# TOWN OF DAVIE
# TOWN COUNCIL AGENDA REPORT

**TO**: Mayor and Council Members

**FROM/PHONE**: Monroe D. Kiar, Town Attorney, (954) 584-9770

**SUBJECT**: Resolution

**AFFECTED DISTRICT**: All Districts

TITLE OF AGENDA ITEM: RESOLUTION OF THE TOWN OF DAVIE, FLORIDA CONFIRMING THE AUTHORITY GRANTED TO THE TOWN ATTORNEY UNDER THE CHARTER OF THE TOWN OF DAVIE AND ESTABLISHED PURSUANT TO CHAPTER 61-2056, LAWS OF FLORIDA.

**REPORT IN BRIEF**:
At the June 4, 2003 Meeting of the Town Council of Davie, Mayor Truex requested the Town Attorney's Office to prepare a resolution setting forth the authority of the Town Attorney's Office as specifically designated within the Town Charter.

The authority and duties of the Town Attorney were first established pursuant to Chapter 61-2056, Laws of Florida, which also established the Town of Davie. Within its text, the Enabling Statute held that the Town Attorney shall act as the legal adviser to and counselor for the Town and all of its officers in matters relating to their official duties; provide written legal opinions on official matters when requested to do so by the Mayor or Council; draft or review for legal correctness, ordinances, contracts, franchises, and other instruments; perform such other professional duties as may be assigned to him by the Mayor or Council.

The Town Charter of the Town of Davie reiterated the duties and authority granted to the Town Attorney under Chapter 61-2056, Laws of Florida and expanded the scope of the Town Attorney's authority to include legal matters generated by the Town Administration.

This resolution confirms the authority of the Town Attorney as stated within the Town Charter. A copy of the applicable provisions of the Town Charter and Enabling Statute is attached.

**PREVIOUS ACTIONS**: NONE

CONCURRENCES: NONE

FISCAL IMPACT: NONE

RECOMMENDATIONS(S): Motion to approve resolution.

Attachment(s): Town Charter, Enabling Statute.

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA CONFIRMING THE AUTHORITY GRANTED TO THE TOWN ATTORNEY UNDER THE CHARTER OF THE TOWN OF DAVIE AND ESTABLISHED PURSUANT TO CHAPTER 61-2056, LAWS OF FLORIDA.

WHEREAS, the Town of Davie was established pursuant to the enactment and recordation of Chapter 61-2056, Laws of Florida on the 7th day of August, 1961; and

WHEREAS, Chapter 61-2056, Laws of Florida specifically decreed that the Town Attorney of the Town of Davie shall be retained by the Town Council and shall act as the legal adviser to and counselor for the Town and all of its officers in matters relating to their official duties; provide written legal opinions on official matters when requested to do so by the Mayor or Council; draft or review for legal correctness, ordinances, contracts, franchises, and other instruments; perform such other professional duties as may be assigned to him by the Mayor or Council; and

WHEREAS, the Charter of the Town of Davie expressly reiterated the Town Attorney's authority to act as the legal advisor and counselor for the Town and all of its officers in all matters relating to their official duties as well as restating the duties of the Town Attorney as set forth within Chapter 61-2056, Laws of Florida and expanded the scope of the Town Attorney's authority to include review and preparation of legal matters generated by the Town Administration; and

WHEREAS, the office of the Town Attorney was created under the auspices of Chapter 61-2056, Laws of Florida and sanctioned by the Charter of the Town of Davie and the scope of the Town Attorney's authority is firmly established within both documents.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. All legal matters pertaining to the Town, Town Council, and all of the Town's officers shall be coordinated through and with the advice and counsel of the Town Attorney.

SECTION 2. All duties and responsibilities granted to the Town Attorney under the Town Charter and established within Chapter 61-2056, Laws of Florida shall be exclusively performed by the Town Attorney of the Town of Davie and his office, or in the case of special legal counsel hired for specific legal functions delegated by the Town Council through the Town Attorney's Office and with the advice and counsel of the Town Attorney, who shall provide a recommendation of qualified applicants to be considered for such specific legal functions.

SECTION 3. Nothing herein shall abrogate the authority of the Town Council to contract with outside legal counsel to provide specialized and specific legal functions for the Town.

SECTION 4. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2003.

_____
MAYOR/COUNCILMEMBER

ATTEST:

_____
TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2003.

**Sec. 5. Form of government.**

The Town of Davie shall be governed by a council/manager form of government consisting of five (5) members, one of whom shall be the elected at-large mayor and one of whom shall be the vice mayor.

(Sp. Acts, Ch. 61-2056, § 9; Ord. No. 74-17, § 1, 4-3-74; Ord. No. 97-7, §§ 6, 11, 47, 1-15-97)

Elections, § 13.

**Sec. 6. Administrative department.**

(a) [*Administrative Head or Manager.*] The administrative duties of the town shall be conducted by an administrative head, and wherever the words "administrative head" or "manager" occur in the Charter, they shall mean and shall include "town administrator," which duties shall include the following, to wit:

(1) Supervision over the administrative activities and provide for the coordination of such activities.

(2) Powers granted to him in this Charter and the laws of the State of Florida concerning appointment and removal of administrative employees and commissions as herein provided.

(3) Annual submission to the council for its consideration of an operating budget and a capital improvements program.

(4) Exercise of the right to attend all council meetings and the authority to present messages, reports and other communications to the council as hereinafter provided.

(5) Unless otherwise provided herein, appointing and discharging authority of all employees of the Town of Davie or its various departments.

(6) Exercise of such other powers and performances of such other duties as may be prescribed by this Charter, town ordinances or resolutions, or by applicable laws of the State of Florida.

(b) *Reserved.*

(c) *Reserved.*

(d) *The Town Attorney.* The town attorney shall be a practicing attorney and a member of the Florida Bar. The town attorney shall be retained by the town council and shall act as the legal advisor to and counsellor for the town and all of its officers in matters relating to their official duties; provide written legal opinions on official matters when requested to do so by council members and/or town administrator; draft or review for legal correctness ordinances, contracts, franchises and other instruments; perform such other professional duties as may be assigned to him by the council and/or town administrator. For his services, the town attorney shall be compensated by a retainer set by the council.

(e) *Town Clerk's Office:*

(1) The town administrator, subject to confirmation by the town council, shall appoint a town clerk and such assistant town clerk(s) as are required to perform such clerical work and duties as may be assigned to the town clerk by the town administrator.

(2) The town clerk shall be responsible for the keeping of minutes of council meetings and advisory boards, ordinances, resolutions, all public hearings, and shall act as the towntreasurer and shall be responsible as collector of all taxes and assessments and other monies due to the town; act as official custodian for all town monies; disburse funds on the basis of valid authorization; and file as a public record the annual audit report; and, in the administration of the town functions, comply with the provisions of this Charter, ordinances adopted hereunder, and the general laws of the State of Florida. Adequate surety bonds as determined by the town council must be carried by the town upon the town treasurer and employees in his office performing duties in connection with the collections, custody and disbursements of the town monies.

(f) *Reserved.*

(g) *Creation of Departments.* The council may by ordinances assign to existing departments any new functions or programs to be undertaken by

CHAPT 61-2056

(House Bill No. 1962)

AN ACT TO ABOLISH THE PRESENT MUNICIPAL GOVERNMENT OF THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA; TO ESTABLISH, ORGANIZE, CONSTITUTE A MUNICIPALITY TO BE KNOWN AS "TOWN OF DAVIE" IN BROWARD COUNTY, FLORIDA; TO PROVIDE A CHARTER FOR SAID TOWN; TO FIX ITS TERRITORIAL LIMITS AND BOUNDARIES; TO PROVIDE FOR ITS GOVERNMENT; TO PROVIDE FOR ITS OFFICES AND TO ABOLISH THE OFFICES OF THE ELECTED OFFICERS OF THE FORMER TOWN; TO PRESCRIBE THE JURISDICTION, POWERS AND PRIVILEGES; TO VALIDATE ALL TAX ASSESSMENTS, LICENSE FEES AND LEVIES MADE BY THE FORMER TOWN; TO PRESERVE IN EFFECT ALL BILLS, ORDINANCES AND RESOLUTIONS OF THE FORMER TOWN NOT INCONSISTENT WITH THIS ACT; TO RESERVE TITLE TO ALL PROPERTY HELD BY THE FORMER TOWN; TO KEEP IN EFFECT ALL CONTRACTS OF THE FORMER TOWN; AND PROVIDING FOR A REFERENDUM.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. Abolish existing municipality. - The existing municipal government of the Town of Davie, in the County of Broward, is hereby abolished.

Section 2. Ordinances remaining in effect. - All existing ordinances and resolutions of the present municipality of the said Town of Davie regularly passed and promulgated on the date of passage of this act shall remain in effect and unimpaired until repealed, amended or modified by the new municipality, which is hereby organized and created, provided such ordinances and resolutions be not inconsistent with the provisions of this act.

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Section 3. Officers hold office until successors qualify. - All officers heretofore elected or appointed and

holding office under the present municipality shall continue to hold their respective offices in the new municipality and to discharge the duties thereof and receive the emoluments thereof until their successors are elected or appointed and confirmed under the provisions of this act.

Section 4. Title to property passed to new municipality. - The title, rights, and ownership of property, uncollected taxes, dues, claims, judgments, decrees and choses in action, held or owned by the Town of Davie shall pass to, and be vested in, the municipal corporation created under this act to succeed the municipality abolished.

Section 5. Contracts remain binding. - All valid and enforceful indebtedness, obligations, franchises, licenses, and contracts of the Town of Davie, shall remain valid and enforcible, notwithstanding the passage of this act, and such indebtedness, obligations and contracts shall be imposed upon and shall be binding upon the municipality which is hereby organized and created.

Section 6. Establishment of new municipality. - The inhabitants of the Town of Davie, as its boundaries are hereinafter established and designated, or as may hereafter be established and designated, shall continue to be a body politic and corporate, to be known and designated as "Town of Davie," and as such shall have perpetual succession.

Section 7. Boundaries. - The boundaries of the Town of Davie are hereby established and declared to be as follows, to wit:

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Commencing at the Southwest corner of Section 34, Township 50 South, Range 41 East, which shall be known as the point of Beginning, run Easterly along the South boundary of said Section 34, which is also known as the North Boundary of Section 3, Township 51 South, Range 41 East, to a point of intersection of the said North Boundary of Section 3, with an extension of the West boundary of tract 1, Section 3, Township 51 South, Range 41 East; Thence run Southerly to the Northwest corner of Tract 1 of said Section 3, Township 51 South, Range 41 East; Thence continue Southerly along the West boundaries of Tracts 1, 2, 3 and 4 to the Southwest corner of said Tract 4, Section 3; Thence Easterly along the South boundary of said Tract 4, to the Southeast corner thereof; Thence continue Easterly along an extension of the South boundary of Tract 4 to a point of intersection with the East boundary of said Section 3; Thence run Northerly along the East boundary of said Section 3 to a point of intersection with the South boundary of Section 34, Township 50 South, Range 41 East, said point being the Northeast corner of said Section 3; Thence run Easterly along the South boundary of said Section 34 to the Southeast corner thereof which is the common corner with the Southwest corner of Section 35, Township 50 South, Range 41 East; Thence continue Easterly along the South boundary of said Section 35 which boundary is also the North boundary of Section 2, Township 51 South, Range 41 East, to the Northeast corner of the Northwest Quarter of the Northwest Quarter of the



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Northwest Quarter of said Section 2, Township 51 South, Range 41 East; Thence run Southerly along the East boundary of the Northwest Quarter of the Northwest Quarter of the Northwest Quarter a distance of 200 feet; Thence run Westerly to a point of intersection with the East Right-of-Way line of Davie Road Extension; Thence run Northerly along the East Right-of-Way line of Davie Road Extension to a point of intersection with the North boundary of Section 2, Township 51 South, Range 41 East; Thence run Westerly along said North boundary line which line is also the South boundary of Section 35, Township 50 South, Range 41 East, to the Southwest corner of said Section 35, Township 50 South, Range 41 East; Thence run Northerly to the Northwest corner of Tract 54, Section 35, Township 50 South, Range 41 East; Thence run Easterly along the North boundary of said Tract 54 to the Northeast corner thereof; Thence run Southerly along the East boundaries of Tracts 54, 53, and 52 to a point of intersection with the South boundary of said Section 35 which is also the Southeast corner of Tract 52; Thence run Easterly along the South boundary of said Section 35 to the Southeast corner of the Southwest Quarter of said Section 35; Thence run Northerly along the center-line of said Section 35 to the Southeast corner of Tract 36 of said Section 35; Thence run Westerly along the South boundary of said Tract 36 to the Southwest corner thereof; Thence run Northerly along the West boundaries of Tracts 36 and 35 to the Northwest corner of



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said Tract 35; Thence run Easterly along the North boundary of Tract 35 to a point of intersection with the centerline of said Section 35 which is also the Northeast corner of said Tract 35; Thence run Northerly along the centerline of said Section 35 to a point of intersection with the North Boundary of said Section 35 which is also the South boundary of Section 26, Township 50 South, Range 41 East; Thence continue Northerly along the centerline of said Section 26 to the Northeast corner of Tract 40 of said Section 26; Thence run Westerly along the North boundaries of Tracts 40, 39, 38, and 37 to the Northwest corner of said Tract 37, said corner also being the Southeast corner of a subdivision known as "DAVIE PARK", Plat Book 32, page 42, of the public records of Broward County, Florida; Thence run Northerly along the East boundary of said "DAVIE PARK", to the Northeast corner thereof; Thence run Westerly along the North boundary of said "DAVIE PARK", to the Northwest corner thereof, said corner also being the Southeast corner of Tract 2, Section 27, Township 50 South, Range 41 East; Thence run Northerly along the East boundary of said Tract 2 to the Northeast corner thereof; Thence run Westerly along the North boundary of Tract 2 to the Northwest corner thereof said corner also being the Southeast corner of Tract 14, of Section 27, Township 50 South, Range 41 East; Thence run Northerly along the East boundary of said Tract 14 to the Northeast corner thereof said corner also being the Southwest corner of Tract 4, Section 27, Township 50 South, Range 41 East; Thence run



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Easterly along the South boundary of said Tract 4 to the Southeast corner thereof; Thence run Northerly along the East boundary of said Tract 4 to the Northeast corner thereof; Thence run Westerly along the North boundaries of Tracts 4, 13, and 20, to the Northwest corner of said Tract 20, said corner also being the Southeast corner of Tract 28, Section 27, Township 50 South, Range 41 East; Thence run Northerly along the East boundary of said Tract 28, to the Northeast corner thereof; Thence run Westerly along the North boundary of Tract 28, Section 27, Township 50 South, Range 41 East, to a point of intersection with the West boundary of Section 27, Township 50 South, Range 41 East, said point also being the Northwest corner of said Tract 28; Thence run Southerly along the West boundary of said Section 27, said boundary also being the East boundary of Section 28, Township 50 South, Range 41 East, to the Northeast corner of Tract 32, Section 28, Township 50 South, Range 41 East; Thence run Westerly along the North boundary of Tracts 32, 31, 30, and 29, Section 28, Township 50 South, Range 41 East, to the Northwest corner of said Tract 29; Thence run Southerly along the West boundary of said Tract 29 to the Southwest corner thereof; Thence run Easterly along the South boundaries of said Tracts 29, 30, 31, and 32, to the Southeast corner of said Tract 32 said corner also being the Northwest corner of Section 34, Township 50 South, Range 41 East; Thence run Southerly along the West boundary of said Section 34 to the Southwest corner thereof and the point of

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Beginning; and

Commencing at the Southwest corner of Section 34, Township 50 South, Range 41 East, run Easterly and along the South boundary of said Section 34, which is also the North boundary of Section 3, Township 51 South, Range 41 East, to the Northwest corner of Tract 13, Section 3, Township 51 South, Range 41 East said Northwest corner being the point of beginning; Thence run Southerly along the West boundary of said Tract 13 to the Southwest corner of the North Half of said Tract 13; Thence run Easterly along the South boundary of the North half of said Tract 13 to the Southeast corner of the North Half of said Tract 13; Thence run Northerly along the East boundary of Tract 13 to the Northeast corner thereof; Thence run Westerly along the North boundary of Tract 13 to the Northwest corner thereof and the point of beginning; and

Commencing at the Northwest corner of Section 2, Township 51 South, Range 41 East, run Southerly along the West boundary of said Section 2 to the Southwest corner of the West Half of the Northwest Quarter of the Northwest Quarter of Section 2, Township 51 South, Range 41 East, which is the point of beginning; Thence run Northerly along the West boundary of the West Half of the Northwest Quarter of the Northwest Quarter of Section 2, Township 51 South, Range 41 East for a distance of 1162 feet more or less; Thence run Easterly for a distance of 127.03 feet more or less; Thence Northerly for a distance of 150 feet

more or less to a point of intersection with the North boundary of said West Half of the Northwest Quarter of the Northwest Quarter of Section 2, Township 51 South, Range 41 East; Thence run Easterly to the Northeast corner of said West Half of the Northwest Quarter of the Northwest Quarter of Section 2, Township 51 South, Range 41 East; Thence run Southerly along the East boundary of the West Half of the Northwest Quarter of the Northwest Quarter of Section 2, Township 51 South, Range 41 East to the Southeast corner thereof; Thence run Westerly along the South Boundary of the West Half of the Northwest Quarter of the Northwest Quarter of Section 2, Township 51 South, Range 41 East, to the Southwest corner thereof and the point of beginning.

Section 8. Powers. - Subject only to the limitations of the laws of the United States and the State of Florida, the Town of Davie shall have full power and authority as follows, to wit:

(a) To contract and to be contracted with.

(b) To sue and to be sued.

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(c) To plead and to be impleaded in all Courts.

(d) To raise annually by taxes, special improvement taxes, assessments, and by license and tax upon privileges, businesses, occupations, and professions whatsoever carried on and engaged in and within the corporate limits of the Town, such sums of money as the Town Council, hereinafter provided for, shall deem necessary for the purposes

and needs of said Town, and in such manner as shall be provided by ordinances of the said Town Council, provided however, that no ad valorem tax on real property shall be levied or assessed except as provided hereinafter.

(e) To adopt and enforce local police, housing, zoning, sanitary and other similar ordinances not in conflict with State laws.

(f) To do whatever is necessary and proper for the safety, health, convenience, and general welfare of the inhabitants of the Town of Davie and to exercise all powers of local self government.

(g) To regulate, control, tax and franchise any and all businesses, occupations, professions and privileges, including all and any public utilities in accordance and not inconsistent with the laws of the State of Florida, provided that all municipal license taxes or fees so imposed shall not exceed fifty percent (50%) of the applicable state license tax.

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(h) To furnish any and all local public service in such manner as the ordinances of the Town Council shall hereafter provide.

(i) To acquire by purchase, gift, devise, condemnation, eminent domain, or otherwise, property, real or personal, or any estate therein, within or without the Town, to be used for any purpose necessary or to meet the needs of the Town; and to operate, maintain, repair, improve any and all such properties, real or personal,

streets, sidewalks and the like by expenditure of the money of the Town for all lawful purposes.

(j) To borrow money as hereinafter provided.

(k) To extend and contract its municipal territorial limits pursuant to chapter 171 of the Florida Statutes.

(l) To impose and foreclose municipal taxes and special assessment liens.

(m) To zone all areas encompassed by the Town.

(n) To revise the corporate charter from time to time in accordance with the provisions of Florida Statutes and the procedures set forth herein.

(o) To have all the powers and privileges granted generally to municipalities by the Constitution and general laws of the State of Florida, the same as if said powers and privileges were herein recited in full; together with all of the implied powers necessary to carry into execution all of the powers granted; and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the Town shall have and may exercise all powers which under the Constitution of this State it would be competent for this Charter specifically to enumerate, save only to the extent that such powers are specifically limited by this Charter.

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Section 9. Mayor - council form of government. - The Town of Davie shall be governed by a Mayor-Council form of government, and its essential components shall be an

elected Chief Executive known as the Mayor and an elected legislative body to be known as the Town Council.

Section 10. Executive and Administrative Department.-

(a) The executive and administrative powers of the Town shall be vested in and exercised by a Mayor, who shall be elected by the qualified electors on an at-large non-partisan basis and shall serve for a period of two years. The term of the Mayor shall begin on the second Tuesday following the General Town Election, and he shall meet with the Council in the Town Hall or at some other designated place on that date at 7:30 P.M. to take office.

(b) The Mayor shall, at the time of taking nomination, be a qualified elector and freeholder of the Town and have resided within the Town for a period of one year and must be a minimum age of thirty (30) years.

(c) Compensation for the Mayor:

(1) The compensation for the Mayor shall be One Dollar ($1.00) per year. The Council may increase or decrease the Mayor's compensation by ordinance, provided, that no increase shall become effective during the term for which the Mayor in office has been elected; and, provided further, that any such increase or decrease shall be ratified by a majority of the freeholders voting in a referendum called for that purpose. 1962

(2) The Mayor shall be reimbursed for all actual and necessary costs and expenses incurred within the scope and operation of his office and duties as Mayor upon author-

ization and approval of the Town Council. The Town Council shall by ordinance prescribe the type of usual recurring costs and expenses which it deems real and necessary and shall by ordinance provide the procedure to process such claims for reimbursement; provided that in no instance shall the Town Council defer decisions and/or postpone reimbursements of such actual necessary costs and expenses for more than three regular meetings of this body.

(d) Powers and duties of Mayor: The Mayor shall be responsible for the proper exercise of his executive and administrative powers which shall include the following, to wit:

(1) Supervision over the executive and administrative activities and providing for the coordination of such activities.

(2) Powers granted to him in this Charter and the laws of the State of Florida, concerning appointment and removal of administrative employees and members of Boards and Commissions as herein provided.

(3) Annual submission to the Council for its consideration an operating budget and a capital improvements program.

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(4) Exercise of the right to attend all Council meetings and the authority to present messages, reports and other communications to the Council, to propose legislation for the consideration of the Council, to call special meetings of the Council, and to veto legislation

of the Council as hereinafter provided.

(5) Recognition as the official head of the Town for all ceremonial purposes and by the Courts for purposes of serving Civil processes.

(6) Unless otherwise provided herein, appointing authority of all offices and employees in the executive branch, subject to the approval of the Council.

(7) Exercise of such other powers and performance of such other duties as may be prescribed by this Charter, Town ordinance or resolution, or by applicable laws of the State of Florida.

(e) Removal from and vacancy of the office of mayor: The office of the Mayor shall become vacant upon the death of an incumbent, upon an adjudication of incompetency of an incumbent, or upon the resignation of an incumbent. The Council may remove the Mayor from office by the vote of four members of the Council in favor of such removal upon any of the following grounds, to wit:

(1) Failure to meet the qualifications for the office as prescribed by this Charter.

(2) Failure to take his oath of office.

(3) Ceasing to be a resident of the Town.

(4) Conviction of a felony or any crime involving the violation of his official oath or duties.

(5) Being absent from Council meetings for three consecutive calendar months without being excused by the Council.

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(6) Acceptance of an appointment or being elected to a public office other than an office that is incidental to his duties as Mayor.

(f) Filling the vacancy of the office of mayor: In the event that a vacancy should occur in the office of the Mayor, the Council shall forthwith elect by a majority vote a successor Mayor to serve for the balance of the unexpired term. The Council may select a new Mayor from its members or from the electors of the Town having the qualifications prescribed herein for such office. If the Council should fail to elect a successor Mayor within the next three ensuing meetings after such vacancy should occur, then a special election shall be proclaimed to elect a successor Mayor to serve the balance of the unexpired term.

(g) Organization of the executive branch: The Executive Branch shall comprise of the Office of the Mayor, the Town Clerk and the Town Attorney.

(h) The Mayor's Cabinet: The Mayor's cabinet shall consist of the Town Clerk and the Town Attorney and the heads of departments created by this Charter and of such other departments as may be created in the future. The Mayor shall call his Cabinet together quarterly for the purpose of receiving reports on Town affairs and effecting plans for administration improvements and civic progress. The departments created by this Charter whose heads shall serve on the Cabinet are the Police Department, the Fire Department and the Parks Recreation and Public Works Department.

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(i) The Town Attorney: The Town Attorney shall be a practicing attorney and a member of the Florida Bar. The Town Attorney shall be retained by the Town Council and shall act as the legal adviser to and counsellor for the Town and all of its officers in matters relating to their official duties; provide written legal opinions on official matters when requested to do so by the Mayor or Council; draft or review for legal correctness, ordinances, contracts, franchises, and other instruments; perform such other professional duties as may be assigned to him by the Mayor or Council. For his services, the Town Attorney shall be compensated by a retainer set by the Town Council.

(j) Town Clerk's Office:

(1) The Mayor with the approval of the Council shall appoint a Town Clerk and such subordinate employees that are required to perform such clerical work and duties as may be assigned to the Town Clerk by the Mayor or Council.

(2) The Town Clerk shall act as the Town Treasurer and shall be responsible as collector of all taxes, assessments and other monies due to the Town; act as official custodian for all Town monies; disburse funds on the basis of valid authorization; and in the administration of the Town functions, comply with the provisions of this Charter, ordinances adopted hereunder, and the general laws of the State of Florida that are not inconsistent with this Charter. Adequate surety bonds must be



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carried by the Town upon the Town Treasurer and employees in his office performing duties in connection with the collections, custody and disbursements of Town monies.

(3) Prior to the end of each fiscal year, the Council shall contract with a Certified Public Accountant to make, as of the end of the fiscal year, an independent audit of all Town funds and accounts. Such accountant shall have no personal interest, direct or indirect, in the fiscal affairs of the Town government, its Council, or any of its offices. Three copies of the audit report when received, shall be immediately filed in the Town Clerk's office as a public record.

(k) Removal of department heads: The Mayor may discharge or suspend any serving Department Head for lack of qualifications, incompetence, neglect of duty, or misconduct in connection with his duties. By a majority vote the Council may proffer charges against a Department Head to the Mayor. If the Mayor does not suspend the accused within two weeks after receipt of such charges, the Council may order that a hearing be held concerning the charges. Such hearing shall be a public hearing if the Department Head concerned so requests. At any such hearing the Department Head Concerned shall have the right to be heard, to be represented by counsel and to require the attendance of witnesses and the production of relevant records and other evidence. After such hearing has been held, the Council may by the concurrence of four of its



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members dismiss the Department Head concerned from the employment of the Town. No Department Head shall be dismissed without hearing before the Council if a hearing is demanded by the Department Head concerned. A hearing shall be held within two weeks after receipt by the Mayor of such a demand for a hearing by the Department Head concerned.

(l) Creation of departments: The Council may by ordinance assign to existing departments any new functions or programs to be undertaken by the Town, but to the extent that this is not practicable, the Council may create additional Departments which shall in all respects be subject to the provisions of this Charter.

(m) Creation of advisory committees: The Mayor may appoint Advisory Committees which shall exist for not more than one year from the date of appointment, but which may be recreated by the Mayor. Members of such committees shall not be paid, and their functions shall be limited to counseling and advice.

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Section 11. The Council and legislation. -

(a) Councilmen, number, term and selection. The legislative body of the Town shall be known as the Town Council and shall be composed of five members who shall be known as Councilmen. All Councilmen shall be elected by the qualifying electors on an at-large, non-partisan basis. The Town Council shall be elected in five separate classes. When qualifying for such office, each

candidate shall designate the class he is qualifying for. One class shall consist of the office of Councilmen without reference to any ward. The remaining four classes shall represent offices of Councilmen to be elected as representatives of four geographical wards established, as provided herein, from time to time by a majority vote of the Town Council based upon reasonably equal areas of size. Four wards shall be established by the Town Council within thirty (30) days following the adoption of this Charter pursuant to the referendum provided herein and shall be considered effective for all future elections. Ward boundaries may be changed as necessary from time to time by a majority vote of the Town Council to reflect changes in the Town boundaries. All Councilmen shall serve for the term of two (2) years; provided, that at the first meeting of Councilmen so elected, subsequent to the adoption of this Charter they shall by lot divide their body into two groups, one of three members and one of two members; the three member group shall hold office for two years, and the other group shall hold their offices for the term of one year. An election shall be held to elect successors for each group, so as to have the various successors elected at the expiration of the term of the respective classes. 1962

(b) Qualifications for councilmen. A Councilman shall, at the time of his qualification for office, be a qualified elector of the Town of Davie. He shall have

resided within the Town or an area that at the time of his qualification is a part of the Town and in the respective ward that he may represent (if qualifying for a class based on ward representation) for the twelve months immediately preceding his qualifying for office.

(c) Council powers and duties. - All legislative powers of the Town shall be exclusively vested in the Council and shall be exercised by it in the manner subject to the limitations herein set forth. All laws of the State of Florida affecting matters of local concern but otherwise not inconsistent with the Charter shall have the force and effect of ordinances of the Town. In addition to exercising its general legislative powers, the Council shall confirm appointments as prescribed herein, adopt the budget, undertake necessary investigations, provide for an independent audit, and take such other actions as it deems necessary and are consistent with this Charter and the laws of the State of Florida. All legislative powers exercised by the Council shall be consistent with the provisions of this Charter, the United States Constitution, the Florida Constitution, laws of the State of Florida, and laws and ordinances of the Town.

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(d) Removal from and vacancy of the office of councilman.- The office of a Councilman shall become vacant upon the death of an incumbent, upon the adjudication of incompetency of an incumbent, or upon the resignation of an incumbent. The Council may remove a Councilman from

office by the vote of four members of the Council upon any of the following grounds, to wit:

(1) Failure to meet the qualifications for the office as prescribed by this Charter, or

(2) Failure to take his oath of office, or

(3) Ceasing to be a resident of the Town, or

(4) Conviction of a felony or any crime involving the violation of his official oath or duties, or

(5) Being absent from Council meetings for two consecutive calendar months without being excused by the Council, or

(6) Being absent from regular Council meetings for three consecutive calendar months even if a number of the absences have been excused by the Council, or

(7) Acceptance of an appointment to an office or being elected to a public office other than an office that is incidental to the duties of a Councilman.

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(e) Filling council vacancies. - In the event that a vacancy should occur in the office of a Councilman, the Council shall forthwith elect by a majority vote a successor Councilman having such qualifications (including ward resident requirements) as prescribed herein for the office of Councilman for the balance of the unexpired term of the replaced Councilman. If the Council should fail to elect a successor Councilman within the next three ensuing meetings after such vacancy should occur, then the Mayor shall proclaim a special election to elect a successor Councilman

to serve the balance of the unexpired term.

(f) President and vice-president of the council. - At the meeting at which a new Council takes office, the Council shall elect by majority vote one of its members as President of the Council and a second member as Vice-President of the Council. The President shall preside at all meetings of the Council, and he shall serve as acting Mayor during any vacancy of the Office of the Mayor or during any absence or disability of the Mayor. The Vice-President shall preside at meetings of the Council during any absence or disability of the President, and he shall serve as Acting Mayor during any period in which both the Mayor and the President are absent or disabled.

(g) Council meetings. - The term of the Councilmen shall begin on the second Tuesday following the general municipal election, and they shall meet at the Town Hall, or at some other designated place, on that day at 7:30 P.M. to take office and to organize for the purpose of carrying out their assigned duties. Thereafter, the Council shall meet regularly as its rules may prescribe but not less often than twice each month. Special meetings shall be called by the Town Clerk upon the written request of the Mayor, or the President of the Council, or any two Councilmen. Such request shall state the subject to be considered at such special meeting, and no other subject shall be considered thereat. Councilmen shall be given at least twenty-four (24) hours written notice of the time and place of such special meetings, except that only two hours



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notice shall be required when an emergency has been declared. All regular and special meetings of the Council shall be open to the public. No ordinance, rule, resolution, regulation, order or directive shall be adopted except at a meeting open to the public.

(h) Council quorum. - Three members of the Council shall constitute a quorum for all purposes.

(i) Council journal. - The Council shall cause the Town Clerk to keep a Journal of its proceedings, which shall show every matter considered by it, its disposition, and the yeas and nays of every vote on each matter submitted for a vote. The Journal shall be open to public inspection.

(j) Council procedure. - the Council shall establish its own rules of procedure; and, in all matters, not less than a majority of the whole Council shall be required to make any determination or effect any action.

(k) Ordinances and resolutions. - 1962

(1) Distinction between resolutions and ordinances. - All enactments of a permanent and general nature, intended to become a part of the "Code of Ordinances of the Town of Davie, Florida," shall be enacted by the passage of an ordinance. Enactments of a temporary or special nature shall be enacted by the adoption of a resolution, unless otherwise specified or directed by law. All enactments of a penal nature or enactments providing for the imposition of a penalty for the violation thereof shall be by ordinance. Municipal budgets may be adopted

by resolution.

(2) General Ordinances. - All ordinances, other than emergency ordinances shall not be passed until they have been read on three separate days at either special or regular meetings of the Council. The requirement of reading on three separate days may be dispensed with by a unanimous vote of all five members of the Council. The first reading shall be in full, but the second and third readings may be by title only. The enacting clause of all ordinances shall be "Be it ordained by the Town Council of the Town of Davie, Florida"; and, all ordinances shall become effective ten days after final passage, unless otherwise provided therein. Any proposed ordinance may be amended at any reading.

(3) Emergency ordinances. - An ordinance may be passed as an emergency measure after one reading when the Council shall find that an emergency exists and causes to be shown on its Journal the nature of the emergency. An emergency ordinance may go into effect immediately or at a fixed time, or upon the occurence of a named contingency. The vote of four members of the Council shall be required to pass an emergency ordinance. The emergency procedure shall be restricted to the following, to wit:

(a) Ordinances dealing with conditions immediately affecting the peace, property, health, safety or morals of the community.

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(b) Ordinances making emergency appropriations or authorizing the issuance of emergency notes as

hereafter provided.

(4) Record of ordinances. - Every ordinance shall upon its final passage be recorded in an Ordinance Book kept by the Town Clerk. Each ordinance shall be authenticated by the signatures of the presiding officer and Town Clerk. Such record shall be verified with the ordinance passed, and such Ordinance Book shall be properly indexed. After any ordinance has been copied into the Ordinance Book and authenticated by the signatures of the presiding officer and the Town Clerk, such shall be the official ordinance, and certified copies of same may be obtained upon request. Such certified copies may be received in evidence in all Courts.

(5) Codification of ordinances. - Within a reasonable time after the effective date of this Charter, and as often as the Council may deem necessary, the Council shall arrange for a compilation or codification of all ordinances. Such compilations or codifications shall be placed on file with the Town Clerk for public use and shall be made available for purchase at a reasonable price.

(6) Resolutions. - Resolutions may be introduced and passed by three affirmative votes at any regular or special meeting of the Town Council. The adopting clause of all such resolutions shall be "Be it resolved by the Town Council of the Town of Davie, Florida." All resolutions shall become effective immediately unless otherwise specified therein.

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(7) Records of resolutions. - Every resolution

shall upon its final passage be recorded in a Resolution Book kept by the Town Clerk. Such Resolution shall be authenticated by the signatures of the presiding officer and Town Clerk. Such record shall be verified with the resolution passed and such Resolution Book shall be properly indexed. After any resolution has been copied into the Resolution Book and authenticated by the signatures of the presiding officer and the Town Clerk, such shall be the official resolution, and certified copies of same may be obtained upon request.

(1) Mayor's power to veto legislation. - Within four (4) business days after the adjournment of any Council meeting, the Town Clerk shall present to the Mayor the record of proceedings of the meeting and all ordinances and resolutions adopted at such meeting. The Mayor, within four (4) business days after receipt of an ordinance or resolution, shall return it to the Town Clerk with his approval or with his express disapproval. The Mayor may veto legislation only by expressly disapproving it. All ordinances and resolutions returned to the Town Clerk by the Mayor without approval but not expressly disapproved shall be considered approved. The Mayor shall attach a written statement explaining the reason for his veto on all ordinances or resolutions disapproved. Ordinances or resolutions vetoed by the Mayor shall be considered at the next regular meeting of the Council, and the Council may pass the ordinance over the veto of the Mayor by an affirmative vote of four members. The Mayor's veto power shall

extend to all ordinances and resolutions and to disapproving or reducing all budget appropriations in whole or in part, except those budget appropriations concerning themselves with auditing or investigating any part of the executive branch. The Mayor shall not have veto power over any emergency ordinance.

(m) Initiating referendums. - Proposed ordinances or proposed amendments to existing ordinances may be submitted to the Council by a petition signed by registered voters of the Town equal in number to at least Twenty-five Percent (25%) of the vote cast at the last preceding general town election. An initiative measure which requires the expenditure of funds must provide therein for the additional revenues which will be required to carry out the ordinance. Initiative petitions shall be uniform in character and shall contain the proposed ordinance in full, shall set forth the address of each person signing, shall be in the form prescribed by the Town Clerk, and shall be filed with the Town Clerk. The Clerk shall, within Twenty (20) days after filing, verify the sufficiency of the signatures thereto, and if found sufficient, transmit the petition to the Council, which shall proceed with the proposal in the regular manner herein provided. The Council shall either enact the ordinance without amendment in substance or reject it within Thirty (30) days. In the event the Council shall fail to enact such ordinance or amendment, the Council shall, at the next regular election, held within the Town, submit the same to a vote of the people. The Town Clerk shall



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issue a proclamation notifying the electors at least Thirty (30) days prior to such election, and shall cause to be published a notice that the ordinance will be voted on at the next general election and a copy of the proposed ordinance in a daily newspaper in general circulation within the Town. Such publication shall be not more than Twenty (20) nor less than Ten (10) days before the election. All initiated ordinances shall have the title which shall state, in a general way, the purpose and intent of such ordinance. The form of ballot used for such referendum shall be prepared by the Town Attorney and shall contain a title of such ordinance. A Two-thirds majority of the electors voting shall be required to enact an ordinance of an initiated referendum.

Section 12. Finance.

(a) Finance Department. - There is hereby established a Department of Finance for the administration of financial affairs of the Town. The head of the Finance Department shall be the Town Clerk. The following functions shall be assigned to and be the responsibility of the Finance Department, to wit: accounting and pre-auditing; budget formulation and execution under the Mayor's supervision; purchasing subject to the provisions herein, Town ordinances and approval of the Council; collection of miscellaneous revenues; record keeping and inventory accounting of all assets of the Town including but not limited to all monies, funds, securities, equipment, supplies, and real estate; and all centralized secretarial, duplication or clerical



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services in connection with any of the foregoing.

(b) Fiscal year. - The fiscal and budget year of the Town government shall begin on the first day of September, and shall end on the last day of August of each year, unless the Council, by ordinance, establishes a different fiscal year.

(c) Fund structure. - As used in this Charter, the word "Fund" is defined as monies or other fiscal assets that are segregated for the purpose of conducting specific activities or obtaining certain objectives in accordance with special regulations, restrictions, limitations, resolutions or ordinances and such shall constitute an independent fiscal and accounting entity. Each fund shall have a separate, self balancing group of accounts to reflect its assets, liabilities, reserves, surplus, revenues and expenditures. The Council may establish funds in addition to those hereinbelow described in those cases where none of the below described or existing funds are appropriate for the purpose or function contemplated. The following types of funds shall be established as needed for the purposes described, to wit:

(1) General Fund. - One "General Fund" shall be established to account for all monies and financial activities which are not provided for in any other fund.

(2) Special revenue funds. - Special revenue funds shall be established to account for special taxes and other special revenues (except special assessments) that are set aside for a particular purpose. 1968

(3) Working capital funds. - Working capital funds shall be established to finance the activities carried on by one department or division of the Town government.

(4) Special assessment funds. - Special assessment funds shall be established to account for special assessments levied to finance improvements or services particularly benefiting the properties against which the assessments are levied.

(5) Bond funds. - Bond funds shall be established to account for the proceeds of bond issues exclusive of those proceeds payable from special assessment, utility and enterprise bonds.

(6) Sinking funds. - Sinking funds shall be established for the accumulation of resources for the meeting of specific contingencies or retiring of long term obligations.

(7) Trust and agency funds. - Trust and agency funds shall be established to account for cash or other assets held by the Town or its Trustee or agent.

(8) Utility or other enterprise funds. - Utility or other enterprise funds shall be established to account for the financing of services rendered to the general public for compensation if the operation of such is intended to be self supporting.

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(d) Annual town budget. - The annual budget shall be a complete financial plan for the ensuing budget year and shall be based upon an operating budget and a capital

budget. The capital budget shall provide for the acquisition of real estate, and other fixed assets and fixed liability accounting. The operating budget shall provide for all other classes of expenditure. The proposed budget submitted by the Mayor to the Council shall include the following, to wit:

(1) Budget message. - A budget message in which the Mayor shall:

(a) Report on the Town's financial condition and prospects,

(b) Explain in both terms of money and work programs the important features of the operating budget,

(c) Identify the major projects in the capital budget, and

(d) Outline the financial policies proposed for the ensuing budget year.

(2) Comparative data. - Appropriate statements showing for each fund the estimated transactions and balances for the ensuing budget year and comparative data for the current year and the immediate past budget year.

(3) Estimated revenues. - Detailed schedules of all estimated revenues itemized by sources for the ensuing budget year and comparative date for the current year and the immediate past budget year.

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(4) Appropriations. - Operating budget schedules showing by activity or program the proposed operating expenditures for the ensuing budget year. Such appropriations

need not be itemized further than by departments, divisions, or major activities and programs. Comparative expenditure data and information on work programs for the current year and the immediate past budget year should also be presented.

(5) Capital budget. - Capital budget schedule showing the total proposed expenditures on each capital project during the ensuing budget year and a detailed project breakdown of the sources of funds showing the funds available and the amounts to be appropriated, borrowed, or derived from other sources.

(e) Formulation and submission of budget. - The procedure for the formulation and submission of the annual budget shall be as follows:

(1) Operating estimates of departments and agencies. - On or before a date specified by the Mayor, each Town Department and Agency head shall transmit to the Town Clerk estimates for the ensuing fiscal year of revenue and operating expenditures for the department or agency concerned, containing the following information:

(a) Detailed estimates of the expenses of conducting each department, division or office.

(b) Expenditures for corresponding items for the immediate past fiscal year.

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(c) Expenditures for corresponding items for the current fiscal year, including adjustments to or transfers between appropriations, plus an estimate of the necessary expenditures to complete the current fiscal year.

(d) Value of supplies and materials on

hand at the date of preparation of the estimate.

(e) Increases or decreases of requests compared with corresponding appropriations for the current year, with reasons for such requested increases or decreases.

(f) Other works program information and supporting data as the Mayor may require.

(2) Financial report by Town Clerk. - On or before a date specified by the Mayor, the Town Clerk shall transmit to the Mayor his financial report comprising of the operating estimates prepared by the various Town Department and Agency heads with the following:

(a) An itemization of all probable income and anticipated revenues from all sources for the ensuing fiscal year.

(b) An itemization of the outstanding Town debt with a schedule of maturities of such obligations.

(c) Schedule of necessary amounts for interest on the city debt, for sinking funds, and for payment of maturing obligations.

(d) Other information as may be required by the Mayor.

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(3) Proposed budget. - The Mayor shall review all estimates and the capital improvement program prepared and shall formulate the proposed budget, making such revisions or estimates as he deems necessary.

(4) Budget message. - On or before the fifteenth

day of July of each year, the Mayor shall submit to the Council for its consideration the proposed budget with his budget message. Upon submission, the budget message shall become a matter of public record and shall be open for public inspection.

(f) Consideration and adoption of the budget by the Council. - When the Mayor submits his proposed budget and delivers his budget message to the Council, the Council shall determine the time and place at which it will hold a public hearing on the budget. The public hearing shall be scheduled on or before the first day of August of each year; and, the time and place of the hearing shall be posted in two public places within the Town limits for not less than five days before the hearing. After the hearing, the Council may revise the expenditures of the budget by increasing, decreasing, inserting or deleting appropriation items, except that it shall not reduce appropriations for debt service. The Council may revise revenue estimates if such revision is concurred in by three of its members. On or before the tenth day of August of each year, the Council shall by majority vote adopt a budget and thereby authorize appropriations for the ensuing budget year. The adopted budget shall be printed, and copies shall be made available for distribution and posted publicly within the Town limits.

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(g) Ad Valorem Tax. - No Ad Valorem tax on real property shall be levied or assessed without the obtainment of prior ratification by not less than Sixty (60) Percent

of the registered elector freeholders residing within the Town limits by a special election held for that purpose. In the event that an Ad Valorem tax is adopted as provided herein, current realistic market values as of the first day of January of each year shall be utilized in effecting assessments. Such requirement as to the use of realistic market value shall in no way prevent the Council from cooperating with the Office of the Tax Assessor of Broward County in utilizing the same assessed values as obtained by the Office of the Tax Assessor of Broward County. Special consideration shall be placed on the benefits of maintaining the wholesome characteristics of an agricultural community for the general good health and welfare of the Town inhabitants and at all times there shall be not less than a Seventy-Five (75) Percent exemption available against assessments placed on unimproved landsites not less than Five (5) acres that are utilized for agriculture, husbandry, pasture, or ranch purposes.

(h) Lapse of operating appropriations. - All unencumbered balances of operating appropriations shall lapse at the end of the budget year for which they are authorized, and shall be returned to the general fund. 1982

(i) Accounting. - All provisions and requirements pertaining to accounting systems and practices shall be in conformity with those prescribed by the Comptroller and the State Auditing Department of the State of Florida.

(j) Centralized purchasing. - The Town Clerk, acting in accordance with this Charter, Town ordinances and

departmental rules and regulations, shall purchase and contract for all materials, parts, supplies, equipment, and services required by any department or agency of the Town subject to the following procedure, to wit:

(1) Purchases not exceeding one hundred dollars. Purchases not exceeding One Hundred Dollars ($100.00) may be effected without formal or informal bidding.

(2) Purchases exceeding one hundred dollars but not exceeding five hundred dollars. - Purchases in amounts of over One Hundred Dollars ($100.00) but not exceeding Five Hundred Dollars ($500.00) may be effected without advertising for formal sealed bids, but at least three informal bids shall be obtained if practicable.

(3) Purchases in amounts over five hundred dollars. - Purchases in amounts over Five Hundred Dollars ($500.00) shall require newspaper advertising as prescribed by applicable ordinance or advertising by posting in two conspicuous places in the Town limits for formal sealed bids to be opened in public pursuant to applicable Town ordinances and finance department regulations. Purchases shall be made from, or the contract awarded to the lowest qualified responsible bidder, provided however, that any and all bids may be rejected by the Council upon the vote of three of its members.

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(4) Purchases defined. - As used herein, the word "purchase" is defined to include contracts awarded for construction, alterations, repairs, maintenance, or services as well as contracts purchasing personalty or

realty.

(5) Professional services. - Competitive bidding shall not be required in contracting for professional services.

(6) Leases. - Leases in which the Town is either lessee or lessor may be for such period as the Council may deem desirable. If it deems such necessary, the Council may enter into lease purchase agreements.

(7) Bonding. - The Council may by resolution require that successful bidders provide performance bonds, labor and materials bonds, or other appropriate types of bonds. The Council may by resolution provide that in connection with any contract, a percentage of the contract amount be withheld for a period of Thirty (30) days beyond the date the Town finally accepts material, equipment, work or services provided under the terms of such contract.

(8) Joint Procurement. - The Council may by resolution authorize participation by the Town in joint procurement of materials, work or services with other public corporations within the State.

(9) Council approval. - Council approval shall be required on all contracts in the excess of Five Hundred Dollars ($500.00). The Council shall approve such contracts by appropriate resolution.

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(10) Additional purchase requirements and procedures. - The Council is hereby authorized to establish additional requirements and procedures in connection with purchases provided that they are not inconsistent with any

of the provisions herein.

(k) Insurance and surety bonds. - Insurance against fire, windstorms, and other hazards shall be obtained for the protection of the property of the Town in such amounts and under such conditions as the Council shall deem necessary. The Town may, without waiver of its governmental immunity obtain liability insurance covering such risks and in such amounts as the Council may deem necessary, provided that all such policies stipulate that the insurer shall not assert the governmental immunity of the Town as a defense in any claim or litigation. Subject to the conditions provided herein, the Council shall determine which officials, officers, and employees of the Town shall be required to have surety bonds, and the Council shall determine the amount of each such individual or blanket bond. All surety bonds shall be in favor of the Town, and the premiums thereon shall be paid by the Town. The Town Clerk shall obtain all insurance and surety bonds in accordance with ordinances or resolutions authorizing the same. All insurance and surety bonds shall be obtained from companies licensed by the State of Florida to insure such risks in the amounts involved.

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(l) Investment of Town funds. - Town monies available for investment may be invested in securities of the United States, the State of Florida, Broward County, any public corporation or political subdivision of the State, or may be deposited for interest accrual in a bank operating under State or National Charter within the State of

Florida.

(m) Department of finance management. - The Town Clerk shall provide for the collection of all personal and special taxes or assessments due the Town, act as official custodian for all Town monies, disburse funds on the basis of valid authorizations in the administration of Town functions, and comply with the provisions of this Charter and ordinances adopted hereunder. Surety bonds for the Town Clerk and for employees in his office performing duties in connection with the collection, custody and disbursement of Town monies shall be obtained in accordance with the provisions hereinabove set forth.

(n) Notes and bonds. - As used in this Charter, the term "Notes" is defined as evidences of indebtedness maturing not later than one year after the date of their issuance. The term "Bonds" is defined as evidences of indebtedness maturing more than one year after the date of their issuance. The Council shall have the power to issue notes to temporarily provide funds to pay operating expenses authorized in the budget or to pay expenditures ultimately to be financed with the proceeds of bonds previously authorized and to be issued pursuant to the provisions herein. Bonds may be issued only for the purpose of acquiring real property, constructing capital improvements, purchasing equipment with a useful life of ten years or more, or refunding outstanding bonded indebtedness. * In all cases, all evidences of indebtedness shall bear interest at not more than Five (5) Percent per annum. * 1962

(o) Referendum of all general and revenue bond issues required. - Except for bonds providing for an ad valorem real estate tax, all bond issues, regardless of amount, type, or for whatever use shall require authorization by a referendum in which not less than a majority of the Town's registered freeholders approve such issue. Other issues providing for an ad valorem real estate tax shall comply with the special requirements herein set forth for such taxes. Bond authorization questions submitted to the freeholders shall not relate to more than one issue and one subject, and shall specify the purpose of the issue and the maximum amount of bonds to be issued for that purpose. In the event the Council shall determine any portion of an authorized bond issue as not required for the accomplishment of the objectives in connection therewith, the Council may cancel such portion as it deems unnecessary and issue only the balance which it deems necessary and proper.

(p) Terms of debt instruments. - The limitations on the terms of the various types of debt instruments which the Town is authorized to issue are as follows, to wit:

(1) General obligation bonds. - General obligation bonds of the Town shall mature in substantially equal installments commencing not sooner than two years from the date of issue.

(2) Revenue notes. - Notes issued in anticipation of the receipt of revenues of the general fund or any special revenue fund shall mature within the same fiscal year in which they are issued.

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(3) Bond anticipation notes. - Notes issued in anticipation of the sale of bonds which have been authorized pursuant to the provisions hereinabove set forth shall mature within one year.

Section 13. Personnel

(a) Merit System. - Town employees shall be appointed and employed in accordance with their merit, qualifications, aptitude and fitness for employment in the Town service.

(b) Regulations. - No action affecting the employment of an employee or applicant for a position in municipal service, including but not limited to appointments, promotions, suspensions, or removals, shall be taken or withheld because of one's race, politics or religion. Any non-elected officer or employee of the Town who seeks nomination or becomes a candidate for any elective office shall immediately resign from his position in the Town. No person seeking appointment to or promotion in the service of the Town shall give, render or pay any money or service or other valuable object to any person in connection with his interview, examination, test, appointment or promotion. No person shall be employed or retained in the Town service who advocates or belongs to an organization advocating the overthrow or change in government by force or violence. Any person who wilfully or corruptly violates any of the provisions of this section shall be subject to dismissal and such other punishment as may be provided by law.

(c) Non-Communist Oath. - All employees of the Town

shall effect a non-communist oath as provided by applicable ordinance.

Section 14. Town planning and development.

(a) Town Plan. - The Town Council shall establish and amend as is necessary a Town plan for the development of the Town based on the probable future growth and needs of the Town. Such plan shall encompass the necessary general improvements to be effected in the Town; possible extension of Town works into adjacent territory; any improvements and changes in public utilities and lines of transportation by surface and water; the location, width and grades of streets, avenues and highways in the Town; the development and improvement of necessary drainage canals and waterways; the location and design of public buildings, municipal decoration and ornamentation; the establishment and maintenance of parks and recreation systems and any and all other necessary public improvements.

(b) Zoning authority. - In order to promote the health, safety, morals, future development and the general welfare of the Town, the Town Council is hereby authorized to regulate the use of all real estate within the Town, and to regulate and restrict the height, number of stories and size of buildings, the size of lot that may be occupied, the size of lots, and other open spaces, the density of population, the location and use of buildings and other structures, and the utilization of real estate for trade, industry, residence and other purposes. The Town Council may effect such ordinances from time to time as may be



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necessary to amend, supplement, change, modify or repeal any existing zoning regulations or restrictions in accordance with the provisions set forth in Chapter 176, Florida Statutes.

(c) Town planning and zoning board. - The Town Council shall create and establish a Town Planning and Zoning Board for the Town of Davie, consisting of five members, to serve without compensation at the discretion of the Town Council. Each member shall be a resident freeholder and qualified voter of the Town. Such Board shall elect a chairman, vice-chairman, and secretary from its members. The Town Clerk, Town building inspector, Town attorney and other Town officials delegated by the Council shall serve as advisors to the Board and may be called on from time to time to meet with said Board as the Board may deem necessary. Regular meetings of the Board shall be held monthly. Minutes of the meetings shall be preserved and filed with the Town Clerk. Special meetings may be called upon seventy-two (72) hours notice by the chairman of the Planning and Zoning Board. The duties of the Planning and Zoning Board shall be as follows, to wit:

(1) Advisory capacity. - To act in an advisory capacity to the Council on questions relating to zoning and to conduct investigations and hearings on matters and proposals to change zoning regulations, and report its findings and recommendations on such proposals to the Council.

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(2) Planning. - To study existing Town plans

with a view of improving and the probable future growth of the Town, and from time to time make recommendations to the Council for changes in the existing Town plan so as to incorporate new developments or to adopt a new Town plan in conformity with the provisions hereinabove set forth.

(3) Plats. - To investigate and approve all new plats presented to the Council for approval.

(4) General power. - To perform such other duties as may from time to time be assigned to such Board by the Council.

(d) Plats and subdivisions. - The Town Planning and Zoning Board shall prepare and submit for adoption by the Council, a plat or map covering all land within the Town limits, showing all lands and streets, avenues, parks, public buildings and public ways to be known as the official map of the Town of Davie, Florida, and to change the names of subdivisions, streets and avenues thereon from time to time when conflicts exist or changes are deemed necessary. Such plat or map when adopted and approved by the Town Council, shall be prepared in duplicate, one copy to be filed with the Town Clerk, and one copy to be filed with the Clerk of the Circuit Court of Broward County, Florida, for public use. Such plat or map so adopted and filed shall be the official map of the city. Any owner of lots or realty within the Town who subdivides the same for sale shall cause to be made an accurate plat of said subdivisions describing with certainty all grounds laid out or granted for streets or other public uses. Such map or



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plat of such intended subdivision shall be effected pursuant to State Statute; shall describe with certainty all ground laid out or granted for streets, highways, alleys, parks, parkways or other property with a common or public use; shall show the nearest section corner, quarter-section corner, or established monument and shall establish accurate connections therewith by angles and distances; shall show the location of all adjacent or intersectory streets and adjacent platted subdivisions, if any. In connection with such plats, all lots intended for sale shall be numbered progressively or described by the squares in which situated and the exact length and width shall be given of each lot intended for sale. Also, the precise length and width of each street, highway, alley, park, parkway, waterway shall be noted. A common or other public use shall be shown. All streets and alleyways shown on said plat shall conform so far as possible to the location of the established intersecting and adjacent streets. Such map or plat shall be subscribed by the owners and applicable mortgage holders, if any, of all realty subdivided thereby, and shall contain an unreserved dedication to the public of all streets, highways, alleys, parks, parkways, and other properties with a public use shown thereon. Such plat and dedication shall be subscribed by the owner or owners and mortgage holders and acknowledged before an officer authorized to take acknowledgments on deeds. Each plat or map shall be submitted to the Town Council for approval, and upon approval by the Town Council, said plat



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may be recorded in the office of the Clerk of the Circuit Court in and for Broward County, Florida. A plat or map so recorded shall thereupon constitute a sufficient conveyance to vest in the Town the fee title to the parcels of land described for streets, highways, alleys, parkways, and other properties with a common or public use, to be held by the Town for the uses and purposes set forth and expressed in the map or plat and as are designated and intended in the ordinance of the Council approving said property or map. No street, alley, park, parkway, or other property with a common or public use shall be deemed a public street or property unless such dedication is accepted by the Council and confirmed by ordinance. No plat shall be accepted by the Town or approved by the Council unless and until all taxes and liens delivered against the lands included in said plat shall have been paid and discharged and until same have been submitted to the Town Planning and Zoning Board. All persons submitting record plat of real estate situate in the Town to the Town Council for its approval in accordance with the provisions herein having filed any such proposed plat, a suitable agreement with the Town providing for the construction of permanent type street, paving and sidewalks were so required by Town ordinance in the proposed subdivision in accordance with the City specifications and at the expense of the owners of the land to be subdivided. The Council may require that such agreement shall be accompanied by a good and sufficient contract bond in an amount sufficient to insure



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compliance therewith of the total estimated cost of said improvements, which estimated costs shall have first been approved in writing by the Town Parks, Recreation and Public Works Department herein created.

(e) New Streets. - No dedicated public street or alley can be constructed, improved or extended by private individuals except by consent and approval of the Town or under its supervision. No such dedicated streets or alleys may be constructed except at street grades established by the Town, and adequate easements and rights of way shall be provided for the installation and extension of water mains and other utilities. The Town shall specify the minimum base surface which may be permitted and the minimum right of way width.

(f) Vacating or abandoning streets. - The Council is hereby authorized to cause any street, alley, or public highway to be opened, straightened, diverted, widened, narrowed or vacated. No street, alley or property dedicated to public use shall be vacated or abandoned except by ordinance and as provided herein. Streets, avenues, alleys or other public places or properties either appearing on any plat or record or dedicated to the public use cannot be vacated or abandoned without the person or parties desiring the vacating or abandonment making formal application to the Town Council for such vacating or abandonment. The Town Council shall refer such application for vacating or abandonment of street or alley to the Town Planning and Zoning Board for its recommendation, and

thereafter the Council shall cause a public hearing to be held on such matter at a regular meeting of the Council not less than Fifteen (15) days after the presentation of such application. Notice of such public hearing shall be duly advertised as prescribed by ordinance and/or duly posted within the Town limits at two public places prescribed by ordinance. After such public hearing, the Council may vacate or abandon such street, alley or property by ordinance.

(g) Illegal erection of buildings. - If any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building structure or land is used in violation of any ordinance or other regulations of the Town, the Council, in addition to its other remedies, may institute any appropriate action or proceeding: to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violations; to prevent any illegal act, conduct, business or use in above such premises, regardless of whether a permit for such construction has been issued or not. In the event the Council fails to take proper action within a reasonable time, any resident freeholder may do so.

Section 15. Police Department. - The Police Department of Davie, Florida, is hereby created and established. The Police Department shall consist of a Chief of Police and as many subordinate officers, patrolmen and employees as may be necessary for the functioning of said department



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in accordance with applicable State laws, Town ordinances and departmental rules and regulations. The Chief of Police may appoint additional patrolmen and officers for temporary service. Except for personnel appointed upon written authority by the Mayor in cases of emergency, no person shall act as a special patrolman, special detective, or other special officer for any purpose whatsoever. All regular personnel, temporary personnel appointed by the Chief of Police, and special personnel appointed by the Mayor as above provided shall be under the direction and control of the Chief of Police. The Chief of Police shall be responsible for the enforcement of law and order in the Town. The Chief of Police shall execute the legal commands of the Mayor and the Council and shall direct the activities of the Police Department in accordance with the policies set by the Council. The Chief of Police shall attend in person or by deputy the Municipal Court during each of its sittings, execute the commands and processes of said Court, and aid in the enforcement of all orders therein. He shall attend in person or by deputy all meetings of the Council, perform such duties appropriate to his office as may be imposed by the laws of the State of Florida, the ordinances of the Town, and departmental rules and regulations. He shall head the Police Department and be charged with the responsibility of seeing that the laws and ordinances of the Town are enforced. All officers, patrolmen or employees of the Police Department may be suspended or discharged by the

Chief of Police on account of incompetency, general inefficiency, neglect of duty, immorality, drunkenness, failure to obey orders given by the proper authority, dishonesty, or for any other just and reasonable cause that may be specified under the ordinances of the Town. The Chief of Police and members of the Department shall receive such compensation from the Town as may be provided by ordinance.

Section 16. Fire Department. - The Town Council is hereby authorized to create and establish a regular or volunteer Fire Department for the Town. The Fire Department shall consist of a Fire Chief and as many subordinate volunteer or regular firemen and employees as may be necessary. The Chief of the Fire Department shall be the head of the Department and act as Fire Marshall. He shall be responsible for the executive supervision and control of all personnel of the Fire Department. In the event of riot, conflagration or other emergencies, the Chief may appoint additional firemen for temporary service. The Fire Department shall have jurisdiction of all areas in the vicinity of a fire or conflagration and its personnel and its personnel shall have the power to prevent any interference with the Department or any of its companies, squads or members in the performance of their duties. The Fire Department shall keep an inventory of equipment, inspect buildings and premises of the Town for the purpose of ascertaining and correcting fire hazards, and do all that is necessary and proper to eliminate fire



1982.

risks and hazards. All officers or employees of the Fire Department may be suspended or discharged by the Fire Chief on account of incompetency, general inefficiency, neglect of duty, immorality, drunkenness, failure to obey orders given by proper authority, dishonesty, or for any other cause prescribed by State law or Town ordinance. Officers and employees of the Fire Department shall be employed without compensation until such time as the Council shall by ordinance prescribe rates of compensation for regular and temporary service. Notwithstanding any of the foregoing provisions, the Fire Department may cooperate with any volunteer or regular fire department even though such organization may be situated outside of Town limits.

Section 17. Building Department. - There is hereby established and created a Building Department which shall be responsible for: all inspections in connection with the construction and erection of buildings, the improvement and use of land, and the enforcement of the building code and zoning ordinances of the Town. The Mayor, subject to confirmation of the Town Council, shall appoint a Building Inspector who shall head and supervise the Department. The Building Inspector shall also serve as electrical inspector and plumbing inspector. The duties of the Department and its personnel shall be specified by ordinance and departmental rules and regulations. Building Inspector shall receive such compensation as may be provided by ordinance.

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Section 18. Parks, Recreation and Public Works

Department. There is hereby established and created a Parks, Recreation and Public Works Department which shall conduct a proper maintenance and service program for all public properties including parks, roads, streets, buildings and vehicles. The Mayor, subject to the confirmation of the Town Council, shall appoint a director who shall head and supervise the Department. Notwithstanding anything to the contrary contained herein, until a need for two separate departments is required by the Town, the Council may authorize the Building Inspector hereinabove provided for to head and supervise the Parks, Recreation and Public Works Department.

Section 19. Franchises.

(a) Franchise Grants. - The Town Council shall by ordinance, after public notice as prescribed below, hold a public hearing before granting a franchise to any individual, company, firm or corporation to exercise a public function in the Town, or to operate any public utility in the Town or on the streets and public grounds of the Town, or to use public property; but no such grant or renewal thereof shall be made in violation of any of the limitations contained herein. Such public notice shall consist of publication, in a newspaper of general circulation within the Town, two weekly notices of the time, place and subject matter of the hearing, not more than thirty days or less than ten days prior to the hearing date; and, such notice shall also be posted in two public places within the Town limits for not less than ten days before



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the hearing.

(b) Period of grants. - No such grant or franchise shall be exclusive, nor shall it be made for a longer period than thirty (30) years. All extensions of a franchise grant shall be subject as far as practicable to the terms of the original grant and shall expire therewith. All such individuals or corporations performing functions under such franchises shall be liable for damages caused by their negligent acts.

(c) Conditions. - All franchise grants shall provide that the rate to be charged shall at all times be under the supervision, direction and control of the Town Council, and no rate shall be in effect unless same is approved by said Town Council; provided, that the rate allowed shall be sufficient to insure reasonable return on the investment; and provided further, that the provisions of this section, or any other section of this Charter shall not be inconsistent with the rules and regulations of the Florida Railroad and Utility Commission or its successors. No ordinance shall prevent the Town from acquiring the property of any utility by condemnation proceedings, or in any other lawful manner. Notwithstanding anything to the contrary therein contained, all grants, renewals, extensions, or amendments of public utility franchises whether or not it is so provided in such grant, applicable ordinance or resolution, shall be subject to the rights of the Town to do the following:

(1) Repeal for cause. - To repeal the same by

by ordinance at any time for misuse, non-use, failure to begin construction within the time prescribed, or otherwise to comply with the terms prescribed.

(2) Require extensions. - To require proper and adequate extensions of plant and service.

(3) Require efficiency. - To require the maintenance of the plant and the fixtures at the highest practicable standard of efficiency.

(4) Require standards. - To establish reasonable standards of service and quality for products and to prevent unjust discrimination in service or rates.

(5) Prescribe accounting. - To prescribe the form of accounts and other records, and at any time to examine and audit the accounts and other records of any such utility; but if public service commission or any other authority shall be given the power by law to prescribe the form of accounts for public utilities throughout the State, the forms so prescribed shall be controlling so far as they go, but the Council may prescribe more detailed forms for the utilities within its jurisdiction.

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(6) General regulations. - To impose such other regulations as may be conducive to the safety, welfare and accommodation of the public.

(7) Charter provisions. - To impose all of the terms and conditions of this Charter, whether or not such terms are specifically mentioned in the grant, or applicable resolution or ordinance.

Section 20. Municipal Court. - There is hereby created and established a Municipal Court to be known as the "Municipal Court of the Town of Davie, Florida." The Municipal Court shall try persons accused of violating Municipal ordinances, have authority to preserve order and decorum, and shall be vested with the same powers to punish offenders by contempt proceedings and fine and imprisonment as are possessed and authorized to be exercised by criminal courts of record within this State. The Town Clerk or his subordinate will act as Clerk of the Court. The Chief of Police shall act as Officer of the Court and execute all appropriate Court orders.

(a) Municipal Judge. - The Mayor, subject to confirmation of the Council, shall appoint a practicing attorney who is a member of the Florida Bar and a qualified elector of the County of Broward as Municipal Judge for the Municipal Court. Such appointment shall be for a term of Two (2) years. No official of the Town or other person in the employment of the Town shall be eligible for appointment as Municipal Judge. The salary of the Municipal Judge shall be fixed by the Town Council.

(b) Municipal Court powers. - The Municipal Judge shall have the following powers, to wit:

(1) Warrants. - By warrant to have brought before him any person charged with a violation of any Town ordinance and shall have exclusive original jurisdiction over all proceedings of a criminal nature by virtue of any ordinance of the Town.

(2) Jurisdiction over Town ordinances and laws. Proper exercise of the functions of the Municipal Court within its jurisdiction as herein defined, to issue and cause to be served, any and all writs, warrants, search warrants and processes necessary for the detection, prevention of and punishment for the violation of the ordinances and laws of the Town, and the Town police are authorized and it is hereby made their duty to execute and serve any and all writs issuing from the Municipal Court and to make proper return thereon to said Court.

(3) Bail for accused. - To take bail for the appearance of any accused person and if such person fails to appear, to declare any bail, bond or security escheated.

(4) Attendance of witnesses. - To require the attendance of witnesses for the Town and for the accused person.

(5) Oaths. - To administer oaths.

(6) Investigation. - To inquire into the truth and veracity of all charges preferred.

(7) Trials. - To decide on the guilt or innocence of the accused.

(8) Fines and sentences. - To fix and to impose such punishment by fine or sentence as is prescribed and provided for by Town ordinance.

(9) Witness bonds. - To require such bond for the appearance of witnesses as may be provided by Town ordinance and to fix the amount thereof.

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(10) Arrest. - To issue process for the arrest of

all persons charged with felonies and for misdemeanors not within jurisdiction of the Court to try, and to make the same return for the Municipal Court or proper Court for examination, discharge, commitment or bail of the accused, and

(11) General powers. - To have all powers incidental and usual to the due enforcement of any Town ordinance.

(c) Appeals. - Any person convicted in the Municipal Court shall have the right of appeal to the Circuit Court of the Fifteenth Judicial Circuit of Florida in and for Broward County. The same practice and procedure provided by law for appeals from Criminal Court of Record shall apply to appeals from the Municipal Court, provided that no bond for appeals shall be for a sum less than Ten ($10.00) Dollars nor in excess of the sum of Two Thousand ($2,000.00) Dollars, and provided that all bonds for appeals in Municipal Court shall be approved by the Municipal Judge.

(d) Fines and penalties. All fines, penalties and fees collected in the Municipal Court and by the police of the Town shall be part of the Town revenue and shall be paid to the Town Clerk on the day following the collection of the same and receipt taken therefor. Money so paid to the Town Clerk may by ordinance or resolution be appropriated to any particular fund or funds and shall thereafter be used in accordance with such ordinance.

(e) Court session. - The Municipal Judge shall hold Court at least once every month on a day certain.



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(f) Associate Municipal Judge. - The Council shall have the power to create the office of Associate Municipal Judge and to appoint a person to such office having the qualifications set forth herein for Municipal Judge. The Associate Municipal Judge shall serve in the absence, sickness or disqualification of the Municipal Judge. The Associate Municipal Judge serving in such temporary capacity shall have all the powers and perform all the duties of the Municipal Judge during such tenure.

(g) Removal from and vacancy of the Office of Municipal Judge and Associate Municipal Judge. - The Office of the Municipal Judge and of the Associate Municipal Judge shall become vacant upon the death of an incumbent, upon an adjudication of incompetency of an incumbent, or upon a resignation of an incumbent. The Council may remove an incumbent from such office by the vote of four members of the Council upon any of the following grounds, to wit:

(1) Qualifications. - Failure to meet qualifications for the office as prescribed by this Charter.

(2) Oath. - Failure to take his oath of office.

(3) Conviction. - Conviction of a felony or any crime involving the violation of his official oath or duties.

(4) Inattendance. - Failure to hold court sessions as required for three consecutive calendar months without being excused by the Council.

(5) Other Office. - Acceptance of an appointment

or taking a public office other than an office that is incidental to his duties as Municipal Judge or Associate Municipal Judge.

Section 21. Claims and actions against the Town. - No suit shall be maintained against the Town for damages arising out of any tort unless it shall be made to appear that the damage alleged is attributable to the negligence of the Town, and that written notice of such damage was, within Sixty (60) days after the receiving of the injury alleged, given to the Town attorney with such reasonable specifications as to time and place as would enable the Town Officer to investigate the matter. It shall be the duty of the Town Attorney, upon receiving notice required as herein prescribed, properly to investigate the matter and lay the facts, supported by the evidence, before the Town Council in a written report, and the Council may, by resolution, after such report, make a reasonable settlement for the injuries suffered, or deny liability and direct the Town Attorney to defend any suit brought for the recovery of damages. It shall be the duty of the Town Attorney to refer such statement received to the Town Council at the next meeting after the receipt of same. Suits on all causes of action of whatever kind or nature, accruing against the Town shall be instituted within Twelve (12) months after the cause of action accrues.

Section 22. Elections. - 1962

(a) General and special elections and primaries for same. - All general and special elections, and

primaries for same, unless otherwise provided in this Charter, shall be called by resolution of the Council. Such resolution shall be published by posting same in a conspicuous place within the Town for not less than two (2) weeks prior to the election, and shall be published once a week for not less than two (2) weeks in a newspaper with a general circulation in the Town with the first publication at least fifteen (15) days but not more than thirty (30) days prior to the date set for holding said election.

(b) Qualifying for the Office of Councilman and the Office of Mayor. - The time and manner of qualifying as a candidate for the office of councilman and the office of mayor, in any election, shall be regulated by ordinance of the Town of Davie, but only such qualified persons for the respective offices shall be eligible to become candidates for such respective offices. The names of all candidates who qualify for an election shall be printed upon an election ballot. Candidates qualifying for the office of Mayor cannot also qualify in the same election for the office of Councilman. Every candidate for nomination of office shall pay to the Town Clerk, a filing fee in the amount of Twenty-five ($25.00) Dollars and shall designate the office for which he has qualified. Each candidate for nomination for an office shall also take, sign and subscribe to an oath or affirmation in writing in substantially the following form:

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STATE OF FLORIDA )
)
TOWN OF DAVIE ) SS.
)
BROWARD COUNTY )

BEFORE ME, an officer authorized to administer oaths, personally appeared _____, to me well known, who being sworn says that he is candidate for office of _____ for the Town of Davie, Florida; that he has been a qualified elector of the Town of Davie for the last past six months immediately preceding the date of qualifying for nomination to office; and that he is qualified under the Constitution and laws of the Town of Davie and the laws of Florida to hold office for which he desires to be nominated.

_____
Signature of Candidate

SWORN TO and subscribed before me this _____ day of _____, 19____, at Davie, Broward County, Florida.

_____
Notary Public

Candidates for office shall be required to file their qualification oath, fee, and designation of office with the Town Clerk, not later than noon on the tenth day before the day of the primary election. If a candidate fails to comply with the provisions herein, his name shall not appear on the ballot. The Clerk shall forthwith, upon the filing of the oath and payment of the qualifying fee, make and deliver to such candidate a written certificate acknowledging receipt of said fee, oath and designation. A 1962

candidate who has filed the required oath and has paid the qualifying fee shall be entitled to have his name printed on the official primary ballot.

(c) Election procedure. - The general Town election shall be held on the third (3rd) Tuesday in April of each year. No person shall be allowed to vote in any election who is not a qualified elector of the State of Florida and who has not resided in the Town of Davie for a period of six months immediately preceding such election, and who is not registered as a voter of said Town in such manner as prescribed by ordinance. The Council shall prescribe by ordinance the method and manner of holding all elections in said Town, shall provide when and how special elections shall be called and held, which are not provided by the terms of this Charter, and shall appoint a Town Election Board of not more than five nor less than three citizens who shall generally administer and supervise Town elections and act as Inspectors therefor. All elections shall be conducted substantially on the principles adopted for State elections. The Council shall by ordinance provide for absentee balloting in all elections.

(d) Registration. - The Town Clerk shall be the Registration Officer for the Town, and shall register all persons complying with Florida laws and Town ordinances prescribing the method of registration. The Registration Books shall be kept open at all reasonable times, except that the same shall be closed five (5) days before any Town election. Notwithstanding anything herein contained



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to the contrary, the Town Council may by applicable ordinance prescribe a registration process and procedure based on the Registration Books and Records of Broward County, Florida, as required for State of Florida and County of Broward elections; such applicable ordinance may provide for and authorize Town cooperation with the Broward County Supervisor of Registration, and/or may authorize the Supervisor of Registration for Broward County, Florida, to be the Registration Officer for the Town.

(c) Voting. - Polls shall be open at seven o'clock a.m. and closed at seven o'clock p.m. on election days. The results of the voting, when ascertained, shall be certified by return in duplicate, signed by the Town Clerk and the majority of the inspectors of the election, one copy delivered to the Mayor, and the other to the Twon Clerk, both of who shall transmit such returns to the Council at a called meeting to be held not later than Three (3) days after such election. At such meeting, the Council shall canvass the returns, and in absence of a declaration of contest by any of the candidates in such election, shall declare the results of such election as shown by the returns made by the Town Clerk and inspectors as valid. The Town Clerk shall within seven (7) days thereafter furnish each person shown to have been elected a certificate thereof. The candidates receiving the highest number of votes in a general election shall be determined to have been elected.

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(f) Necessity for primary election. - Whenever, for any primary election, the number of candidates is less than, or not more than twice the number of positions to be filled, then, and in that event, no primary election shall be held, even though previously called, and when time for qualifying for such primary election is passed, the Town Clerk shall certify such fact to the Council, and the Council shall declare such persons to be nominated for the office they seek, and their names printed on the ballots for the next general or special municipal election. However, if candidates in number greater than twice the number of positions to be filled have qualified for any primary election, as aforesaid, then it shall be the duty of the Council to hold such primary election. Whenever a primary election is needed to eliminate candidates for the regular general election, such primary election shall be held on the first Tuesday after the second Monday in March of each year.

(g) Proclamation. - The first call by proclamation by the Mayor for the general annual elections, and the advertising for the same as set forth in Section 1 of this Article shall be made not later than February 15th preceding the general election.

(h) Ballots. - All ballots used in any primary or general election held under the authority of this Charter shall be substantially in the same form as the election ballots used in the State and County elections.

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(i) Holidays. - No general or special election of

the Town shall be legal and valid if held on a legal holiday. If the date set by this Charter for any election shall fall on a legal holiday, such election shall be held on the following day.

(j) Tie vote. - A tie vote affecting the mayoralty or one of the Council seats shall be decided by lot under the direction of the Town Judge.

(k) Recall.

(1) Recall resolution. - Whenever fifty percent (50%) and one (1) of the registered voters of the Town shall sign a petition addressed to the Town Council demanding that a recall election be held, the Council shall take the following action:

(a) Said petition shall be referred to and handed over to the Town Clerk not later than ten (10) days after the Council has been presented with the petition.

(b) Order the Town Clerk to, and that person shall, check the persons' names and eligibility signing the petition. The Clerk shall have five (5) days in which to return same to the Council along with his certification as to whether or not the petition contains the proper percentage of registered voters.

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(c) If the petition is valid as to the percentage of petitioners, then the Council shall issue its Resolution proclaiming a recall election of those Councilmen or elected officials whom the petition shall name. The Resolutions shall contain all information

required by this charter and as set forth herein.

(2) No reasons stated. - The Recall petition shall state the name or names of the elected officials desired to be recalled. No reason or reasons for such recall shall be required to be stated in the petition.

(3) Dates for qualifying and election.- In addition to proclaiming the recall election of the named officials, the Resolution shall state the date for the holding of the election, which shall be not more than sixty (60) days from the date of the Resolution. Further, the Resolution shall set the date of qualifying of candidates for the election, which said date shall be not more than twenty (20) days from the date of passage of the Resolution.

(4) Status of elected officials. - The elected officials sought to be recalled shall remain in office and carry on their regular duties until their successors, if any there be, are elected and take office. In the event the official sought to be recalled desires to stand for election in the recall election, he shall qualify in the same manner as any other candidate.

(5) Election procedure. - The Recall election shall be held as any other general election of officials. The offices sought to be vacated shall be treated as though the term of the offices filling that post was expiring.

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(6) Recall primary election. In the event that more than two (2) persons qualify for each office sought

to be vacated, then a primary election shall be held and the time of holding of such primary election shall be not more than thirty five (35) days from the date of the Recall resolution.

(7) Oath of office. - The persons elected to the offices vacated or sought to be vacated shall take the oath of office and assume the duties of the office not later than seven (7) days after the final election.

Section 23. Miscellaneous Provisions.

(a) No officer or employee of the Town shall retain any fees or costs for any services he may perform, nor shall he receive any compensation other than the salary affixed by ordinance except as may be provided by ordinance. All fees and remuneration for services shall be part of the revenue of the Town and shall be paid to the Town Clerk by the Town official or employee receiving same.

(b) The Town is hereby authorized to compel the abatement and the removal of all nuisances within the Town or upon property owned by the Town beyond its limits at the expense of the person or persons causing the same, or of the owner or the occupant of the ground or premises where the same may be and to assess costs against the owners or occupants thereof in the same manner using the same procedure as may be provided by law and applicable Town ordinance for special assessment liens; to require all lands, lots and other premises within the Town to be kept clean, sanitary, and free from weeds and properly

drained, or to make them so at the expense of the owners or occupants thereof, and to assess the costs against the owners or occupants in the same manner using the same procedure as may be provided for costs of improvements; to regulate or prevent slaughter houses, canning factories or other offensive businesses within the Town; to provide for inspecting and regulating sanitary conditions for all dairies, butcher pens and slaughter houses within and without the Town limits, where the products of the same are sold within the Town limits; to provide penalties for the violation of all such regulations; to regulate the keeping of animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all dangerous articles from the streets of the Town; to compel the abatement of smoke and dust; to prevent unnecessary noise therein; to regulate the location of stables and the manner in which they shall be kept and constructed; and in general to define, prohibit, abate, suppress and prevent all such things detrimental to the health, morals, safety and welfare of the inhabitants of the Town.

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Section 24. Unconstitutional or inoperative acts. If any section, or part of a section, or provision of this Charter shall be judged unconstitutional, invalid or otherwise inoperative, the force and effect of every other section, every other part of a section, and every other provision of this Charter shall not thereby be

affected or impaired, unless it clearly appears that such other section, or part of a section, or provision, is wholly or necessarily dependent upon a section or part of a section so held to be unconstitutional, or invalid, or inoperative.

Section 25. Referendum election. - This act shall become effective when and after the same shall have been approved by the majority vote of the qualified voters of the Town of Davie, as established prior to the passing of this act, voting in a special election to be held for such purpose in the Town of Davie on Tuesday, September 19, 1961. Notice of said question to be voted on shall be given by two publications thereof in a newspaper of general circulation and in the County of Broward, the first of said notices to appear at least seven (7) days before the election. Should a majority of the said electors voting on the question vote yes, this act shall be effective. Should a majority of the said electors voting on the question vote no, this act shall be void. The referendum shall be called and be paid for by the Town of Davie which shall direct and do all things necessary to the holding of the valid referendum election pursuant to Article III, Section 21, Florida Constitution and the applicable laws of Florida. In the event that such referendum shall be held invalid by judicial decision by the applicable trial court or Appellate Court if appealed the Town of Davie shall hold a valid referendum election in conformance with the requirements set forth in such

judicial opinion within ninety (90) days after the entry of such opinion or mandate and an affirmative vote on the referendum so held shall be deemed to have ratified the election as held pursuant thereof. It is the express intention of the Legislature that a valid referendum election be held on the merits of this act in accordance with the requirements of the Constitution of the State of Florida, whether or not such requirements have been met by the referendum provisions of this act. It is not the intention of the Legislature to delegate the legislative offices to the judiciary, but to provide for proper ratification of the legislative act in the event that the judiciary within the proper exercise of the judicial function, should interpret the Florida Constitution contrary to the provisions made in this act for the holding of a referendum election. The results of the vote, when ascertained, shall be certified to the Town Council and be canvassed by the Town Council at 8 P.M. on the day following the election, and the Council shall thereupon declare the results of the election as shown by the certified returns made to it.

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Became a law without the Governor's approval.
Filed in Office Secretary of State on June 22, 1961.

# State of Florida

IN GOD WE TRUST

## Office of Secretary of State.

I, Tom Adams, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of

Chapter 61-2056, Laws of Florida, Regular Session 1961,

as shown by the records of this office.

Given under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this the 7th day of August A. D. 19 61.

Tom Adams

Secretary of State

**Sec. 5. Form of government.**

The Town of Davie shall be governed by a council/manager form of government consisting of five (5) members, one of whom shall be the elected at-large mayor and one of whom shall be the vice mayor.

(Sp. Acts, Ch. 61-2056, § 9; Ord. No. 74-17, § 1, 4-3-74; Ord. No. 97-7, §§ 6, 11, 47, 1-15-97)

Elections, § 13.

**Sec. 6. Administrative department.**

(a) [*Administrative Head or Manager.*] The administrative duties of the town shall be conducted by an administrative head, and wherever the words "administrative head" or "manager" occur in the Charter, they shall mean and shall include "town administrator," which duties shall include the following, to wit:

(1) Supervision over the administrative activities and provide for the coordination of such activities.

(2) Powers granted to him in this Charter and the laws of the State of Florida concerning appointment and removal of administrative employees and commissions as herein provided.

(3) Annual submission to the council for its consideration of an operating budget and a capital improvements program.

(4) Exercise of the right to attend all council meetings and the authority to present messages, reports and other communications to the council as hereinafter provided.

(5) Unless otherwise provided herein, appointing and discharging authority of all employees of the Town of Davie or its various departments.

(d) *The Town Attorney.* The town attorney shall be a practicing attorney and a member of the Florida Bar. The town attorney shall be retained by the town council and shall act as the legal advisor to and counsellor for the town and all of its officers in matters relating to their official duties; provide written legal opinions on official matters when requested to do so by council members and/or town administrator; draft or review for legal correctness ordinances, contracts, franchises and other instruments; perform such other professional duties as may be assigned to him by the council and/or town administrator. For his services, the town attorney shall be compensated by a retainer set by the council.

(e) *Town Clerk's Office:*

(1) The town administrator, subject to confirmation by the town council, shall appoint a town clerk and such assistant town clerk(s) as are required to perform such clerical work and duties as may be assigned to the town clerk by the town administrator.

(2) The town clerk shall be responsible for the keeping of minutes of council meetings and advisory boards, ordinances, resolutions, all public hearings, and shall act as the towntreasurer and shall be responsible as collector of all taxes and assessments and other monies due to the town; act as official custodian for all town monies; disburse funds on the basis of valid authorization; and file as a public record the annual audit report; and, in the administration of the town functions, comply with the provisions of this Charter, ordinances adopted hereunder, and the general laws of the State of Florida. Adequate surety bonds as determined by the town council must be carried by the town