision of all city clerk department personnel;
- (13) Perform such other duties as may be required by the mayor and council as well as other duties required by the ordinances of the Town of Kenneth City and the laws of the State of Florida.
- (14) Perform such other duties as are assigned to the town clerk by this Charter or by the town manager.

Section 4.03. - Town attorney.

The town council shall appoint an officer of the town who shall have the title of town attorney who shall serve at the pleasure of the council. The compensation of the town attorney shall be fixed by the council. The town attorney shall advise the town council in all legal matters and shall perform any other duties prescribed by the Charter or by general law or the mayor and council. S/He shall be a lawyer admitted to practice before all courts of the State of Florida and the appropriate Federal District Court. Such attorney may or may not be a resident of the town.

ARTICLE V. - FINANCIAL PROCEDURES

Section 5.01. - Fiscal year.

The fiscal year of the town shall begin on the first day of October and end on the last day of September.

Section 5.02. - Submission of budget and budget message.

On or before the first day of August of each year, the town manager shall submit to the council a budget for the ensuing fiscal year and an accompanying message.

Section 5.03. - Budget message.

The town manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the town's debt position and include such other material as the town manager deems desirable.

Section 5.04. - Budget.

The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and except as required by law or this Charter, shall be in such form as the town manager deems desirable or the council may require. In organizing the budget, the town manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate section:

- (1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;
- (2) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies, when practicable, and the proposed method of financing each such capital expenditure; and
- (3) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the town and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income.

Section 5.05 – Capital Program

- (A) *Submission to council.* The town manager shall prepare and submit to the council a five-year capital program, or revision or extension thereof, on or before the last day of May of the current fiscal year.

(B) *Contents of capital program.* The capital program shall include:

- (1) A clear, general summary of its contents;
- (2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
- (3) Cost estimates, method of financing and recommended time schedules for each such improvement;
- (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

(C) *Adoption.* The council by resolution shall adopt the capital program with or without amendment on or before the first day of July of the current fiscal year.

Section 5.06. – Budget Adoption.

The council shall by ordinance or resolution each year adopt the budget on or before the thirtieth day of September. The ordinance or resolution adopting the annual budget shall constitute estimated revenues from various sources and appropriations specified therein for expenditures from the funds indicated. If during the fiscal year revenues in excess of those estimated in the budget are available for appropriation, the council by ordinance or resolution may make supplemental appropriations for the year up to the amount of the excess.

Section 5.07. - Amendments after adoption.

- (A) *Supplemental appropriations.* If, during the fiscal year, the town manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of such excess.
- (B) *Emergency appropriations.* To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of Section 2.12. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year.
- (C) *Reduction of appropriations.* If at any time during the fiscal year it appears probable to the town manager that the revenues available will be insufficient to meet the amount appropriated, s/he shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken by the town manager and his/her recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(D) *Transfer of appropriations.* The council shall by resolution establish procedures authorizing the town manager to transfer all or part of any appropriation balance among programs within a department, office or agency consistent with general law. Upon written request by the town manager, the council may by resolution transfer part or all of any unencumbered appropriation balance from one department, office or agency to another consistent with general law.

(E) *Limitations; effective date.* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Section 5.08. – Borrowing.

The town council may borrow money, contract for loans and issue bonds pursuant to the provisions of Florida law as amended from time to time; provided, however, that under no circumstances shall any municipal bond ever be issued for any project or matter which is outside the corporate limits of the Town of Kenneth City. Any one proposal to obligate the town for a general bond issue supported by ad valorem taxes or assessment against the property owner's property shall be submitted to the referendum vote and in no event shall the obligation be for more than twenty-five (25) percent of the previous year's tax revenue, (excepting revenue bonds for public health, safety or industrial development). Total indebtedness shall not exceed ten (10) percent of the last certified assessed taxable value of all real property located in the town.

Section 5.09. - Contracts for equipment and services.

Section 5.09. – Purchasing and contracting officer; rules for purchasing procedures.

(A) The town manager shall be the purchasing and contracting officer for the town, and s/he shall supervise the purchase of all materials, goods, supplies, services and equipment for which funds are appropriated in the budget.

(B) The town manager may issue such rules governing purchasing procedures within the administrative organization, not inconsistent with the Charter and this Code and other ordinances.

Section 5.10. – Purchase order required.

(A) A purchase order of any single item or group of items ordinarily comprising one transaction shall be made with one purchase order.

(B) It is the intent that purchasing procedures in this section shall not be circumvented by issuing several purchase orders or checks to cover the cost of a single item, group of items, or service.

Section 5.11. – Requisitions authorized.

Purchase requisitions may be issued for expenditures in amounts less than one hundred dollars (\$100.00) upon the approval of the department head. Such requisitions will be submitted to the town clerk for process of purchase order. Purchase orders issued for expenditures in the amount of one hundred dollars (\$100.00) and greater shall require the approval of the town manager.

Normal and routine expenditures such as utility costs may be processed without the issuance of a purchase order with the approval of the town manager.

Sec. 5.12. - Credit card use.

Credit card use shall require the approval of the town manager. All town credit cards shall be held by the town clerk in a manner to ensure proper security.

Sec. 5.13. – Records.

The Town Clerk shall keep a record of all purchase orders used for town business. Purchase orders shall consist of a prenumbered form, one copy to the vendor, one copy to the department head, one copy to be attached to the paid invoice, and one copy to be filed in a numerical file.

Sec. 5.14. - Price quotes; sealed bids; exceptions.

- (A) For any materials, supplies, equipment or items costing more than two thousand five hundred dollars (\$2,500.00), the department head shall first secure two or more written price quotes to be submitted with the requisition, before a purchase order is issued.
- (B) Expenditures up to ten thousand dollars (\$10,000.00). The town manager is authorized to approve expenditures up to ten thousand dollars (\$10,000.00) without prior approval of the town council for the purchase of goods, materials, equipment or services, upon receipt of at least two written bids, telephone quotes or proposals, provided funding for such purchase was approved in the town budget and sufficient funding is available.
- (C) Expenditures in excess of ten thousand dollars (\$10,000.00). The approval of town council shall be required to authorize an expenditure in excess of ten thousand dollars (\$10,000.00) for goods, materials, equipment or services after the issuance of a request for proposal or bid and the receipt of sealed bids or proposals, which shall be publicly opened in a manner set forth in an administrative policy established by the town manager for bidding expenditures in excess of ten thousand dollars (\$10,000.00).
- (D) Exceptions. The requirements of subsection (b) and (c) are not intended to apply to routine operating expenses such as salaries, utilities, maintenance or repair of existing infrastructure or equipment, and ongoing services and contracts for which budget appropriations have been made.
- (E) Award of contract. The town council shall award the contract to the lowest responsive and responsible bidder. For the purpose of determining the lowest responsive and responsible bidder, the town council may consider factors including the cost of the product or service; qualifications of the bidder; prior experience of the bidder in similar activities; prior work performed by the bidder on behalf of the town or other units of government or their agencies; and any other factors deemed relevant by the town council in its sole discretion. If the town manager recommends the acceptance

of a bid other than the bid with the lowest total price, the reason for the recommendation shall be given.

- (F) Rejection. The town council may reject any or all bids if it is deemed in the best interests of the town to do so, and to rebid the proposed purchase. All bid proposals submitted to the town must address and conform to the bid specifications and the scope of the work to be performed. Any deviations or substitutions from the bid specifications or the scope of work must be identified with a written explanation. Failure to comply with the provisions of the bid specification may result in a rejection of the bid proposal. Incomplete bid proposals may be rejected by the town. The town reserves the right to waive minor technical defects in a bid submittal as determined in its sole discretion.
- (G) Applicability. The bid requirements set forth in this section shall not apply to professional services covered by the Florida Consultant's Competitive Negotiations Act which services shall be obtained following the procedures set forth by state statute. To the extent the monetary amounts or subject matters set forth in the Consultant's Competitive Negotiations Act are inapplicable to a proposed service agreement, the town shall follow the procedures set forth in this section. The requirements of this division may be waived by the town manager when purchasing used or surplus equipment provided that such a purchase is in the best interest of the town.
- (H) Nothing contained in this section shall prohibit the town from using approved state bid lists to purchase equipment or services without the necessity of advertising for bids; or to accept and use the approved bids and bid procedures of another municipality or the county for the same equipment or services required by the town.
- (I) Emergency purchases. If an accident, a disaster or another circumstance creating a public emergency occurs, the town manager may award contracts and make purchases for the purpose of meeting such emergency, but s/he shall file promptly with the town council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.

ARTICLE VI. - BOARDS

Section 6.01. - Town planning and zoning board; Board of Adjustment.

The planning and zoning board, the board of adjustment, the composition of, duties of and responsibilities of these boards shall be established by the town council by ordinance, each board to consist of five (5) members and two (2) alternates.

Section 6.02 - Other boards, committees and commissions.

The council may appoint by ordinance or resolution additional boards, committees or commissions the council deems necessary for the proper conduct of city business. Boards, committees and commissions of a permanent nature shall be appointed by ordinance. Boards, committees and commissions of a temporary nature may be appointed by resolution.

ARTICLE VII. - NOMINATIONS AND ELECTIONS

Section 7.01. - Electors.

Any person who is duly registered as a voter in the County of Pinellas, Florida, and resides in the Town of Kenneth City shall be an elector of the town.

Section 7.02. - Nonpartisan elections.

All nominations and elections for town council and mayor shall be conducted on a nonpartisan basis. No designation of political party affiliation of any nominee shall appear on any campaign literature, nomination petition or ballot.

Section 7.03. - Nominations.

Candidates for the office of town councilmember shall qualify for such office in the manner prescribed in this Charter in Section 2.02.

Section 7.04. - Procedures.

- (A) The town council shall, by ordinance, prescribe the form of the ballot, the method and manner of holding and conducting of all elections of the town.
- (B) A Charter amendment to be voted on by the electors of the town shall be presented by ballot title.
- (C) The provisions of the general laws of the State of Florida pertaining to municipal elections relating to the qualification of electors, registrations, manner of voting, duties of election officers and all other particulars respecting the holding of elections shall govern all town elections, except as otherwise provided in this Charter and in pertinent ordinances adopted hereunder.

Section 7.05. - Elections.

- (A) *Town Elective Positions.* The town council (four (4) councilmembers and the mayor), except as otherwise provided by the Charter, shall be elected by plurality vote at large by the qualified voters of the Town of Kenneth City.
- (B) *Regular Elections.* Regular town elections shall be held on the second Tuesday in March of each year, except in years in which there is a Presidential Primary election. In such years when there is a Presidential Primary election, the regular election of council members shall be concurrent with the Presidential Primary election.
- (C) *Special Elections.* Special municipal elections may be called by the council at any time for such purposes as are authorized by this Charter or by law. Notice of all special elections shall be published once a week for four (4) consecutive weeks immediately preceding the election, in a newspaper with general circulation in the town.
- (D) *Canvassing Board.* The town canvassing board shall be composed of a member of the town council, who is not a candidate for office, the town attorney and the town clerk, who shall act as chairperson. At the close of the polls of any town election, or as soon thereafter as practicable or permitted by law, the board shall meet at a place and time designated by the chairman. The board shall proceed to publicly canvass the absentee electors' ballots and provisional votes, then

publicly canvass the vote as shown by the returns on file in the office of the supervisor of elections. The board shall prepare and sign a certificate containing the total number of votes cast for each person or other measures voted on, after which those persons duly elected shall be sworn into office by the town clerk at a regular or special council meeting called for that purpose. The certificate shall be placed on file with the town clerk. The town council may, by resolution, vote to contract with the county supervisor of elections for the county canvassing board to act as the town canvassing board in town elections.

- (E) *Tie Vote.* A tie between two (2) candidates for the same office shall be decided by lot under the direction and supervision of the town council.
- (F) *Uncontested Elections.* In the event the number of candidates who qualify is the same or less than the vacancies to be filled, each unopposed candidate shall be deemed to have voted for him/herself and no election shall be held. Any vacancy for a councilman or for the office of the mayor for which no candidate qualifies shall be filled by a majority of the new council.

ARTICLE VIII. - INITIATIVE, REFERENDUM AND RECALL

Section 8.01. - General authority.

- (A) *Initiative.* The qualified voters of the town shall have power to propose ordinances to the council and if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a town election. Such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of town officers or employees.
- (B) *Referendum.* The qualified voters of the town shall have power to require reconsideration by the council of any adopted ordinance, and, if the council fails to repeal an ordinance so reconsidered, to approve or reject it at a town election. Such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money, levy of taxes, or salaries of town officers or employees.

Section 8.02. - Commencement of proceedings; petitioners' committee; affidavit.

Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the town clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed, the clerk shall issue the appropriate petition blanks to the petitioners' committee.

Section 8.03. - Petitions.

- (A) *Number of signatures.* Initiative and referendum petitions must be signed by qualified voters of the town equal in number to at least ten (10) per cent of the total number of qualified voters registered to vote at the last regular town election.
- (B) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Such signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- (C) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- (D) *Time for filing referendum petitions.* Referendum petitions must be filed within thirty (30) days after adoption by the council of the ordinance sought to be reconsidered.

Section 8.04. - Procedure after filing.

- (A) *Certificate of clerk; amendment.* Within twenty (20) days after the petition is filed and five (5) days for a referendum petition, the town clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail, return receipt requested. Grounds for insufficiency are only those specified in Section 8.03. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within two (2) days after receiving the copy of the certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (B) and (C) of Section 8.03, and within five (5) days after it is filed, the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by certified mail, return receipt requested, as in the case of an original petition. If a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request council review under subsection (B) of this section within the time required, the clerk shall promptly present his/her certificate to the council and the certificate shall then be a final determination as to the sufficiency of the petition.
- (B) *Council review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the council's determination shall then be a final determination as to the sufficiency of the petition.
- (C) *New petition.* A final determination of insufficiency shall not prejudice the filing of a new petition for the same purpose.
- (D) *Costs.* The cost of checking the names on a petition against the list of registered voters shall be borne by the petitioners' committee, in accordance with State Statutes.

Section 8.05. - Referendum petitions; suspension of effect of ordinance.

When a referendum petition is filed with the town clerk or other official designated by the council, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (A) There is a final determination of insufficiency of the petition;
- (B) Or, the petitioners' committee withdraws the petition, or;
- (C) The council repeals the ordinance; or
- (D) After a vote of the town on the ordinance has been certified.

Section 8.06. - Action on petitions.

- (A) *Action by council.* When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner

provided in Article II or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the town.

(B) *Submission to voters.* The vote of the town on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than sixty (60) days from the date of the final council vote thereon. If no regular town election is to be held within the period prescribed in this subsection, the council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the council may, in its discretion, provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

(C) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the date scheduled for a vote of the town by filing with the town clerk a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Section 8.07. - Results of election.

(A) *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greater number of affirmative votes shall prevail to the extent of such conflict.

(B) *Referendum.* If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

Section 8.08. - Recall.

The qualified voters of the town shall have the power to remove from office any elected official of the town in accordance with the general laws of the state.

ARTICLE IX. - GENERAL PROVISIONS

Section 9.01. - Separability.

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter or its provisions to other persons or circumstances shall not be affected thereby.

Section 9.02. - Conflicting ordinances.

All ordinances insofar as they conflict with or are inconsistent with the provisions of this Charter shall be and the same are hereby repealed.

Section 9.03. - Continuation in force of non-conflicting ordinances

All ordinances now in force which are not in conflict with the provisions of this Charter shall remain in force.

Section 9.04. - Reviewing of Charter and ordinances.

The council shall appoint committee for the purpose of reviewing the Charter and ordinances and submitting recommendations to the council for any proposed amendments or revisions of the Charter and ordinances. The committee shall consist of five (5) members and two (2) alternates and may be established by resolution and may be appointed at least once every five (5) years after the adoption of this Charter. The committee shall continue in existence for a period not to exceed one year from the effective date of the appointment of the committee. In the event that the council is unable to obtain committee for the above purposes, then council itself shall review the Charter and the ordinances.

Section 9.05. - Charter amendments and revisions; filing of same with original.

This Charter or any portion thereof may be amended or revised in accordance with the general laws of the state. Any amendments or revisions shall be filed, together with the original of this Charter, in the office of the town clerk.

Section 9.06. - Standards of ethics.

The general laws of the state governing the standards of conduct of public officers and employees apply to all elected officials, public officers and employees of the town. In addition, the council may, by ordinance, establish a code of ethics supplemental to general law for such officials, officers and employees.

ARTICLE X. - TRANSITIONAL PROVISIONS

Section 10.01. - Pending matters.

All rights, claims, liabilities, actions, orders, contracts and legal or administrative proceedings shall continue, except as modified pursuant to the provisions of this revised and amended Charter, and in each case, shall be maintained, carried on or dealt with by the town department, office or agency appropriate hereunder.

Section 10.02. - Debts and obligations unimpaired.

No obligation or contracts of said town, including any bonds heretofore issued, shall be impaired or voided by this act but all such debts and obligations shall continue unimpaired and pass to, and be binding upon, the municipal corporation hereby organized and created.

Section 10.03. - Officers and employees.

- (A) *Rights and privileges preserved.* Nothing in this revised and amended Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are town officers or employees at the time of its adoption.
- (B) *Continuance of office or employment.* At the time this revised and amended Charter takes effect, if a town administrative officer or employee holds any office or position which can be abolished or ordered vacated hereunder, s/he shall continue in such office or position until the taking effect of some action authorized under a provision hereof directing that s/he vacate the office or position or that the office or position be abolished.

Section 10.04. - Schedule.

- (A) *Composition of council.* The membership of the town council on the date of the adoption of this revised and amended Charter shall consist of the five (5) members of the town commission of Kenneth City who are in office on the effective date of this revised and amended Charter. The term of office of each councilmember shall be the balance of the term of office for which the councilmember previously was elected as a councilmember and until the commencement of the term of office of a duly elected successor.
- (B) *Effective date of Charter.* This Charter shall take effect March 3, 2014 after its adoption by a majority of the electors voting thereon or upon its filing with the Department of State after such adoption, whichever occurs later.
- (C) *First council meeting.* At the first meeting subsequent to the adoption of this revised and amended Charter, the council shall consider the appointment of a town manager pursuant to Article III, Section 3.01.

Section 10.05. - Terms of board members.

The membership of the town planning and zoning board and board of adjustment on the date of the adoption of this revised and amended Charter shall consist of the five (5) members of each existing board who are in office on the effective date of this revised and amended Charter. The term of office of each board member shall be the balance of the term of office for which s/he previously was name as a board member and until the commencement of the term of office of a duly appointed successor.

Section 10.05. - Deletion of article X.

All of Article X may be deleted from this Charter by the council after all events to which it is applicable have occurred.