

APPENDIX “A”

TOWN OF MICANOPY

CHARTER

CHARTER OF THE TOWN OF MICANOPY, FLORIDA

[With amendments as of: January 1, 2004]

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CHARTER OF THE TOWN OF MICANOPY, FLORIDA

ARTICLE I

AUTHORITY, BOUNDARIES AND CHARTER

SECTION 101. Authority. The government of the Town of Micanopy, Alachua County, State of Florida, derives its powers and authority by:

- a) The State of Florida General Laws.
- b) Charter, of and for the Town of Micanopy, effective January 1, 1983.

SECTION 102. Effective Date of Charter. The Charter effective April 27, 1880 and subsequently amended is hereby rescinded, revoked and abolished, with the approval of this Charter by the Electors of the Town of Micanopy, Florida, in the election of September 1982. This Charter shall be in full force and effect commencing January 1, 1983.

SECTION 103. Boundaries. The boundaries of the Town of Micanopy shall be defined as all of Section 26, Township 11 South, Range 20 East, lying and being in Alachua County, Florida, together with any lands validly annexed by ordinance into the Town of Micanopy.

SECTION 104. Continuation of Former Charter Provisions. All existing laws, ordinances, resolutions, and regulations which are not inconsistent with this Charter shall remain in full force and effect.

SECTION 105. Rights of Officers and Employees. Nothing in this Charter except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are Town Officers or employees at the time of adoption. Elected officers shall continue to hold their elected offices and discharge the duties thereof until the successors are elected.

ARTICLE II

POWERS OF THE TOWN

SECTION 201. Powers of the Town. The Town of Micanopy shall have all the rights and powers of local self-government which are now or hereafter may be provided by the United States Constitution and the constitutions and laws of the State of Florida and this Charter, with specific reference to the "Florida Home Rule Powers Act", such powers including but not limited to the following:

- a) To organize and regulate its internal affairs and establish, alter, abolish and terminate offices, positions, and employments including citizens board positions; define functions, powers and duties and affix their terms, tenure and composition.

- b) To adopt, amend and repeal such ordinances, resolutions, and codes as may be required for the government of the Town of Micanopy.
- c) To acquire by purchase, gift, devise, condemnation, or otherwise, property, real, personal, or mixed 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, and improve and all properties, real or personal, streets, sidewalks, and the like by expenditure of the monies of the Town for all lawful purposes.
- d) To raise funds by taxation and to make such levy upon the taxable property of the Town of Micanopy, and by license and tax upon privileges, businesses, occupations and professions whatsoever carried on and engaged in within the corporate limits of the Town such sums of money as the Town Commission, hereinafter provided form shall deem necessary for the purposes and means of the Town in such manner as shall be provided by ordinance of the said Town Commission. Said taxes shall be consistent with Florida Statutes.
- e) To appropriate and expend money for any public purpose.
- f) To borrow money for public purposes.
- g) To levy special assessments upon property in a limited and determinable area for special benefits conferred upon such property by any town work, service **ro** improvement and to provide for the payment of all or any part of the costs of the work, service or improvement out of the proceeds of such special assessment.
- h) To levy special or local assessments for local improvements and to hold liens for public purposes.
- i) To purchase hire, construct, own, operate, maintain or lease local public utilities, including but not limited to: bus lines, electric light and power, telephone and telegraph systems, and works for supplying the Town and its inhabitants with water, sewerage, gas for heating or other purposes. To fix and collect just and reasonable fees and charge for the services furnished by such facilities. To exercise jurisdiction, control and supervision over any municipal utilities, owned, operated, franchised, leased, or maintained by the Town.
- j) To grant a franchise to any private corporation for the use of streets and other public places in the furnishing of any public utility service to the Town and to its inhabitants.
- k) To construct, acquire, operate, maintain, improve, or extend public improvements and projects for any public purpose to include but not limited to the following: public buildings, streets, alleys, sidewalks, avenues, boulevards, lanes and

promenades, drainage systems including both off street and on street facilities, garbage sewerage and other waste collections and disposals including the establishment of fees for the same. To regulate the speed and operation of any vehicle on public lands and vessels on waterways.

- l) To compel abatement and/or the removal of any nuisances within the Town or upon property owned by the Town beyond its limits.
- m) To establish and administer housing, urban renewal programs, conservation, flood controls, air pollution controls and drainage programs either single or in cooperation with governmental agencies and private enterprise in the development and operation of these programs.
- n) To establish departments or systems.
- o) To sue and be sued. To have a corporate seal, to contract and be contracted with, to have the power of eminent domain.

SECTION 202. Construction. The powers of the Town under this Charter shall be construed liberally in favor of the Town, and specific mention of the particular powers in this Charter shall not be construed as limiting in any way the general powers stated in this article.

SECTION 203. Intergovernmental Relations. The Town may exercise any of its powers to perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with anyone or more states or divisions or agencies thereof or the United States or any agency thereof.

ARTICLE III

TOWN COMMISSION

SECTION 301. Composition; Eligibility; Election and Terms of Office.

- a) Composition. There shall be a Town Commission composed of five (5) members elected by the qualified voters of the Town.
- b) Eligibility. Only registered voters of the Town, eighteen (18) years of age or older, shall be eligible to hold the office of Town Commissioner
- c) Election By Seats. Town Commissioners shall be elected at large, but shall hold a specific seat on the Town Commission, and those seats shall be numbered 1 through 5. A candidate for Town Commissioner may run for no more than one seat in any election.

- d) Election shall be by majority vote, in the event no candidate receives a majority for any one seat, a runoff shall be held between the two candidates receiving the largest number of votes.
- e) Election and Terms. The regular election shall be held on the second Tuesday in March of every year, as hereinafter set forth:
 - 1) Commissioner seats 1 and shall be filled in the year in which this Charter shall take effect for three (3) year terms. Commission seat 3 shall be filled in the year in which this Charter shall take effect for a two year term. Commission seats 4 and 5 shall be filled in the year following the year in which this Charter shall take effect for three (3) year terms. Two years after this Charter takes effect, commission seat 3 shall be filled for a regular three year term. Unless stated otherwise in this section, each commission seat shall be filled for a three year term.
 - 2) After seating of the newly elected commissioners, the new commission shall, as the first order of business, reorganize, to wit: The Town Clerk shall act as a nonvoting chairman of the Town Commission for the purpose of accepting nominations for Mayor. After all nominations are made and seconded, the Clerk shall call the role of commissioners and each of whom shall vote for one of the nominees presented. Only elected commissioners shall be eligible to serve as Mayor or Mayor pro tem.
 - 3) In the event there is only one nomination and second for Mayor, the nominee will be seated as Mayor. The Mayor will call for nominations for Mayor pro tem and the election shall be held under the same procedure as the election for Mayor.

[Amended by Ordinance 2003-___]

SECTION 302. General Powers and Duties.

- a) All powers of the Town shall be vested in the Town Commission, except as provided by law or this Charter
- b) Three Commissioners shall be considered a quorum and may carry out all functions according to law as if all members were present.
- c) The Mayor shall preside at all commission meetings at which he is present.
- d) The Mayor shall have the power to call the commission into regular or special sessions.

- e) The Mayor shall act as ceremonial head of the Town government.
- f) The Mayor shall execute ordinances, resolutions, all contracts, and documents on behalf of the Town Commission of the Town of Micanopy.
- g) The Mayor shall perform such other duties as delegated by the Town Commission as are not inconsistent with the general law or this Charter.

SECTION 303. Mayor - Mayor Pro Tem. The Town Commission shall elect from its members at a meeting of all its members, officers of the Town who shall have the titles of Mayor and Mayor Pro Tem as specified in Section 301 (e) (2) and (3). The Mayor shall preside at meetings of the Town Commission and shall be recognized as head of the Town Government for all ceremonial purposes. The Mayor Pro Tem shall act as Mayor during the absence or disability of the Mayor. The Mayor shall sign all deeds, bonds or other instruments or writings relating or pertaining to real property, to which the Town is a party. The Mayor shall execute all contracts in the name of the Town of Micanopy. After each election of one or more commissioners by the voters of the Town of Micanopy, the Town Commission shall, at its next regularly scheduled meeting, elect the Mayor and Mayor Pro Tem.

SECTION 304. Vacancies: Forfeiture of Office; Filling of Vacancies.

- a) The seat of a commissioner shall become vacant upon death, resignation, removal from office in any manner authorized by law or forfeiture of office.
- b) The Commissioner shall forfeit his office if he (1) lacks at any time during his term of office any qualification for the office prescribed by this charter or by law, (2) violates an express prohibition of this Charter, (3) is convicted of a crime involving moral turpitude, or (4) fails to attend three consecutive regular meetings of the Town Commission without being excused by the Town Commission.
- c) A vacancy on the Town Commission shall be filled in one of the following ways:
 - 1) If a vacancy occurs within 180 days of a regular Town election, the Town Commission, by majority vote of the remaining members, may appoint a qualified person to fill the vacancy within thirty (30) days of its occurrence. Said appointee shall serve until the next regular Town election.
 - 2) If the Town Commission fails to appoint a commissioner within thirty (30) days of the occurrence of the vacancy, or if the vacancy shall occur more than 180 days before the next regular Town election, the vacancy shall be filled by a special Town election to be called not more than sixty (60) days after the date the vacancy shall occur.

- 3) If the vacated commission seat is that of the Mayor or the Mayor pro tem, upon appointment of a new commissioner, the Town Commission shall elect one of their members to hold the position vacated.

SECTION 305. Judge of Qualifications. The Town Commission shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have the power to subpoena witnesses, administer oaths and **acquire** the production of evidence. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the Town at least one week in advance of the hearing.

SECTION 306. Investigation. The Town Commission shall make investigations into the affairs of the Town and the conduct of any Town department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require production of evidence. A person who fails or refuses to obey a lawful order issued in exercise of these powers by the Commission shall be guilty of a misdemeanor punishable by a fine or imprisonment or both.

SECTION 307. Independent Audit. The Town Commission shall provide for an independent annual audit of all Town accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or a firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the Town Government or any of its officers. The Town Commission may designate such accountant or firm annually or for a period not exceeding three years provided that the designation for any particular fiscal year shall be made no later than thirty days before the beginning of such fiscal year. If the State makes such an audit, the Town Commission may accept it as satisfying the requirements of this section.

SECTION 308. Procedure. The Town Commission shall meet regularly on the 2nd Tuesday of every month at such time and place as the Commission may prescribe by rule. Special or emergency meetings may be held on the call of the Mayor or three or more members of the Town Commission, whenever practicable, upon no less than six hours notice to each member. All meetings shall be public. Notices of meetings to the public shall be in accordance and consistent with the laws of the State of Florida.

The Town Commission shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings to include regular meetings, special meetings, and workshop meetings.

SECTION 309. Action Requiring an Ordinance. In addition to other acts required by law or by specific provisions of this Charter, the following section shall be by ordinance:

- a) Adopt or amend an administrative code to establish, alter or abolish any town department, office or agency;

- b) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- c) Levy taxes with respect to the property tax levied by adoption of the budget;
- d) Grant, renew or extend a franchise;
- e) Regulate the rate charge for its services by a public utility;
- f) Authorize the borrowing of money;
- g) Convey or lease or authorize the conveyance or lease of any lands of the Town;
- h) Adopt with or without amendment ordinance proposed under the initiative power;
- i) Amend or repeal any ordinance previously adopted except as otherwise provided in this Charter with respect to repeal of ordinances reconsidered under the referendum power.

SECTION 310. Ordinances in General.

- a) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF MICANOPY, FLORIDA". Any ordinance which repeals or amends an existing ordinance or part of the Town Code shall set out in full the ordinance, sections, or subsections to be repealed or amended.
- b) A proposed ordinance shall be read by title, or in full on at least two separate dates, at either regular or special meetings of the Town Commission, and shall, at least seven (7) days prior to the adoption be noticed once in a newspaper of general circulation in the Town. ~~The ordinance must be read in full on at least one date.~~ The notice of the proposed enactment shall state the date, time and place of the meeting, the title or titles of proposed ordinances and the place or places within the Town where such ordinances may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.
- c) Except as otherwise provided in this Charter, every adopted ordinance shall become effective ten (10) days after its adoption or as otherwise specified therein.

[Amended by Ordinance 2003-___]

SECTION 311. Emergency Ordinances. To meet a public emergency affecting life, health, property or the public peace, the Town Commission may adopt one or more emergency ordinances but such ordinances may not levy taxes, grant, renew or extend franchise, regulate the rate charged by any utility for its service or authorize the borrowing of money except as provided in other sections of this Charter. An emergency ordinance shall be introduced in the form and in the manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, and an affirmative vote of at least four members shall be required for adoption.

SECTION 312. Resolutions. The enacting clause for all resolutions shall be: "BE IT RESOLVED BY THE TOWN COMMISSION OF MICANOPY, FLORIDA".

SECTION 313. Codes of Technical Regulations. The Town Commission may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements covering such an adopting ordinance shall be as prescribed for ordinances generally except that:

- a) The requirements for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and
- b) A copy of such adopted code of technical regulations as well as the adopting ordinance shall be authenticated and recorded by the Town Clerk. Copies of any adopted code of technical regulations shall be made available by the Town Clerk for distribution or purchase at a reasonable price.

SECTION 314. Authentication. The Town Clerk shall authenticate by signature and record in full in a properly indexed book kept for the purpose of containing all ordinances enacted by the Town Commission. Regulations adopted by the Town Commission shall be maintained in a permanent record.

ARTICLE IV

PLANNING AND ZONING

SECTION 401. Planning and Zoning Board. The Commission shall, by ordinance, establish a Town Planning and Zoning Board.

SECTION 402. Board of Adjustment. The Commission may, by ordinance, establish a Board of Adjustment.

ARTICLE V

FINANCIAL PROCEDURES

SECTION 501. Fiscal Year. The fiscal year of the Town shall begin on the first day of October and end on the last day of September each year.

SECTION 502. Submission of the Budget and Budget Message. On or before the regular Town Commission meeting of August each year, the Town Clerk shall submit to the Commission a budget for the ensuing fiscal year and an accompanying message.

SECTION 503. Budget Message. The Clerk's message shall explain the budget both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of the Town for the ensuing fiscal year, describe the important features of the budget, indicating the major changes from the current year in the financial policies, expenditures, and revenues together with the reasons for such changes, summarize the Town's debt position and include such other materials as the Clerk deems necessary.

SECTION 504. Budget. The budget shall provide a complete financial plan of all Town funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Clerk deems desirable or the Commission may require. In organizing the budget the Clerk shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year, and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and a method of financing such expenditures.
- b) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure.
- c) The total of the proposed expenditures shall not exceed the total of estimated income.

SECTION 505. Capital Program. The Town Commission shall make such arrangements and set such requirements as it shall deem necessary regarding a capital program.

SECTION 506. Commission Action on Budget.

- a) The Commission shall publish in one or more newspapers of general circulation within the Town, a notice of budget adoption stating:
 - a. The times and place where copies of the budget are available for inspection by the public and
 - b. The time and place, not less than one week after such publication of notice, for a public hearing on the budget.
- b) After the public hearing, the Commission may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and delete or decrease programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total estimated income.
- c) The Commission shall adopt the budget by resolution on or before the first regular commission meeting of September. If it fails to adopt a budget by this date, the amounts appropriated for the current fiscal year shall be adopted for the ensuing fiscal year on a month to month basis, with all items in it prorated accordingly, until such time as the Commission adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the finds indicated and shall constitute a levy from the property tax therein proposed.

SECTION 507. Amendments After Adoption.

- a) If, during the fiscal year, the Clerk certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Commission, by resolution, may make supplemental appropriations for the year up to the amount of such excess.
- b) To meet a public emergency affecting life, health, property or public peace, the Commission may make emergency appropriations. To the extent that there are no available unappropriated funds to meet such appropriations, the Commission may, by such emergency ordinance, authorize the issuance of emergency notes which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
- c) If at any time during the fiscal year it appears probable to the Clerk that the revenue available will be insufficient to meet the amount appropriated, he shall

report to the Commission without delay, indicating the estimated amount of deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The Commission shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by resolution reduce one or more appropriations.

- d) At any time during the fiscal year the Commission may transfer part or all of any unencumbered appropriation balance among programs within the department, office or agency, or from one department, office or agency to another.
- e) No appropriations for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this Section may be effective immediately upon adoption.

SECTION 508. Lapse of Appropriations. Every appropriation except an appropriation for capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose for any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrances of the appropriation.

SECTION 509. Property Assessment.

- a) All real property of the Town of Micanopy not expressly exempted by the laws of the State of Florida shall be subject to assessment for taxation for Town purposes in the manner provided in the laws of the State and ordinances of the Town of Micanopy.
- b) Special assessments may be levied upon any property taxable or tax exempt in a limited and determinable area for special benefits conferred upon or necessitated by such property by any municipal work, service or improvements. The amount assessed against any property for the work, improvement, or action exclusive of service shall not exceed the value of the benefits accruing to the property therefrom.

SECTION 510. Bonds. For the purpose of this Charter, the word "bonds" shall mean ad valorem bonds, revenue bonds, certificates of indebtedness, special assessment bonds and certificates, and other evidence of indebtedness. The words "revenue bonds" shall mean bonds payable solely from the revenues derived from sources of revenue other than ad valorem taxes in real and personal property. The words "ad valorem bonds" shall mean bonds and the interest thereon

which are payable from the proceeds of ad valorem taxes levied on real and personal property situated in the Town or any part thereof.

SECTION 511. Power to Issue Bonds. The Town may issue any bonds which municipalities are or may hereafter be authorized to issue under the Constitution or general laws of the State of Florida.

SECTION 512. Authorization of Bonds. Revenue bonds may be issued when authorized by the Commission. Ad valorem bonds may be issued from time to time when authorized by the Commission and approved by the electorate, but the aggregate amount outstanding shall not exceed 25% of the assessed valuation of taxable real property in the Town.

SECTION 513. Ad Valorem Bond Elections. When the Commission authorizes the issuance of any ad valorem bonds, the Commission shall direct the holding of an election for the purpose of obtaining approval or disapproval of such ad valorem bonds. The resolution of the Commission calling for such election shall state the purpose or purposes for which the bonds are to be issued, the maximum amount of the bids, the maximum maturity date of the bonds, and the maximum rate of interest which such bonds may bear. More than one bond proposal may be submitted at any bond election. A bond election may be held simultaneously with any other election taking place in the Town. Only qualified electors shall be entitled to vote in ad valorem bond elections.

SECTION 514. Tax Revenue Certificated. The Town Commission may issue tax revenue certificates by ordinance. Rules for such actions shall be determined by the Commission, within the ordinance, as to purpose, scope, maturity, interest, repayment of said tax revenue certificates, etc.

ARTICLE VI

REGISTRATION AND ELECTION

SECTION 601. County Registration Books Adopted; Qualified Electors. The Town of Micanopy, in every municipal election, including referendums, special, primary and general elections does hereby adopt and shall use the registration books and records authorized by law to be used in the general elections of Alachua County and the State of Florida, as the official registration books and records of the Town of Micanopy. An elector to vote in any Town election shall register in the registration books and records of Alachua County, Florida, in the manner and at such times and places as provided by law, for registering the electors in State and County elections.

SECTION 602. Election Precincts and Polling Places. The Town Commission by resolution shall have the right to establish or change election precincts and polling places and designate the number, boundaries, and locations of the same, for the holding of any and all municipal elections. Such election precincts and polling places so designated may be changed from time to time by resolution of the Town Commission. In the absence of action by the Town Commission,

the entire municipality shall be considered as one precinct with the polling place the same as the polling place used in the State and County elections.

SECTION 603. Town Clerk to Represent Town in Matters Relating to Registration. The Town Clerk of the Town of Micanopy shall be the official representative of the Town and the Town Commission in all transactions with the Supervisor of Elections of Alachua County, Florida, in relation to matters pertaining to the use of registration books and records herein mentioned for holding such municipal elections.

SECTION 604. No Additional Powers Granted County. Nothing contained in this article shall be construed to confer any jurisdiction, power, or authority on the Board of County Commissioners or Alachua County, Florida, over the holding and conducting of any municipal election of the Town of Micanopy, Florida.

SECTION 605. Absentee Voting. Absentee voting shall be permitted in all municipal elections in the same manner as now or hereafter provided for in connection with Federal, State, and Alachua County elections, except that voting by absentee ballot before the Town Clerk, shall be permitted until 5:00 p.m. on the day before the election.

SECTION 606. General Laws to Apply. All general laws of the State of Florida relating to elections and registration of persons qualified to vote therein which are not inconsistent or in conflict with provisions hereof and ordinances of the Town of Micanopy shall be applicable to Town elections.

SECTION 607. Town Elections. The regular Town elections shall be held on the second Tuesday in March of each year.

[Amended by Ordinance 2003-___]

SECTION 608. Calling an Election by Resolution. All elections shall be called by resolution of the Town Commission, adopted not less than thirty (30) days before such election, and shall be conducted, except as otherwise specifically provided, under the provisions of the ordinances of the Town of Micanopy or, to the extent that they do not conflict with Town ordinances, the general election laws of the State, provided such laws and ordinances are not inconsistent with this Charter.

SECTION 609. Election; Arrangement; Inspectors and Clerk. The Town Commission shall make all necessary arrangements for the holding of all Town elections and shall declare the result thereof. The Town Commission shall appoint not less than two (2) poll workers to each election board. The Town Commission shall state in the resolution calling each election, where same shall be held in naming the different offices to be filled or questions to be decided, and shall cause Notice of Election to be published once a week for two consecutive weeks preceding the day of election in a newspaper of general circulation in the Town. First publication to be not less than ten (10) days prior to the election.

SECTION 610. Canvas and Return - Certificates of Election. The result of the voting at each polling place, when ascertained, shall be certified by the Town Clerk, who shall transmit such return to the Town Commission at a special meeting following the election. At such meeting the Town Commission shall canvas the return, and the result as shown by such return shall be, by the Town Commission, declared to be the result of the election and entered into the minutes of the meeting.

SECTION 611. Qualifications of Candidates. Any person who is a resident of the Town of Micanopy, and who has qualified as an elector of the State of Florida and who registers on the procedure described by general law and ordinance of the Town shall be an elector of the Town.

SECTION 612. Commission Ballots. All elections shall be non-partisan.

SECTION 613. Ballots for Ordinances. An ordinance to be voted on by the voters of the Town shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substances of the measure without argument or prejudice.

ARTICLE VII

INITIATIVE, REFERENDUM AND RECALL

SECTION 701. General Authority.

- a) Qualified voters of the Town shall have the power to propose ordinances to the Commission. If the Commission fails to adopt an ordinance so proposed without any change in substance, it shall then be submitted to the voters at a referendum election, except this provision shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of Town officers or employees.
- b) Qualified voters of the Town shall have the power to require reconsideration by the Commission of any adopted ordinance, and, if the Commission fails to repeal an ordinance so reconsidered, it shall then be submitted to the voters at a referendum election, except this provision shall not extend to the budget or capital program except on capital projects financed by Tax Revenue Certificates for water and sewer systems or any emergency ordinance relating to the appropriation of money or levy of taxes.

SECTION 702. Commencement of Proceedings: Petitioners' Committee; and Affidavit. Any five (5) qualified voters may commence an initiative or referendum proceeding by filing with the Town Clerk and affidavit stating their names and addresses and specifying the address to which all notices to the committee are to be sent, setting In full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit or petitioners' committee is filed, the Town Clerk shall issue the appropriate petition blanks to the petitioners' committee.

SECTION 703. Petitions.

- a) Initiative and referendum petitions must be signed by qualified voters of the Town equal in number to at least 15% of the total number of qualified voters registered to vote in the last regular Town election.
- b) All papers of a petition shall be uniform in size and style and shall be assembled as on instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the clearly written or printed name and address of the persons signing. The Petition shall contain or have attached thereto for circulation the full text of the ordinance proposed or sought to be reconsidered.
- c) Each paper of a petition shall have attached to it when filed, an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all signatures were affixed in his presence, that he believes them to be genuine signatures of the persons whose names they purport to be and that each signatory has and opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- d) Referendum petitions must be filed within thirty (30) days after the affidavit of the petitioners' committee is filed with the Town Clerk who shall provide the forms for the petition.

SECTION 704. Procedure for Filing.

- a) Within twenty (20) days after the Petition is filed, the Town Clerk shall complete a certificate as to its sufficiency, specifying if it is insufficient, the particulars where it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail return receipt requested. A petition certified insufficient for lack of required number or valid signatures may be amended once in fifteen (15) days; if the petitioners' committee files a notice of intention to amend it with the Clerk within two days after receiving the copy of his certificate and files a supplementary petition which shall comply with the requirements of subsections (b) and (c) of section 703, and within five (5) days after it is filed the Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by certified mail with return receipt requested as in the case of an original petition. If a petition or amended petition is certified sufficient or if a petition or amended petition is certified insufficient and the petitioners' committee has not elected to amend to request Commission review under subsection (b) of this section within the time required, the clerk shall promptly

present his certificate to the Commission and a certificate shall then be a final determination as to the sufficiency of the petition.

- b) If a petition has been certified insufficient and petitioners' committee does not file the notice of intention to amend it, or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving a copy of such certificate, file a request that it be reviewed by the Commission. The Commission shall review the certificate at its next regular meeting following the filing of such request and approve or disapprove it, and the Commission's determination shall then be a final determination as to the sufficiency of the Petition.
- c) A final determination as to the sufficiency of the petition shall be subject to court review. The final determination of sufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

SECTION 705. Referendum Petitions; Suspension of Effective Ordinance. When a referendum petition is filed with the Town Clerk, the ordinance sought to be reconsidered shall be suspended. Such suspension shall terminate when:

- a) There is a final determination of insufficiency of the petition, or
- b) The petitioners' committee withdraws the petition, or c) The Commission repeals the ordinance.

SECTION 706. Action on Petitions.

- a) When an initiative or referendum petition has been finally determined sufficient, the Commission shall promptly consider the proposed initiative ordinance in the manner provided in this Charter or reconsider the referred ordinance by voting its repeal. If the Commission fails to adopt the proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred petition to the voters of the Town.
- b) The vote of the voters of the Town on a proposed or referred ordinance shall be held not less than thirty (30) days and no more than one year from the date of the final commission vote thereon. If no regular Town election is to be held within the period described in this subsection, the Commission shall provide for a special election, otherwise the vote shall be held at the same time as such regular election, except that the Commission may, at its discretion, provide for a special election at an earlier date within the prescribed time. Copies of the proposed or referred ordinance shall be made available at the polls.

- c) An initiative or referendum petition may be withdrawn at any time prior to the thirteenth (13th) day preceding the day scheduled for a vote of the Town by filing with the Town Clerk a request for the withdrawal signed by at least four (4) members of the petitioners' committee. On filing of such a request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

SECTION 707. Results of Election. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respect in the same manner as an ordinance of the same kind adopted by the Commission. If conflicting ordinances are approved at the same election the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

SECTION 708. Recall. The method of recall shall be pursuant to Florida Statute Chapter 100.361.

ARTICLE VIII

GENERAL PROVISIONS

SECTION 801. Organization of Boards and Commissions. Unless otherwise provided by the Town Commission, boards and commissions created in accordance with this Charter shall elect their officers from the appointed or elected members and shall determine their rules of procedure subject to the provisions of this Charter and the ordinances of the Town of Micanopy that apply. Any vacancy on a board or commission shall be filled by appointment by a majority vote of the Town Commission.

SECTION 802. Effect of Partial Invalidity. A determination that any part of this Charter is invalid shall not invalidate or impair the force or effect of any other part thereof except to the extent that such other part is wholly dependent for its operation upon the part declared invalid.

SECTION 803. Salaries, Compensation and Bonds. The Commission shall have the power to fix the salary of its members and all other officers and employees of the Town, whether elected, appointed or chosen, and to establish such bonds as in the opinion of the Commission are necessary for the faithful discharge of duties of said office. The premium of any bond acquired by the Commission shall be paid by the Town. The Commission may authorize the payment of any official or employee for travel and relevant expense for any municipal purpose.

SECTION 804. Town Attorney. The Commission shall appoint a Town Attorney and such Assistant Town Attorney as it may deem necessary who shall act as legal advisors to the Town Commission, Town Clerk, and such other boards and commissions as the Town Commission

shall designate. The Town Attorney shall assume such other duties as prescribed by the Town Commission.

SECTION 805. Town Treasurer. The Town Commission of the Town of Micanopy may appoint a Town Treasurer to act as fiscal officer of the Town and perform such duties as prescribed by the Town Commission. In the absence of the appointment of a Town Treasurer, the Town Clerk shall act in the capacity of Town Clerk and in the capacity of Town Treasurer.

SECTION 806. Town Clerk. The Commission shall appoint a Town Clerk who shall serve at the pleasure of the Commission and who shall have such duties as provided by this Charter and the Town Commission.

SECTION 807. Amendments to the Charter. This Charter may be amended as provided by Chapter 166, Florida Statutes.