

JUPITER ISLAND TOWN CHARTER

ARTICLE I

General Provisions

Section 1.1. Historical: Effective Date. The Town of Jupiter Island was created in 1953 pursuant to House Bill No. 582, which has been subsequently amended by many Special Acts of the Laws of the State of Florida. This amended Charter shall become effective immediately upon adoption.

Section 1.2. Ordinances Preserved. All ordinances in effect upon adoption of this Charter, to the extent not inconsistent with it, shall remain in full force and effect until repealed or changed as provided herein.

Section 1.3. Rights of Officers and Employees. Except as specifically provided herein, nothing in this Charter shall affect or impair the rights or privileges of persons who are officers or employees of the Town at the time of adoption. Elected officials shall continue to hold their offices and discharge their duties until their successors are duly elected and qualified.

Section 1.4. Pending Matters. All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the Town shall continue unless otherwise modified pursuant to this Charter.

Section 1.5. Powers of the Town. The Town of Jupiter Island shall have all powers of local self-government and home rule and all powers available to a municipality under the constitution of the State of Florida including, without limitation, all powers that exist now or may be granted to municipalities by the Legislature of the State of Florida subsequent to the date of adoption of this

Charter. All such powers shall be exercised in a manner consistent with this Charter or pursuant to lawfully enacted ordinances of the Town. The powers of the Town shall be construed liberally in favor of the Town.

ARTICLE II

Boundaries & Property

Section 2.1. Boundaries. The boundaries of the Town of Jupiter Island, Martin County, Florida, a municipal corporation organized and existing under the laws of the State of Florida, shall be established as follows:

Begin where the Westerly extension of the North Line of Bon Air Beach, Plat No. 3, in Plat Book 10, Page 34, Public Records of Palm Beach County, Florida, intersects the centerline of the Intracoastal Waterway; thence run Southerly along said centerline to the point of intersection with the South Boundary line of Martin County, Florida; thence run East along said South line of Martin County to the ordinary high water mark of the Atlantic Ocean; thence run Northerly along the ordinary high water mark of the Atlantic Ocean to the point where the Easterly extension of the aforesaid North line of Bon Air Beach, Plat No. 3, intersects the ordinary high water mark of the Atlantic Ocean; thence run Westerly to the point of beginning.

Section 2.2. Sale of Property; Referendum Required. Any lease of Town owned property for a period exceeding five cumulative years or disposition of Town owned, open green spaces located within the corporate limits of the Town and any improvement of such green spaces shall require approval by vote of the Town electors, by majority of those voting in a referendum election lawfully called and held. No referendum election held for such purpose shall be held between April 15 and December 15 of any year.

The power to dispose of such real property shall embrace sale, exchange, lease for a term of greater than five years, mortgage,

pledge or other encumbrance of real property; and also abandonment, or gift to charity of real property.

Improvements shall include the construction of above ground structures which diminish open green space, but shall specifically exclude the construction of public structures deemed necessary by the Town Commission for Town business, underground utility structures including, but not limited to, water mains, sewer lines, storm water drainage and other utilities. In addition, this Section 2.2 shall not preclude the construction of structures deemed necessary by the Town for public recreational purposes on those properties described herein on which public recreational structures exist as of the date of adoption of this Charter.

ARTICLE III

The Town Commission

Section 3.1. Composition; Terms. The elective officers pursuant to this Charter shall be five members who comprise the Town Commission, to be elected at large by the electors of the Town.

Each Commissioner shall be elected for a term of four years. Two Town Commission members shall be elected every four years commencing in 1997 and three Town Commission members shall be elected every four years commencing in 1999.

The term of office of Commissioners shall commence on the first regularly scheduled meeting of the Town Commission following the date of their election and shall continue until their successors are elected at a general election four years after the

date of their election and qualified at the first regular meeting of the Commission after the election.

Section 3.2. Powers. The Town Commission shall have all powers, legislative and judicial, not proscribed by the constitution or the Laws of the State of Florida or by specific provisions of this Charter. The executive powers of the Town shall be vested in the Town Commission and the Town Manager as set forth in this Charter.

Section 3.3. Organizational Meeting; Election of Mayor and Vice Mayor. At the first regularly scheduled meeting after election of new Commissioners, the Town Commission shall appoint one member the Mayor and one member the Vice Mayor of the Town, each of whom shall hold office for a term of two years and until his or her successor shall be qualified and appointed.

Section 3.4. Vacancy. In the event of death, disability, resignation, forfeiture or removal of any member of the Town Commission, such vacancy may be filled by the appointment of a new Commissioner by a majority of the remaining members of the Town Commission. For purposes of this Section 3.4, a Town Commissioner shall forfeit office if he or she lacks any qualification of office prescribed by this Charter or applicable law at any time during the term of office. The person appointed to fill the vacancy created by the death, disability, resignation, forfeiture or removal of a member of the Town Commission shall serve until the next scheduled general election of the Town.

In the event the governor of the State of Florida, or any other governmental agency, shall suspend any member of the Town Commission in accordance with applicable laws, the remaining

members of the Town Commission shall, upon such suspension order being received in writing, appoint, by a majority vote of the remaining members of the Town Commission, a new Town Commissioner to fill such temporary vacancy created by the suspension. The appointee shall serve until such time as the suspension is terminated; provided, however, in the event the regular term of office of the suspended Commissioner shall regularly expire during the period of suspension, such Commission seat shall be filled at the regularly scheduled election. If such suspended Commissioner shall be later removed from office in accordance with law, then such Commissioner shall be replaced in accordance with the foregoing provisions pertaining to removal.

Section 3.5. Oath of Office. Each person appointed or elected as a member of the Town Commission, before entering upon the discharge of the duties of the office, shall take and subscribe the following oath before some officer authorized to administer oaths under the laws of the State of Florida:

"I do solemnly swear (or affirm) that I will support, protect and defend the Constitution and government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution and Laws of the State of Florida; and that I will well and faithfully perform all the duties of the office of Town Commissioner of the Town of Jupiter Island, Florida, upon which I am about to enter. So help me God."

Section 3.6. Procedure.

(a) Meeting. The Town Commission shall meet at such times and places as the Town Commission may prescribe by rule. Special meetings may be held when called by the Mayor, or by any two members of the Town Commission.

(b) Rules. The Town Commission may adopt its own rules of procedure and order of business.

(c) Quorum. A majority of the Town Commission shall constitute a quorum, but a lesser number may adjourn from time to time and may compel the attendance of absent members pursuant to the rules of the Town Commission. No action of the Town Commission except as otherwise provided in the preceding sentence or as otherwise required in this Charter or applicable law shall be valid or binding unless adopted by the affirmative vote of the majority of the quorum present.

Section 3.7. Compensation. No elected official of the Town shall receive any compensation for services to the Town or any other monetary benefit whatsoever except reimbursement of direct out-of-pocket expense legitimately incurred on Town business and as prescribed by law.

Section 3.9. Interference with Administration. The Town Manager shall be the administrative head of the municipal government under the laws of the Town as enacted by the Town Commission and under general supervision of the Town Commission. Except for the purpose of inquiries and investigations, neither the Town Commission nor its members shall deal with Town employees who are subject to the direction and supervision of the Town Manager,

or with contractors, suppliers or vendors of the Town, except through the Town Manager, and the Town Commission members shall not give orders to any such employees, contractors, suppliers or vendors either publicly or privately. Nothing in the foregoing is to be construed to prohibit the Town Commission from closely scrutinizing by questions and personal observations, all aspects of Town government so as to obtain independent information to assist them in the formation of sound policies to be considered by the Town Commission.

ARTICLE IV

Election Procedure

Section 4.1. General Election. General elections shall be held on the third Tuesday in March in each year that any Town Commissioner's full term is set to expire.

Section 4.2. Nonpartisan Elections. All elections for the Town Commission shall be conducted on a nonpartisan basis without regard to the designation of political party affiliation.

Section 4.3. Qualification of Candidates for Town Commission. A candidate for the office of Town Commissioner must be a registered voter and resident of the Town of Jupiter Island and must register with the Town Clerk between February 16 and March 1 of the year of election.

Section 4.4. Form of Ballot. The Town Commission shall prescribe the form of the ballot for all Town Elections.

Section 4.5. Voting. When there are more candidates for the office of Town Commissioner than there are open positions, the persons receiving a plurality of the votes cast shall be declared to have been elected.

In the event a vacancy in candidacy is caused by death, withdrawal or removal of a candidate subsequent to the candidate qualifying pursuant to the procedures established by the Town, so as to leave fewer candidates than open positions for the office in which the vacancy in candidacy has occurred, then and in that event, the remaining candidate or candidates shall be considered elected. In the event the vacancy in candidacy leaves fewer candidates remaining than open positions, the Town Commission may fill the vacancy in office pursuant to the provisions of Section 3.4 of this Charter.

Section 4.6. Qualification of Electors. Any person who is a resident of the Town, who has qualified as an elector of this state, and who registers in the manner prescribed by general law and ordinance of the Town shall be a qualified elector of the Town.

Section 4.7. Recall. There shall be no power of recall or removal from office of any elected official of the Town except as provided by the Laws of the State of Florida.

Section 4.8. Charter Amendments. This Charter may be amended in accordance with the provision for charter amendments as specified in the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, or its successor. The form, content and certification of any petition to amend shall be established by ordinance.

ARTICLE V

Town Manager

Section 5.1. Appointment. The Town Manager shall be appointed by the Town Commission by resolution, which resolution shall be adopted by a majority of all members of the Town

Commission. The Town Manager shall serve at the pleasure of the Town Commission and may be removed from office by resolution adopted by a majority of all members of the Town Commission.

Section 5.2. Powers and Duties of Town Manager. The Town Manager shall be responsible to the Town Commission for the proper administration of all affairs of the Town coming under his or her jurisdiction, and to that end his or her powers shall be as follows:

(1) To be responsible for the supervision of all departments and employees of the Town and to see that the laws and ordinances are enforced.

(2) To appoint or terminate or to delegate the appointment and termination of all Town employees.

(3) To see that all terms and conditions imposed in favor of the Town or its inhabitants in any public utility franchise are faithfully kept and performed

(4) To attend all meetings of the Town Commission, unless excused by the Commission, with the right to take part in the discussion but without having a vote.

(5) To recommend to the Town Commission for adoption such measures as he or she may deem necessary or expedient in the interest of the Town. To keep the Town Commission fully advised as to the financial condition and needs of the Town and to submit for its consideration an annual budget.

(6) To be the purchasing agent for the Town, by whom all purchases of supplies shall be made, and to approve all vouchers for the payment of same. All purchases and sales shall conform to such regulations as the Town Commission may from time to time

prescribe. The duties as prescribed in this subparagraph may be amended by ordinance.

(7) To perform such other duties as the Town Commission may prescribe.

Section 5.3. Control Over Administrative Services. No member of the Town Commission shall dictate the employment of any person by the Town Manager, or in any manner interfere with the Town Manager or prevent him or her from exercising his or her own judgment in the appointment or removal of employees. The Town Commission and its members shall deal with Town personnel solely through the Town Manager.

ARTICLE VI

Town Clerk

Section 6.1. Powers and Duties of the Town Clerk. The Town Clerk shall be responsible for maintenance, retention and archives programs of all official records of the Town. The Town Clerk will attest to all executory contracts made in behalf of the Town as evidence of authorization of such contracts by the Town Commission, and no executory contracts made in behalf of the Town or to which the Town is a party shall be valid unless attested by the Town Clerk. The Town Clerk shall attend Commission meetings, record and produce minutes and may conduct Town elections.

Section 6.2. Delivery of Records. It shall be the duty of every officer, Commissioner, employee and the Town Manager of the Town within ten days after the expiration of his or her term of office or of his or her discontinuance as an officer, Commissioner or employee to deliver to the Town Clerk, or to such person as the Town Commission may designate, all books, records, papers, vouchers

and property of every kind in his or her possession or control belonging to the Town.

ARTICLE VII

Town Officers

Section 7.1 Powers and Duties of the Mayor. The Mayor shall be the chief executive officer and shall preside as chairman at meetings of the Town Commission, shall be recognized as the head of Town government for all ceremonial purposes, by the governor for purposes of military law, for service of process, execution of contracts, deeds and other documents, and as the official designated to represent the Town in all agreements with other governmental entities or certifications to other governmental entities, to recommend, subject to the approval of the Town Commission, the appointment of persons to serve on boards or commissions of the Town, but shall have no administrative duties except as required to carry out the responsibilities herein. The Mayor shall have a voice and vote in the proceedings of the Town Commission.

Section 7.2 Powers and Duties of the Vice Mayor. The Vice Mayor shall assume the duties of the Mayor during the absence or disability of the Mayor.

Section 7.3 Powers and Duties of Chairman Pro Tem. In the absence or disability of both the Mayor and the Vice Mayor, the Town Commission may appoint a chairman pro tem to fulfill the duties and functions of said office.

ARTICLE VIII

Finance and Taxation

Section 8.1. Fiscal Year. The fiscal year at the Town of Jupiter Island shall commence on the first day of October and end on the last day of the next succeeding September.

Section 8.2. Annual Budget. The Town Commission shall adopt an annual budget for the Town in the manner and form prescribed by Florida law. Said budget may be adopted by resolution or ordinance at the discretion of the Commission.

Section 8.3. Annual Audit. The Town Manager, at the end of each fiscal year, shall cause a full and complete examination and audit of all books and accounts of the Town to be made by a certified public accountant and shall publish the results of such examination and audit for information of the Town Commission and the general public and in compliance with the general statutes of the State of Florida. The Town Commission may require, during the fiscal year, such other financial reports as it deems necessary.

ARTICLE IX

Tax Assessments and Levies

Section 9.1. Tax Rates and Levies. The Town Commission shall levy ad valorem taxes on real and tangible personal property within the Town in such amounts as may be necessary to carry on the business and government of the Town in a manner consistent with Florida law.

ARTICLE X

Borrowing

Section 10.1. Authority to Borrow. The Town shall have full and complete power and authority, including all power and authority now existing, or hereafter granted, by general, local or special law or provisions of the former Town Charter, as amended, to borrow money, contract loans, and issue bonds, time warrants, and certificates of indebtedness from time to time, to finance the undertaking of any municipal or public project for the purposes permitted by the State Constitution, and may pledge the funds, full faith and credit, property and taxing power of the Town for the payment of such debts and bonds.

ARTICLE XI

Transition Schedule

Section 11.1. Repeal of Former Charter Provisions. All charter provisions in effect prior to the effective date of this charter, including those contained in the charter originally adopted in 1953 by House Bill No. 582, are repealed except those provisions which establish the municipal corporation known as Jupiter Island.