

INDIAN RIVER SHORES FLORIDA
CHARTER*

Article 1. General Provisions

- Sec. 1-1. Continuance of town.
- Sec. 1-2. Territorial boundaries.
- Sec. 1-3. Powers.
- Sec. 1-4. Severability of parts of Charter.

Article 2. Mayor and Town Council

- Sec. 2-1. Created; powers, composition.
- Sec. 2-2. Term of office.
- Sec. 2-3. Vacancies.
- Sec. 2-4. Selection of mayor and vice-mayor.
- Sec. 2-5. Salary.
- Sec. 2-6. Mayor.
- Sec. 2-7. Vice-Mayor.
- Sec. 2-8. Clerk of council.
- Sec. 2-9. Meetings.
- Sec. 2-10. Quorum; voting.
- Sec. 2-11. Rules of procedure and business; journal of proceedings.
- Sec. 2-12. Boards, commissions, authorities, and agencies.

Article 3. Officers and Employees Generally

- Sec. 3-1. Town attorney.
- Sec. 3-2. Town clerk.
- Sec. 3-3. Town manager.

Article 4. Ordinances

- Sec. 4-1. Enactment by town council.
- Sec. 4-2. Advisory referenda.

Article 5. Financial Procedures

- Sec. 5-1. Fiscal year.
- Sec. 5-2. Budget.
- Sec. 5-3. Deposit and investment of town funds.
- Sec. 5-4. Disbursement of town funds.
- Sec. 5-5. Facsimile signatures.
- Sec. 5-6. Contracts, licenses, permits, etc.
- Sec. 5-7. Competitive bidding.
- Sec. 5-8. Audits.

Article 6. Election

- Sec. 6-1. Qualification of electors.
- Sec. 6-2. Qualification of candidates.

*Editor's note—The Charter herein set out is contained in Chapter 29163, Laws of Florida 1953, as amended by Ord. No. 221, adopted January 24, 1980.

State law references—Home rule powers, F.S.A. § 166.011 et seq.; amendment of Charter, F.S.A. § 166.031.

INDIAN RIVER SHORES CHARTER

Sec. 6-3. Conduct generally

Sec. 6-4. Referendum requirement regarding State Road A1A.

Article 7. Transition

Sec. 7-1. Continuation of ordinances.

Sec. 7-2. Rights of officers and employees.

Sec. 7-3. Pending matters.

Sec. 7-4. Existing rights, obligations, duties, and relationships.

Sec. 7-5. Transition ordinances and resolutions.

CHT:2

INDIAN RIVER SHORES CHARTER

§ 1-2

ARTICLE 1. GENERAL PROVISIONS

Sec. 1-1. Continuation of town.

The Town of Indian River Shores, Florida, created by Special Act of the Legislature by Chapter 29163, Laws 1953, as amended by Ordinance Numbers 1 through 217, shall continue to be a body politic and corporate under the name of the Town of Indian River Shores and, as such, shall have perpetual succession.

Sec. 12. Territorial boundaries.

The Town of Indian River Shores shall embrace and include that territory in Indian River County, Florida, described as follows:

PERIMETER DESCRIPTION OF TOWN OF INDIAN RIVER SHORES AS OF DECEMBER, 1979

Beginning at a point on Range line 39 and 40 east 1120 feet north of southwest corner of Section 19, Township 32 south, Range 40 east;

1. thence, north 90 degrees east 370 feet along south boundary line of formerly State Tract No. 14;
2. thence, north 90 degrees east 2270 feet to a point in the waters of McCullers Cove, being the southeast corner of formerly State Tract No. 24;
3. thence, north 37 degrees east 1290 feet with east line of said Tract 24, to the intersection of Government meander line, a point in the waters of McCullers Cove;
4. thence, southeasterly along the Government meander line and the west line of Government Lot 9, Section 19, Township 32 south, Range 40 east, to the intersection with a prolongation of the south line of the north half of said Government lot;
5. thence, east along said prolonged line and along said south line of the north half of said Government Lot 9 to the intersection of the east right-of-way of State Road A1A as shown in Plat Book 4, Page 62 in the office of the Clerk of the Circuit Court of Indian River County, Florida;
6. thence, southeasterly along the east right- of-way of said State Road A1A to the intersection of the south boundary of Government Lot 1, Section 20, Township 32 south, Range 40 east;
7. thence, east to the east boundary of the State of Florida;
8. thence, northerly along the east boundary of the State of Florida to a point east of the south line of Lot 4 of Southern Shores, Replat 2, as shown in Plat Book 2, Page 66, Indian River County records;
9. thence, west on an easterly extension of the south line of Lot 4, Southern Shores, Replat 2 to the intersection with the centerline of State Road A1A;
10. thence, northerly along said centerline of State Road A1A as shown in plat Book 4, Page 62, in the office of the Clerk of the Circuit Court, Indian River County, Florida, to a point west of south line of Lot 9, Southern Shores, Replat 2, Plat Book 2, Page 66, Indian River County records;
11. thence, east along the prolongation of the south boundary of Lot 9, Southern Shores, Replat 2, Plat Book 2, Page 66, Indian River County records and the easterly extension of said south boundary of Lot 9 to the east boundary of the State of Florida;
12. thence, north along the east boundary of the State of Florida to a point, said point being east of the north boundary of the south 660 feet of Government Lot 5, Section 36, Township 31 south, Range 39 east;
13. thence, west on the north line of the south 660 feet of said Government Lot 5, to the northwest corner of said south 660 feet and the east boundary of Government Lot 6, Section 36, Township 31 south, Range 39 east;
14. thence north on the east boundary of said Government Lot 6 to the northeast corner, a point on the south boundary of Government Lot 4, Section 36, Township 31 south, Range 39 east;

CHT:3

INDIAN RIVER SHORES CHARTER

15. thence, east on the south boundary of said Government Lot 4 to a point on the east boundary of the State of Florida;
16. thence, northerly on the east boundary of the State of Florida to a point east of the northeast corner of Government Lot 4, Section 36, Township 31 south, Range 39 east;
17. thence, west on the north boundary of Government Lot 4 to the northeast corner of Government Lot 3, Section 36, Township 31 south, Range 39 east;
18. thence, west on the north boundaries of said Government Lot 3 and Government Lot 3, Section 35, Township 31 south, Range 39 east to a point on the east shoreline of the Indian River;
19. thence, southwesterly on the east shoreline of the Indian River to the south boundary of Lot 3, Low's Subdivision, according to the plat filed in the office of the Clerk of the Circuit Court, St. Lucie County, Florida, in Plat Book 1, Page 27, now a part of the Public Records of Indian River County, Florida;
20. thence, east on the south boundary of said Lot 3, to a point on the east boundary of Government Lot 3, Section 36, Township 31 south, Range 39 east;
21. thence, south on the east boundary of said Government Lot 3 to the northeast corner of Lot 5 of said Low's Subdivision.
22. thence, west on the north boundary of said Lot 5 to a point on the east shoreline of the Indian River;
23. thence, southwesterly on the east shoreline of the Indian River to a point on the north boundary of that parcel of land conveyed in Deed Book 50, Page 82, Public Records of Indian River County, Florida;
24. thence, east on the north boundary of said parcel to the northeast corner of said parcel;
25. thence, south on the east boundary of said parcel to a point, said point being on the north line of Government Lot 4, Section 35, Township 81 south, Range 39 east;
26. thence, west on the north boundary of said Government Lot 4 to a point on the east shoreline of the Indian River;
27. thence, southeasterly on the east shoreline of the Indian River to a point on the south boundary of the north 246 feet of Government Lot 4;
28. thence, east on the south boundary of the north 246 feet of Government Lot 4 to a point on the south boundary of the north 246 feet of Government Lot 7, Section 36, Township 31 south, Range 39 east;
29. thence, east on the south boundary of the north 246 feet of said Government Lot 7 to the southeast corner of the north 246 feet, and the west boundary of Government Lot 6, Section 86, Township 32 south, Range 39 east;
30. thence, south on the west boundary of Government Lot 6 to a point on the southwest corner of the north one-half of said Government Lot 6;
31. thence, east on the south boundary of the north one-half of Government Lot 6 to the east boundary of said Government Lot 6;
32. thence, south on the east boundary of Government Lot 6 to the northeast corner of Government Lot 9, Section 36, Township 31 south, Range 39 east;
33. thence, west along the north boundary of Government Lots 8 and 9 to the west boundary of Government Lot 8;
34. thence, south along the west boundary of the north one-half of Government Lot 8, Section 36, Township 81 south, Range 89 east;
35. thence, east along the south boundary of the north one-half of Government Lots 9 and 8, Section 36, Township 31 south, Range 39 east to the east boundary of Government Lot 9;

CHT:4

INDIAN RIVER SHORES CHARTER

§ 1-2

36. thence, south along the east boundary of Government Lot 9, Section 36, Township 31 south, Range 39 east to the north boundary of Government Lot 1, Section 1, Township 32 south, Range 39 east;
37. thence, west along the north boundary of Government Lot 1, Section 1, Township 32 south, Range 39 east to the west boundary of said Government Lot 1;
38. thence, southerly along the west boundary of Government Lot 1 to the south boundary of Government Section 1, Township 32 south, Range 39 east;
39. thence, west to the centerline of the Intercoastal Waterway Navigation Lot 1, Channel of the Indian River as now existing;
40. thence, with the centerline of said Intercoastal Waterway Channel in a northerly direction to a point where said Intercoastal Waterway Channel centerline is intersected by an easterly extension of the north line of Government Lot 5, Section 35, Township 31 south, Range 39 east;
41. thence, west on an extension of the north line of said Government Lot 5 and along the north line of said Government Lot 5 and Government Lots 6 and 7, Section 35, Township 31 south, Range 39 east and continuing along an extension west of said line to intersect the west line of Section 35, Township 31 south, Range 39 east;
42. thence, south along the west line of said Section to the southwest corner of said Section;
43. thence, south along the west line of Section 2, Township 32 south, Range 39 east a distance of 1300 feet;
44. thence, in a southeasterly direction on a straight line to a point which is the northwest corner of State Tract 4, lying in Section 11, Township 32 south, Range 39 east;
45. thence, in a southeasterly direction on the first line of the description of said State Tract 4 South 51 degrees 0 minutes east 2051 feet to the end of said line;
46. thence, in a southeasterly direction to a point which is the end of the first course of the description of State Tract 9 in Section 12, Township 32 south, Range 39 east;
47. thence, in a southeasterly direction along the first course description reversed of said Tract 9 South 17 degrees 30 minutes east 2258 feet to the beginning thereof;
48. thence, east to the centerline of the Intercoastal Waterway Navigation Channel of the Indian River as now existing;
49. thence, with the centerline of said Intercoastal Waterway Navigation Channel in a southerly direction to a point where said Old Intercoastal Waterway Channel centerline intersects with Ranges 39 east and 40 east;
50. thence, south along said range line to the north line of Government Lot 3, Section 25, Township 32 south, Range 39 east;
51. thence, east on the centerline of Section 30, Township 32 south, Range 40 east, to the east line of State Tract 18;
52. thence, in a northerly direction along the east line of said State Tract 18 to the northeast corner thereof;
53. thence, in a northwesterly direction to the southwest corner of State Tract 25;
54. thence, north 90 degrees east a distance of 1915 feet;
55. thence, north 30 degrees west a distance of 1247 feet;
56. thence, north 90 degrees west a distance of 160 feet;
57. thence, north 0 degrees east 220 feet;
58. thence, north 90 degrees east 320 feet;
59. thence, north 45 degrees east 118 feet;
60. thence, north 38 degrees 30 minutes west 945 feet;

CHT:5

INDIAN RIVER SHORES CHARTER

§ 1-2

- 61. thence, north 69 degrees 45 minutes west 410 feet;
- 62. thence, north 0 degrees west 830 feet;
- 63. thence, south 79 degrees 0 minutes west 3130 feet, which said point is the northwest corner of said State Tract 25;
- 64. thence, northwesterly to the southwest corner of State Tract 14, the same being the point of beginning;

Also, a parcel of land lying 53 feet either side of the following described line, to wit, commencing at the point of intersection of the east right-of-way line of State Road No. 5, also known as U.S. Highway No. 1, and the east-west quarter section line of Section 23, Township 32 south, Range 39 east;

- 65. thence, run southeasterly along said right-of-way line of State Road 5, also known as U.S. Highway No. 1, 200 feet to the point of beginning of the centerline of the road right-of-way herein described;
- 66. thence, run north 80 degrees 0 minutes east a distance of 4,083 feet to the point of curvature of a curve concave to the north having a radius of 11,459.16 feet subtended by a central angle of 7 degrees 32 minutes 16 seconds left;
- 67. thence, run northeasterly along said curve 1,507.56 feet to the point of tangency;
- 68. thence, run north 72 degrees 27 minutes 44 seconds east 1,000 feet more or less to the shoreline of the Indian River, said point being the terminus of the heretofore described line;

Also, beginning at the southeast corner of the northwest one-quarter of the northwest one-quarter of Section 10, Township 32 south, Range 39 east;

- 69. thence, run north 59 feet for a point of beginning;
- 70. thence, run due west and parallel with the south line of said 40-acre tract a distance of 807 feet;
- 71. thence, run due north 64 feet;
- 72. thence, run west 258 feet;
- 73. thence, run due north to the north line of the south half of said described 40-acre tract;
- 74. thence, run due east 565 feet to the east line of said 40-acre tract;
- 75. thence, run due south on said line to the point of beginning, which point is 59 feet north of the southeast corner of the northwest one-quarter of the northwest one-quarter, as aforesaid, containing 7 acres, more or less;
- 76. thence, beginning at the southeast corner of the northeast one-quarter of the northwest one-quarter of Section 10, Township 32 south, Range 39 east;
- 77. thence, run north 9.56 chains;
- 78. thence, run west 12 degrees south 13.25 chains;
- 79. thence, run north 12 degrees west 3.34 chains;
- 80. thence, run west 6.50 chains more or less to west boundary line of said northeast one-quarter of the northwest one-quarter;
- 81. thence, run south on west boundary line of said northeast one-quarter of the northwest one-quarter, 10 chains more or less to southwest corner of said northeast one-quarter of the northwest one-quarter;
- 82. thence, run east on the south boundary line of said northeast one-quarter of the northwest one-quarter to the said point of beginning;

Except, however, four parcels as next hereinafter particularly described:

Exception No. 1. The right-of-way of the Florida East Coast Railway, as now constructed across said tract of land.

Exception No. 2. All that part of the above described tract of land which lies east of the Florida East Coast Railway right-of-way.

Exception No. 3. Beginning at a point on the west line of the right-of-way of the Florida East Coast Railway, where the said right-of-way crosses the south line of the northeast one-quarter of the northwest

CHT:6

INDIAN RIVER SHORES CHARTER

§ 2-2

one-quarter of Section 10, Township 32 south, Range 39 east, thence run in a northerly direction on said west line of said right-of-way 50 feet; thence, run due west 60 feet, thence run south parallel with said right-of-way 50 feet to the south line of said 40-acre tract; thence, run east 60 feet to point of beginning, containing 3000 square feet.

Exception No. 4. Commencing at the northwest corner of the northeast one-quarter of the northwest one-quarter of Section 10, Township 32 south, Range 39 east, thence, run south on the west boundary line of said northeast one-quarter of the northwest one-quarter a distance of 688.5 feet to the point of beginning, and from said point of beginning, thence run east a distance of 464 feet, thence run south 8 degrees 30 minutes east a distance of 222 feet, thence run west a distance of 496.8 feet to West boundary line of said northeast one-quarter of the northwest one-quarter; thence run north on west boundary line of said northeast one-quarter of the northwest one-quarter a distance of 219.6 feet to said point of beginning, containing 2.4 acres more or less.

The west one-half of the northeast one-quarter of the northwest one-quarter of Section 15, Township 32 south, Range 39 east;
The southeast one-quarter of the northwest one-quarter, less canal, in Section 15, Township 32 south, Range 39 east.

Sec. 1-3. Powers.

The Town of Indian River Shores shall have all the governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services as provided by subsection (b) of section 2 of Article 8 of the Constitution of the State of Florida and by section 166.031 of the Florida Statutes. The Town of Indian River Shores may exercise any power for municipal purposes except when expressly prohibited by law.

Sec. 1-4. Severability of parts of Charter.

If any article, section, paragraph, sentence, clause, phrase, or word of this Charter is, for any reason, held or declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such holding or declaration shall not be construed to affect those portions of this Charter not so held or declared, it being hereby declared to be the express intent of the citizens of the Town of Indian River Shores that any such unconstitutional or invalid article, section, paragraph, sentence, clause, phrase, or word did not induce the ratification of this Charter and that the remaining constitutional and valid portions of this Charter would have been ratified without such unconstitutional or invalid portions.

ARTICLE 2. MAYOR AND TOWN COUNCIL

Sec. 2-1. Created; powers; composition.

There shall be a town council for the Town of Indian River Shores which shall be the governing body of the town and in which shall be vested all corporate and legislative powers of the town.

All legislative powers vested in the town council shall be exercised by ordinance. Administrative powers as are conferred upon the town council by this Charter shall be exercised by resolution. Internal determinations and communications from the town council may be by motion.

The town council shall consist of five council members who shall be elected at large.

Sec. 2-2. Term of office.

The term of office for each town council member shall be four years and until a successor is duly elected and qualified. The regular annual election of the town council shall be on the second Tuesday in March commencing on the first Tuesday in February, 1981.

The terms of council members shall be as follows:

Three council members shall be elected for four year terms beginning on February 1, 1981, and each four years thereafter.

Two council members shall be elected for two year terms beginning on February 1, 1981. Beginning on

CHT:7

INDIAN RIVER SHORES CHARTER

§ 2-2

February 1, 1983, and each four years thereafter, two council members shall be elected for four year terms.

In the election to be held on February 1, 1981, the three persons receiving the highest number of votes shall be elected for the three four-year terms. The persons receiving the next two highest number of votes shall be elected to the two two-year terms. (Ord. 343, 8-28-86)

Sec. 2-3. Vacancies.

The office of a member of the town council shall become vacant upon death, resignation, refusal to serve, removal of the council member from residency in the town, or removal from office in any manner authorized by law.

Should a vacancy occur, except as a result of recall, the remaining members of the town council shall select a replacement to hold that office until the next general election for town council members, at which time the council members then elected shall serve until the seat held by him would have been subject to election had such vacancy not occurred. Any person appointed to fill such a vacancy must possess all the qualifications required for election to such office.

In the event three vacancies occur at any one time, the governor of the State of Florida shall appoint an interim town council which shall call a special election to fill the vacancies; said election shall be held at the earliest practical time.

Sec. 2-4. Selection of mayor and vice-mayor.

At its first regular meeting following each election for the office of town council, the town council shall select from its members a mayor and vice-mayor. The mayor and vice-mayor shall serve for a term of two years from the date of the selection.

Sec. 2-5. Salary.

The members of the town council shall serve without pay or compensation until compensation shall be fixed by ordinance. The council members may set a reasonable salary and expense allowance for the mayor, which may be increased or decreased during the term of the current council members.

Sec. 2-6. Mayor.

The mayor shall be chairman of the town council and, as such, shall preside at all meetings of the town council and shall have the right to vote on all matters considered by the town council. The mayor shall be recognized as the head of town government for ceremonial purposes, purposes of military law, and the service of process upon the town. The mayor shall represent the town in agreements with or certifications to other governmental entities and shall execute contracts, deeds, and other documents. The mayor shall have no administrative duties except those required to carry out the provisions of this Charter.

Sec. 2-7. Vice-mayor.

The vice-mayor so chosen shall, in the absence or disability of the mayor, preside over the meetings of the town council and perform all the duties and exercise all the authorities of the mayor.

Sec 2-8. Clerk of council.

The town clerk shall be ex officio the clerk of the town council. As clerk of the council, the town clerk shall give notice of town council meetings as required by law, shall be present at all meetings of the town council, shall record all proceedings of the town in a journal which shall maintain for such purpose, shall establish regulations and procedures for making the journal of town council proceedings available to the public, shall be the official depository for the storage and maintenance of all ordinances, resolutions, motions, and documents of the town council, shall establish regulations and procedures by which such ordinances, resolutions, motions, and documents of the town council shall be made available to the public, and shall perform such other duties as the town council may require.

Sec. 2-9. Meetings.

(a) *Regular.* The town council shall meet regularly at least once each month at such times and places as the town council shall direct.

INDIAN RIVER SHORES CHARTER

§ 3-2

(b) *Special*. Special meetings may be called by the mayor or any three council members upon no less than 24 hours' notice to each member of the town council; provided, that in the event of an emergency, the mayor may call a special meeting of the town council without such notice. No business shall be conducted at a special meeting other than that stated in the notice calling such meeting.

Business at an emergency special meeting, called by the mayor without notice, shall be limited to matters dealing with the emergency. (c) *Public hearings*. The town council shall meet at such times and places as it shall determine for the purpose of conducting public hearings required by this Charter, state law, or ordinance of the town and for other purposes as the town council may determine; provided, that notice of each such meeting is given to each member of the council and to the public by furnishing notice of such meeting to local news media and by posting at the town hall. The conduct of such public hearings shall be in accordance with the provisions of this Charter, state law, ordinances of the town, and rules of procedure established by the town council.

Sec. 2-10. Quorum; voting.

A majority of the members of the town council shall constitute a quorum. No business may be conducted by the town council unless a quorum is present; provided, that a smaller number may adjourn from time to time and may compel the attendance of absent members in a manner prescribed by the town council.

No action shall be taken by the town council, except as provided above, unless adopted by the affirmative vote of a quorum present. Voting on ordinances and resolutions shall be by roll call. All votes taken by the town council shall be recorded in the minutes of the meeting or journal of proceedings of the town council.

Sec. 2-11. Rules of procedure and business; journal of proceedings.

The town council shall, by ordinance or resolution, determine its own rules of procedure and its own order of business.

The town clerk shall keep a journal of the proceedings of the town which shall be available for public inspection during the normal office hours of the town clerk and subject to such reasonable regulations and procedures that the town clerk may impose to ensure the integrity and safe-keeping of the journal.

All questions of parliamentary procedure shall be governed by the most recent revised issue of Robert's Rules of Order, unless waived by vote of two-thirds of the town council present at a meeting.

Sec. 2-12. Boards, commissions, authorities, and agencies.

The town council may create such boards, commissions, authorities, and agencies as it deems advisable. The powers and duties of such boards, commissions, authorities, and agencies shall be as prescribed by the town council.

ARTICLE 3. OFFICERS AND EMPLOYEES GENERALLY

Sec. 3-1. Town attorney.

There is hereby created the office of town attorney.

The town council shall appoint a town attorney who shall serve at the pleasure of the town council. The person appointed to fill the office of town attorney shall be an attorney at law in good standing, licensed to practice in the State of Florida but not necessarily a resident within the corporate limits of the Town of Indian River Shores. The compensation of the town attorney shall be as determined by the town council.

The town attorney shall represent the town, its agencies, boards, commissions, authorities, officers, and employees in all matters relating to their official duties as directed by the town council.

Sec. 3-2. Town clerk.

There is hereby created the office of town clerk.

CHT:9

The town clerk shall be appointed by the town council and shall hold office at the pleasure of the town council. The compensation of the town clerk shall be determined by the town council.

The town clerk shall serve as the clerk of the town council and, as such, shall have all the powers conferred and duties imposed upon that office by this Charter. In addition to duties as the clerk of the town council, the town clerk shall be the official custodian of the town seal and of all official records, documents, and papers of the town and shall perform such other duties as are required of the town clerk by this Charter, state law, ordinances of the town, or direction of the town council.

Sec. 3-3. Town manager.

The town council is authorized to create the office of town manager by ordinance at such time as the council determines it necessary to create such an office to assist in the operation of the town government. Duties as set forth in this Charter being performed by the mayor may be delegated to the town manager upon creation and activation of such office.

ARTICLE 4. ORDINANCES

Sec. 4-1. Enactment by town council.

The town council shall have the power to enact such ordinances as it deems necessary to exercise the legislative powers granted to the town by this Charter.

In the enactment of such ordinances, the town council shall comply with the procedures set forth by this Charter and state law for the adoption of ordinances; provided, that the town council may adopt additional procedures or prescribe procedures in greater detail than contained herein; provided, that such changes do not alter, lessen, or reduce the procedural requirements for the enactment of ordinances set forth in this Charter or state law. Each ordinance must be passed on two separate readings. A vote shall be taken upon each reading and recorded in the journal of proceedings of the town council. Any reading of a proposed ordinance may be by title only.

Ordinances proposed by the town council shall be published one time in a newspaper of general circulation within the town, and posted at the town hall no less than seven days before passage. Such publication and posting shall be the duty of the town clerk or town attorney who shall report its accomplishment to the town council and who shall note the method and date of publication and posting of the proposed ordinance itself and in the records of the town.

Ordinances enacted by the town council shall become effective upon final passage or at such other date as may be specified in the ordinance.

Sec. 4-2. Advisory referenda.

Whenever, at its discretion, the town council shall determine it advisable that an advisory referendum be held to ascertain the majority position of the electors of the town on a proposed ordinance or action contemplated by the town council, the town council shall have the power to call an advisory referendum on such proposed ordinance or action and shall have the power to provide by ordinance that a special referendum be held, for the purpose of such advisory referendum. Under no circumstances shall the provisions of this section be construed to require the town council to call such an advisory referendum except at its own discretion.

ARTICLE 5. FINANCIAL PROCEDURES

Sec. 5-1. Fiscal year.

Each fiscal year of the town shall begin on the first day of October and shall end on the 30th day of September.

Sec. 5-2. Budget.

(a) *Required.* No monies of the town shall be disbursed except in pursuance of appropriations made by the town council.

(b) *Preparation.* Prior to August 1 of each year, the mayor shall prepare and submit to the town council a proposed budget for the ensuing fiscal year. Such proposed budget shall contain a complete plan for all town funds and financial activities for the ensuing fiscal year and shall include

INDIAN RIVER SHORES CHARTER

§ 5-5

such details and be in such a form as required by this Charter, state law, and the town council. Such proposed budget shall show comparative figures of revenues and expenditures for the ensuing and current fiscal years, detailing the relationship of proposed expenditures to current expenditures in dollars and percentages, and thus showing any increase or decrease in the level of expenditures.

(c) *Message of mayor to council.* When presenting the proposed budget to the town council, the mayor shall present a message to the town council outlining proposed financial policies, describing the features of the budget, explaining major changes in financial policies, expenditures, and revenues from those in the budget for the current fiscal year, summarizing the town's current and overall financial position, and including such other material and information as the town council may require.

(d) *Public hearing.* Upon receipt of the proposed budget, the town council shall call a public hearing to consider the criticisms, recommendations, and suggestions of the citizens of the town relative to such proposed budget. In calling such public hearing, the town council shall give at least one week's notice of the time, place, and purpose of such public hearing by publication once in a newspaper of general circulation within the town, and by posting at the town hall. A copy of the proposed budget shall be made available for public inspection at the office of the town clerk for at least one week prior to the date on which the public hearing is scheduled.

(e) *Action by council.* After completion of the public hearing, the town council shall adopt the budget as submitted or after making such changes and amendments as it deems necessary for the proper and economical operation of town government. Final town council action on the budget for the ensuing fiscal year shall be completed by October 1.

(f) *Amendment after adoption.* The town council shall have the power to amend the budget at any time to utilize excess funds, to increase appropriations, to transfer funds, or for any other purpose.

(g) *Emergency expenditures.* The town council may authorize the mayor to expend monies beyond those provided in the budget for emergency purchases to procure necessary supplies and services to handle emergency circumstances which require immediate action for the protection of the health, safety, or welfare of the town or a sector thereof. The mayor shall exercise such authority only in the manner and within the limits established by the town council and only if a special meeting of the town council is not possible. The mayor shall report any such expenditure at the next regular meeting of the town council, whether it be a regular or special meeting.

Sec. 5-3. Deposit and investment of town funds.

The town council shall, at its discretion, designate banks or trust companies as town depositories. The town council may establish rules and regulations governing deposits and withdrawals and security deposits and other safeguards for town funds so deposited.

All monies collected or received by officers and employees shall be given to the mayor or the appropriate officer or employee designated by the Mayor for deposit in the town depositories.

Any town funds or deposits not currently needed for public purposes may be invested in short term United States bonds, treasury notes or bills, or other investments as authorized by law and the town council.

Sec. 5-4. Disbursement of town funds.

Town funds shall be withdrawn from town depositories only upon presentation of checks drawn and signed by the mayor or such subordinates of the mayor as the town council may designate. The form of such checks shall be as prescribed by the mayor, subject to the approval of the town council.

Sec. 5-5. Facsimile signatures.

The use of mechanically applied facsimile signatures shall be limited to such purposes and subject to such limitations and restrictions as the town council may prescribe.

INDIAN RIVER SHORES CHARTER

Sec. 5-6. Contracts, licenses, permits, etc.

No promise or representation of any kind by any officer or employee of the town shall be binding upon or enforceable against the town nor create an estoppel, an implied contract, or any liability against or upon the town, unless ratified or embodied in a contract, permit, license, approval, consent, or other instrument issued pursuant to and in accordance with an ordinance of the town.

Every contract made by or on behalf of the town shall be in writing, approved as to form and legality by the town attorney, approved by the town council, signed by the mayor, and attested by the town clerk.

Sec. 5-7. Competitive bidding.

(a) *Required.* No purchase by or on behalf of the town requiring the expenditure of \$5,000 or more shall be awarded, let, or made except through competitive bidding after the advertisement for bids in the form and manner prescribed in this Charter. No purchase or the quantity thereof shall be split for the purpose of avoiding the requirements of this section. (Ord. 342, 8-28-86)

(b) *Publication of request for bids.* Published notice of each intended purchase shall appear in a newspaper of general circulation within the town once each week for two consecutive weeks prior to the opening date of the bid. In addition to the publication requirements of this section, the town council may direct the mayor to notify by United States mail, additional potential suppliers of such requests for bids whenever the town council determines that the publication requirement of this section is inadequate to produce sufficiently competitive bidding.

(c) *Contents of request for bids.* Each request shall contain an acceptance clause granting the Town a minimum of 30 days in which to accept or reject the bid, during which time the tendered bid shall remain valid. The request for the submission of bids may contain a requirement that the bidder provide a performance bond in the full amount of the contract price and may further contain such other specifications and declarations as the town council shall determine necessary for the proper evaluation of the bidder's proposal and qualifications.

(d) *Award.* The town council shall award the contract to the lowest fully responsive and responsible bidder; provided, that the town council may award the contract to a bidder other than the lowest bidder should it find that the lowest bidder does not offer the reliability, quality of service, or product afforded by such other bidder. Where a bid other than the lowest bid is taken, the town council shall state the reasons upon which such award was made.

(e) *Rejection and resubmission for bids.* The town council may reject all submitted bids and provide for the request of additional bids whenever it finds that the bids submitted are not responsive to the request for bids, that the bids are not responsible, or that the bid prices are unacceptable. Requests for such additional bids shall comply with the provisions of this section.

(f) *Purchases on failure to receive bids.* Where no bids are received and the council determines that additional requests for bids are unlikely to produce responses, the town council may authorize the purchase, at the best obtainable price, of such products or services as are available on the open market.

(g) *Professional services.* Contracts for professional services, including but not limited to architects, attorneys, accountants, engineers, and surveyors, may, upon approval by the town council, be entered into without competitive bidding. The town council shall review the qualifications, work history, and other relevant data before contracts for such services are entered.

Sec. 5-8. Audits.

Upon the direction of the town council, the finances of the town shall be examined and audited at least once each year in accordance with the laws of the State of Florida. For this purpose the town council shall employ an accountant not connected with the town government at the end of each fiscal year, or more frequently if the town council so desires. Such financial audit shall be a certified audit with no exceptions. All reports and recommendations of the auditor shall be directed to the town council. The mayor and his subordinate officers and employees shall cooperate fully with the auditor and shall make all accounts, books, vouchers, records, reports, and other data available to him.

ARTICLE 6. ELECTIONS

Sec. 6-1. Qualification of electors.

Any citizen of the United States who is a registered elector of Indian River County, Florida, and who resides within the Town of Indian River Shores shall qualify as an elector of the Town of Indian River Shores.

Sec. 6-2. Qualification of candidates.

In addition to all the requirements imposed by state law, candidates for the office of town council member must be qualified electors of the town and must have resided within the town for one year immediately preceding the election in which they are candidates.

No member of the town council shall be eligible for reelection to the council who will have served eight or more consecutive years as a council member at the expiration of his then current term. (Ord. No. 297, § 1, 5-23-91)

Editor's note—Ordinance No. 408 amended § 2 of Ord. No. 897 by changing the referendum date from Nov. 8, 1992 to Mar. 10, 1992, at which referendum the amendment to § 6-2 was approved.

Sec. 6-3. Conduct generally.

(a) Except as otherwise specifically provided by this Charter, all elections held by the town shall be conducted in accordance with all applicable provisions of the Florida Election Code.

(b) Regular elections for the office of town council member shall be held on the first Tuesday in February commencing on the first Tuesday in February, 1981. Each candidate for town council member shall run town-wide. The candidates receiving a plurality of the votes cast for that particular office shall be elected.

Sec. 6-4. Referendum requirement regarding State Road A1A.

The town council shall not approve or undertake any project to add one or more additional driving lanes to State Road A1A without first submitting the project to the electors of the town for approval by a majority of those voting at a general election or at a special election called for such purpose. If the project is not approved by a majority of those voting, then the town council shall not proceed to adopt or otherwise approve such project.

The election under the terms of this ordinance shall be the March 10, 1992, presidential preferential primary election. (Ord. No. 404, § 1, 1-9-92)

ARTICLE 7. TRANSITION

Sec. 7-1., Continuation of ordinances.

All ordinances in effect upon adoption of this Charter, to the extent that they are not inconsistent with it, shall remain in full force and effect until amended or repealed.

Sec. 7-2. Rights of officers and employees.

Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights, privileges, or immunities of those who are town officers or employees at the time of the adoption of this Charter. Elected officers shall continue to hold their offices for the terms prescribed by the Charter of the town in effect on the date of their election.

Sec. 7-3. Pending matters.

All rights, claims, actions, orders, contracts, and legal or administrative proceedings involving the town shall continue and remain in full force and effect except as modified pursuant to the provisions of this Charter.

INDIAN RIVER SHORES CHARTER

§ 7-4

Sec. 7-4. Existing rights, obligations, duties, and relationships.

All right, title, and interest in property, uncollected taxes due, claims, judgments, decrees, liens, suits, actions, and choses in action held or owned by the existing town shall pass to and are hereby vested in the town as continued under this Charter. All rights, obligations, duties, and relationships now existing by law or agreements between the town and other governmental units shall be unaffected and shall remain in full force and effect. No debt or obligation of the town shall be impaired as a result of the adoption of this Charter and all such debts and obligations shall pass to and be binding upon the town, reorganized and continued by this Charter.

Sec. 7-5. Transition ordinances and resolutions.

The town council shall adopt such ordinances and resolutions as are required to effect the transition necessitated by the adoption of this Charter.

CHT: 14