

PART I CHARTER¹

We the people of the Town of Belleair, under the constitution and laws of the State of Florida, in order to serve the benefits of local self government and to provide for an honest and accountable commission-manager government do hereby adopt this Charter and confer upon the town the following powers, subject to the prescribed restrictions, and secure the benefits of home rule and affirm the values of representative democracy, professional management, strong elected leadership, citizen participation, and regional cooperation.

(Ref. of 3-11-08, Amend. No. 1)

ARTICLE I. POWERS OF THE TOWN

Sec. 1.01. Territorial limits.

The Town of Belleair shall embrace and include all of that territory situated and being in Pinellas County, Florida, described as follows:

Begin at the northwest corner of the northeast quarter of Section 21, Township 29 South, Range 15 East and run thence southerly 363.0 feet along the quarter section line to the northeast corner of Druid Place Subdivision as recorded in Plat Book 26, Page 122 of the public records of Pinellas County, Florida, for P.O.B.; thence continue southerly along the quarter section line and a common boundary with the City of Clearwater, Florida, 636.79 feet to the center line of Watkins Road; thence easterly along the center line of Watkins and a common boundary with the City of Clearwater, Florida, approximately 1,300 feet to a point 30 feet west of the easterly boundary of the northwest quarter of the northeast quarter of said Section 21; thence southerly along a common boundary with the City of Clearwater, Florida, and parallel to said easterly boundary to the center line of Corbett Street ("A" Street of Town of Belleair as recorded in Plat Book 1, Page 108 of the public records of Hillsborough County, of which Pinellas County was formerly a part); thence westerly along the center line of Corbett Street ("A" Street) and a common boundary with the City of Clearwater, Florida, 415 feet to the northerly extension of the center line of 4th Avenue in said Town of Belleair; thence southerly along the center line of 4th Avenue and a common boundary line with the City of Clearwater, Florida, 305 feet to the center line of "B" Street; thence easterly along the center line of "B" Street and a common boundary with the City of Clearwater, Florida, to the northerly extension of the center line of an alley in Town of Belleair; thence southerly along the center line of said alley and a common boundary line with the City of Clearwater, Florida, 590 feet to the northerly line of "D" Street; thence easterly 109 feet along the northerly line of "D" Street and a common boundary line with the City of

¹Editor's note(s)—Printed herein is the Charter of the Town of Belleair, Ord. No. 130, § 2, passed by the town commissioners on Dec. 19, 1972, and approved at a referendum election on February 6, 1973. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

State law reference(s)—Municipal home rule powers, F.S. ch. 166.

Clearwater, Florida, to the westerly line of Ft. Harrison Avenue, known as 3rd Avenue in Town of Belleair; thence Southerly along said westerly line of Ft. Harrison Avenue and a common boundary line with the City of Clearwater, Florida, approximately 1,720 feet to the northerly line of the southwest quarter of the southeast quarter of said Section 21; thence easterly along the fractional section line and a common boundary line with the City of Clearwater, Florida, approximately 86 feet to the northeast corner of the southwest quarter of the southeast quarter of said Section 21; thence southerly along the fractional section line and a common boundary line with the City of Clearwater, Florida, approximately 1,323 feet to the southeast corner of the southwest quarter of the southeast quarter of said Section 21; thence westerly along the fractional section line approximately 50 feet to the easterly line of the Seaboard Air Line Railroad right-of-way; thence southerly along said easterly line of said railroad right-of-way approximately 1,385 feet to the southerly line of County Road No. 75; thence easterly along southerly line of said County Road No. 75 (Ponce de Leon Boulevard) approximately 130 feet to the easterly line of the southwest quarter of the northeast quarter of Section 28, Township 29 South, Range 15 East; thence southerly along said easterly line approximately 1,343 feet to the quarter section line; thence westerly along the said quarter section line to the easterly line of the Seaboard Air Line Railroad right-of-way; thence southerly along the easterly line of said Seaboard Air Line Railroad right-of-way approximately 1,330 feet to the center line of Rosery Road in Belleair Estates as recorded in Plat Book 18, Pages 52 to 58 inclusive, of the public records of Pinellas County, Florida; thence westerly approximately 372 feet along center line of said Rosery Road to the easterly line of Belleair Estate Second Addition as recorded in Plat Book 36, Page 39 of the public records of Pinellas County, Florida; thence southerly along said easterly line 1,295.96 feet to the center line of County Road No. 125 and southerly line of said Section 28; thence westerly, along the southerly line of Sections 28 and 29, Township 29 South, Range 15 East approximately 5,500 feet to the northwest corner of the northeast quarter of Section 32, Township 29 South, Range 15 East and the center line of Bluff View Drive in Sunset Bay Subdivision as recorded in Plat Book 33, Pages 76 and 77 of the public records of Pinellas County, Florida; thence south 1 degree 23 minutes 52 seconds west, along the quarter section line and center line of said Bluff View Drive, 472.22 feet; thence north 89 degrees 03 minutes 57 seconds west, along the southerly line of Tract A of said Sunset Bay Subdivision, 333 feet; thence south 18 degrees 02 minutes 24 seconds west, 209.25 feet to the northwesterly corner of Lot 15 of Sunset View Subdivision as recorded in Plat Book 28, Page 14 of the public records of Pinellas County, Florida; thence south 12 degrees 40 minutes 32 seconds east, 102.86 feet to the southwesterly corner of said lot 15; thence north 89 degrees 03 minutes 57 seconds west, 1,927.55 feet to the center line of the Intracoastal Waterway as of January 1, 1965; thence north 21 degrees 30 minutes 53 seconds east, 7,888.05 feet along said center line; thence north 27 degrees 52 minutes 34 seconds east, 4,187.69 feet along said center line; thence south 89 degrees 05 minutes 01 seconds east, along a line 396 feet southerly of and parallel to the northerly line of Section 21, Township 29 South, Range 15 East, 2,937.09 feet; thence north 0 degrees 04 minutes 03 seconds east, 33.0 feet; thence south 89 degrees 05 minutes 01 seconds east, along the northerly line of Druid Place Subdivision as recorded in Plat Book 26, Page 122 of the public records of Pinellas County, Florida, 173.90 feet to P.O.B.

The territorial area of the Town of Belleair shall also include the following described area:

The east half of the southwest quarter of the southeast quarter of Section 38, Township 29 South, Range 15 East, also described as follows: Commence at the easterly line of the Seaboard Airline Railroad right-of-way with the center line of Rosery Road in Belleair Estates as recorded in Plat Book 18, Pages 52 through 58, inclusive, of the public records of Pinellas County, Florida; thence westerly approximately 372 feet along center line of said Rosery Road to the easterly line of Belleair Estates Second Addition as recorded in Plat Book 36, Page 39 of the public records of Pinellas County, Florida; thence southerly along said easterly line 1,295.96 feet to the center line of County Road No. 125 which center line is also the southerly line of said Section 28; thence easterly along the southerly line of Section 28 to its intersection with the east line of the west half of the southeast quarter of said Section 28, said point also being the southeast corner of the west half of the southeast quarter of said Section 28; thence northerly along the east line of the west half of the southeast quarter of said Section 28 to the point of beginning.

State law reference(s)—Amendment to redefine boundary description, F.S. § 166.031(3).

Sec. 1.02. General powers.

The Town of Belleair shall have all powers possible for a municipality to have under the Constitution and Laws of the State of Florida, unless expressly limited in this Charter.

(Ord. No. 227, § 2, 10-28-80/12-2-80)

State law reference(s)—Municipal home rule powers, F.S. ch. 166.

Sec. 1.03. Construction.

The powers of the Town of Belleair under this Charter shall be construed liberally in favor of the town and the specific mention of a particular power in the Charter shall not be construed as limiting in any way the general powers stated in this article.

State law reference(s)—Home rule powers, broadly construed, F.S. § 166.021(4).

Sec. 1.04. Intergovernmental relations.

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

State law reference(s)—Intergovernmental programs, F.S. ch. 163.

ARTICLE II. TOWN COMMISSION²

Sec. 2.01. Composition, eligibility, election and terms.

- (a) *Composition.* There shall be a town commission consisting of a mayor and four (4) commissioners all of whom shall be elected at large by the electors of the town, i.e., voters registered according to general law with the Supervisor of Elections, Pinellas County, Florida.
- (b) *Eligibility.* Candidates for the town commission shall be electors of the Town of Belleair and residents of the Town of Belleair at the time of seeking office and, if elected, shall continue to possess such qualifications throughout the term of their office.
- (c) *Election and terms.* The Town Commission shall by resolution order an election to be held on a Tuesday in March of each year in which the term of the mayor or commissioner expires. The mayor and commissioners shall hold office for a period of three (3) years from the first commission meeting next succeeding their election or until such time as their successors are elected and qualified.

(Ord. No. 227, § 4, 10-28-80/12-2-80; Ord. No. 301, § 1, 10-23-90/12-4-90; Ord. No. 371, § 2, 1-21-97/3-11-97; Ref. of 3-11-08, Amend. No. 2; Ord. No. 535, § 3, 8-3-21)

²State law reference(s)—Code of ethics, F.S. § 112.311 et seq.; public records, F.S. ch. 119; open meetings, F.S. § 286.011 et seq.

State law reference(s)—Campaign financing, F.S. ch. 106.

Sec. 2.02. Mayor.

- (a) The mayor shall preside at all meetings of the commission and shall be recognized as the chief official of the town and shall provide the leadership for the total government process as provided by the Charter, and as may be required by the governor or military law.
- (b) The commission shall elect from among its members a deputy mayor who shall act as mayor during the absence or disability of the mayor. In the event of a vacancy in the office of the mayor, the deputy mayor shall become the mayor with the full powers and duties of the mayor as provided by this Charter or other law and shall so serve until such time as a mayor is elected at the next regular town election and qualified to serve. The commission shall further establish a line of succession and shall elect from its member a successor deputy mayor.
- (c) The office of a commissioner who becomes mayor pursuant to section 2.02(b) hereof shall be filled in the manner provided in section 2.03 hereof and the person so elected shall serve as a commissioner until such time as a mayor is elected at the next regular own election and is qualified to serve. Upon the election and qualification to serve of a mayor, the person then serving as mayor shall continue to serve as a commissioner for the remainder, if any, of the term for which they were elected.

(Ord. No. 227, § 6, 10-28-80/12-2-80; Ord. No. 371, § 4, 1-21-97/3-11-97)

State law reference(s)—Open meetings act, F.S. ch. 286.

Sec. 2.03. Vacancies.

- (a) *When vacancy occurs.* The office of a commissioner shall become vacant upon his death, resignation, forfeiture or removal from office in any manner authorized by law.
- (b) *Forfeiture of office.* A commissioner shall forfeit his office if he:
 - (1) Lacks at any time during the term of his office any qualification for the office prescribed by this charter or by law.
 - (2) Is convicted of a crime involving moral turpitude.
 - (3) Fails to attend four (4) consecutive regular meetings of the commission, unless such absence is excused by the commission.
- (c) *Filling of vacancies.* A vacancy in the commission shall be filled by majority vote of the remaining members of the commission, and the person so elected shall serve as commissioner until the next regular election. Any person elected to fill such a vacancy shall possess all the qualifications required of a commissioner by this Charter and by law. At the next regular town election a special ballot shall be voted upon to elect a commissioner to serve any remainder of the unexpired term of the office filled by vote of the commission.

(Ord. No. 227, § 9, 10-28-80/12-2-80; Ord. No. 371, § 7, 1-21-97/3-11-97)

Sec. 2.04. Recall.

The qualified voters of the town shall have the power to recall and to remove from office any elected official of the town as provided by general law.

(Ord. No. 227, § 17, 10-28-80/12-2-80; Ord. No. 371, § 13, 1-21-97/3-11-97)

State law reference(s)—Recall of municipal officials, F.S. § 100.361.

Sec. 2.05. Judge of qualifications.

The commission shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of office, and for that purpose shall have power to subpoena witnesses, administer oaths and require 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. Decisions made by the commission under this section shall require at least three (3) affirmative votes.

(Ord. No. 227, § 10, 10-28-80/12-2-80; Ord. No. 371, § 8, 1-21-97/3-11-97)

Sec. 2.06. General powers and duties of the commission.

- (a) All powers of the town shall be vested in the commission except when expressly prohibited by law or this Charter, and the commission shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the town by law.
- (b) The commission, after consultation with the town manager, may establish or revise town departments, offices or agencies as may be required for the proper administration and operation of the town.
- (c) The commission may make investigation 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 the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the commission, shall be punishable in accordance with law.
- (d) The commission may, by ordinance or resolution, create or enter into an agreement for the establishment of an employee pension plan or plans for the benefit of employees of the town and may allocate such town funds as may be necessary therefor.

(Ord. No. 227, § 7, 10-28-80/12-2-80; Ord. No. 371, § 5, 1-21-97/3-11-97)

Sec. 2.07. Prohibitions and limitations.

- (a) *Holding other office.* No member of the commission, during the terms for which he has been elected or appointed or for one year thereafter, shall be eligible for appointment to any office, position or employment in the town which carries compensation other than to an office within the commission, except as provided for under section 3.02.
- (b) *Performance and removals.* The commission or any of its members, and board[s] and committees or members thereof appointed by the commission, shall not in any manner interfere with the performance of the duties or the removal of any employee of the town who is under the supervision of the manager.
- (c) *Interference with administration.* Except for the purpose of inquiries and investigations under section 2.06(c), the commission or its members shall deal only through the manager or acting manager with employees who are subject to the direction and supervision of the manager. Neither the commission nor its members shall give orders to any such employee either publicly or privately.

Nothing in the foregoing paragraph is to be construed to prohibit individual members of the commission from closely scrutinizing by questions and personal observations all aspects of town operations so as to obtain independent information to assist the members of the commission in the formulation of sound policy.

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- (d) *[Receipt of bequests, etc.]* The commission may receive bequests or donations and may make donations only where such are in the furtherance of the public purposes of the town.
 - (e) *Purchasing procedure.* The commission shall adopt a purchasing and procurement policy by ordinance consistent with state law.
 - (f) *Department abolishment.* No department of the town shall be abolished except by the unanimous vote of the five (5) commission members. The commission may abolish the town's police department only by the unanimous adoption of an ordinance voted upon by the five (5) commission members.
 - (g) *Disposition of real property.* No real property owned by the town shall be sold, alienated or conveyed until the same has been appraised an independent appraiser who is a member of an appraisal organization listed in F.S. § 253.025, or its successor.

(Ord. No. 227, § 8, 10-28-80/12-2-80; Ord. No. 371, § 6, 1-21-97/3-11-97; Ord. No. 506, § 3, 8-16-16/11-8-16; Ord. No. 540, § 1, 12-7-21/3-15-22)

State law reference(s)—Dual office holding, Fla. Const., art. II, § 5(a); code of ethics, F.S. § 112.311 et seq.

Sec. 2.08. Procedures.

- (a) *Meetings.* The commission shall meet regularly at least once in every month at the town hall or other designated place in the town as the commission may prescribe by rule. Special meetings may be held on the call of the mayor or of three (3) or more members and, whenever practicable, upon no less than twelve (12) hours' notice to each member. All meetings of the commission shall be public.
- (b) *Rules and minutes.* The commission shall determine its own rules of procedure and order of business, and shall provide for keeping minutes of its proceedings. The minutes shall be a public record. In the absence of rules of procedure established by the commission, the latest edition of Robert's Rules of Order shall apply when not in conflict with this Charter.
- (c) *Voting.* Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the minutes. Three (3) members of the commission shall constitute a quorum, but a smaller number, before adjourning, may fix the time for holding an adjourned meeting and may compel the attendance of absent members. No action of the commission except as otherwise provided in this Charter shall be valid or binding unless adopted by the affirmative vote of a majority of the members present. The mayor shall be a voting member of the commission.

(Ord. No. 227, § 13, 10-28-80/12-2-80; Ord. No. 371, § 11, 1-21-97/3-11-97)

State law reference(s)—Open meetings act, F.S. ch. 286.

Sec. 2.09. Compensation and expenses.

There shall be no salary paid to the mayor or any commissioner.

The commission shall establish as a part of the budget each year an expense allowance for the commission to cover normal expenses attributable to the office held. Such expense allowance shall be not less than one hundred dollars (\$100.00) per month for the mayor and twenty-five dollars (\$25.00) per month for a commissioner.

All other expenses for such office may be compensated on an actual cost basis.

(Ord. No. 227, § 5, 10-28-80/12-2-80; Ord. No. 371, § 3, 1-21-97/3-11-97)

Sec. 2.10. Commission appointments.

The commission shall appoint a town manager as provided under Article III hereof, and a town attorney or attorneys, who shall serve at the pleasure of the commission.

The commission may appoint by resolution such Advisory Boards or Ad-Hoc Committees as it may deem necessary. Membership is to be composed of residents of the town who shall serve at the pleasure of the commission.

An Advisory Board or Ad-Hoc Committee shall mean any group of citizens, so appointed, whose authority, function, duties and jurisdiction are advisory in nature to the commission. Such authority shall not include a final determination or adjudication of any personal or property rights, duties or obligation.

The commission may establish by ordinance such Regulatory Boards as it may deem necessary to fulfill the requirements of state law or of this Charter. Membership is to be composed of residents of the town, unless otherwise provided for by state law. Members appointed by the commission shall serve at the pleasure of the commission.

A Regulatory Board shall mean any group of citizens, so appointed or otherwise provided for, whose powers, authority, function, duties and jurisdiction are clearly defined as established by state law or this Charter.

(Ord. No. 227, § 11, 10-28-80/12-2-80; Ord. No. 371, § 9, 1-21-97/3-11-97)

Sec. 2.11. Ordinances and resolutions.

- (a) *Ordinances.* The commission shall exercise all powers possible for a municipality to have under the Constitution and Laws of the State of Florida to enact ordinances, which action is a regulation of a general and permanent nature and enforceable as a local law. The procedures and form for enacting shall follow state law and shall include the following additional requirements:
- (1) The proposed ordinance shall be read in full, or by title on at least two (2) separate meetings of the commission; which meetings shall be not less than seven (7) days apart, one of which shall be a regular meeting. At least ten (10) days prior to adoption, each proposed ordinance shall be noticed once in a newspaper of general circulation in the town. Ordinances shall become effective on the date provided in the ordinance or otherwise as provided by state law.
 - (2) In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the commission shall be by ordinance which: levy taxes; other than ad valorem property taxes; grant, renew, or extend a franchise; set service or user charges for any municipal services; authorize the borrowing of money; convey in fee, or lease for a term in excess of one year, any real property of the town; or buy any real property in the name of the town.
 - (3) The commission may, by a two-thirds vote, enact an emergency ordinance without complying with the requirements of paragraph (1) of this subsection. The ordinance shall contain a declaration describing in clear and specific terms the facts and reasons constituting the emergency, and shall become effective upon adoption or at such later time as it may specify, and shall remain effective for a period of sixty (60) days. However, such ordinances shall not levy taxes; grant, renew or extend a franchise; set service or user charges for any municipal services; authorize the borrowing of money; or enact or amend a land use plan or rezone private real property.
- (b) *Resolutions.* The commission shall exercise all power possible for a municipality to have under the Constitution of the State of Florida and Laws of Florida necessary to adopt resolutions, which action is an expression of the commission concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the governing body.

(Ord. No. 227, § 14, 10-28-80/12-2-80; Ord. No. 371, § 12, 1-21-97/3-11-97; Ord. No. 506, § 3, 8-16-16/11-8-16)

State law reference(s)—Minimum procedure for adoption of ordinances, F.S. § 166.041.

Sec. 2.12. Authentication and recording [of ordinances, etc.].

The commission, through the clerk, shall provide for the authentication and recording in full of all ordinances and resolutions adopted by the commission, and the same shall at all times be a public record. The commission shall further maintain a current codification of all ordinances. Such codification shall be published and made available for distribution on a continuing basis.

(Ord. No. 227, § 16, 10-28-80/12-2-80)

Sec. 2.13. Independent audit.

The 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 firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the town or any of its officers. The commission may, without requiring competitive bids, designate such accountant or firm annually. The designation shall be made no later than sixty (60) days after the beginning of such fiscal year. If the state makes such an audit, the commission may accept it as satisfying the requirements of this section.

(Ord. No. 227, § 12, 10-28-80/12-2-80; Ord. No. 371, § 10, 1-21-97/3-11-97)

State law reference(s)—Annual audit required, F.S. §§ 166.241, 218.32.

ARTICLE III. ADMINISTRATION

Sec. 3.01. Administrative branch, establishment of.

There shall be an administrative branch having jurisdiction over all operations of the town not legislative or judicial in nature.

(Ord. No. 227, § 18, 10-27-80/12-2-80)

Sec. 3.02. Town manager.

- (a) *Appointment.* The commission shall appoint a town manager by an affirmative vote of at least four (4) of its members. The manager shall be appointed primarily on the basis of his managerial and administrative qualifications and shall serve at the pleasure of the commission.
- (b) *Removal.* The commission may remove the town manager by an affirmative vote of four (4) of the commission members.
- (c) *Vacancy.* The commission shall determine by a majority vote of its members that a vacancy of the office of the town manager exists by death, resignation, or termination in accordance with subsection 3.02(b), or through prolonged absence or disability, actual or foreseeable, of the town manager. When such determination is made, the commission shall take any or all of the following actions as appropriate under the circumstances and as determined by a majority vote of its members:
 - (1) Invoke the plan of delegation (section 3.04).

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- (2) Authorize the mayor or a commissioner to perform, without salary, the duties of the town manager for a period not to exceed six (6) months.
 - (3) Designate and appoint an acting town manager for a specified term.
 - (4) Initiate search for replacement [of the] town manager.
 - (5) Appoint a new manager in the manner hereinabove set forth.

(Ord. No. 227, § 19, 10-28-80/12-2-80)

Sec. 3.03. Compensation.

The commission shall establish a salary for the manager.

(Ord. No. 227, § 20, 10-28-80/12-2-80)

Sec. 3.04. Temporary delegation of authority.

The town manager shall create, and keep current, a plan of delegation designating a person or persons of the town to assume and exercise, in total or in part, the powers and duties of the town manager during his temporary absence or disability. Approval of this plan by a majority of the commission shall be required. (See section 3.02(c) relative to a vacancy of the office of town manager.)

(Ord. No. 227, § 21, 10-28-80/12-2-80)

Sec. 3.05. Powers and duties.

The manager shall be the chief administrative officer of the town. He shall be responsible to the commission for the proper administration of the affairs of the town. The execution of his duties shall be in accordance with the requirements of this Charter. The duties of the manager shall include, but not be limited to, the following:

- (a) He shall appoint a town clerk and all department heads with the confirmation of the commission, and when he deems it necessary for the good of the town, suspend or remove any employee or suspend any appointed department head, except as otherwise provided by law, this Charter, or personnel policies adopted pursuant to this Charter. He may, when he deems it necessary for the good of the town, suspend or remove any employee or suspend or remove any appointed department head, except as otherwise provided by law, this Charter or personnel policies adopted pursuant to this Charter.
- (b) He shall direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this Charter or by law.
- (c) He shall attend all commission meetings and shall have the right to take part in discussion, but may not vote.
- (d) He shall see that all laws, provisions of this Charter, policies, and acts of the commission subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.
- (e) He shall review all continuing contracts at least annually, and make appropriate recommendations to the commission for any continuance, cancellation or modification.
- (f) He shall be responsible for the preparation of, and submission to the commission, of a proposed annual budget and capital program.

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- (g) He shall submit to the commission and make available to the public a summary report on the finances and administrative activities of the town within sixty (60) days of the end of each fiscal year.
 - (h) He shall make such other reports as the commission may require concerning the operations of town departments, offices and agencies subject to his direction and supervision.
 - (i) He shall keep the commission fully advised as to the financial condition and future needs of the town, and make such recommendations to the commission concerning the affairs of the town as he deems desirable.
 - (j) He shall perform such other duties as specified in this Charter or required by formal action of the commission.

(Ord. No. 227, § 22, 10-28-80/12-2-80; Ord. No. 371, § 14, 1-21-97/3-11-97)

Sec. 3.06. Administration.

Each department, office, and agency under the direction and supervision of the manager shall be administered by an officer appointed by, and subject to the direction and supervision of the manager. With the consent of the commission, the manager may serve as head of one or more [of] such departments, offices, and agencies or may appoint one person as head of two (2) or more of them.

(Ord. No. 227, § 23, 10-28-80/12-2-80)

Sec. 3.07. Department heads.

Except as otherwise provided by this Charter, the director of each department of the town shall be responsible to the manager, and through him to the commission for the administration and operation of his department. All department heads shall comply with such administrative policies and procedures as may be established by the commission for the manager.

(Ord. No. 227, § 23, 10-28-80/12-2-80)

ARTICLE IV. FINANCE³

Sec. 4.01. Fiscal year.

The fiscal year of the town shall begin on the first day of October and end on the last day of September of the following year, or as provided by state law.

(Ord. No. 227, §§ 26, 27, 10-28-80/12-2-80)

State law reference(s)—Fiscal year mandated, F.S. §§ 166.241, 218.33.

³State law reference(s)—Municipal finance, F.S. § 166.101 et seq.

Sec. 4.02. Submission of budget and budget message.

No later than sixty (60) days prior to October first of each year, the manager shall submit to the commission a budget for the ensuing fiscal year and an accompanying message.

State law reference(s)—Budget adoption procedure, F.S. ch. 205.

Sec. 4.03. Budget message.

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

If the ad valorem rateables are not available from the county tax assessor and limits imposed by the state legislature are subject to change, then the best estimates of these factors should be used.

(Ord. No. 227, §§ 26, 28, 10-28-80/12-2-80)

Sec. 4.04. Budget [requirements generally].

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 manager deems desirable or the commission may require. In organizing the budget, the manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; and 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 where possible 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 the 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) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the town and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income and any accumulated funds.

(Ord. No. 227, § 26, 10-28-80/12-2-80)

Sec. 4.05. Capital program.

- (a) *Submission to commission.* The manager shall prepare and submit to the commission at the time of the budget presentation a capital program for not less than three (3) years. The commission may adopt by resolution the capital program as submitted by the manager with or without amendments.

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- (b) *Contents.* The capital program shall include:
- (1) A clear general summary of its contents.
 - (2) A list of all capital improvements which are proposed to be undertaken during the next budget year and the ensuing fiscal years programmed, with appropriate supporting information as to the necessity for such improvements.
 - (3) Cost estimates, method of financing and recommended time schedules for each such improvement.
 - (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired, and the proposed means to finance such costs.

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

(Ord. No. 227, § 26, 10-28-80/12-2-80)

Sec. 4.06. Commission action on budget.

- (a) *Notice and hearing.* The commission shall publish in one or more newspapers of general circulation in the town a notice of the proposed annual budget stating:
- (1) The time and place of a public hearing on the budget to be held not less than two (2) weeks after such publication.
 - (2) The times and places where copies of the message and budget are available for inspection by the public.
- (b) *Amendment before adoption.* After the public hearing, the commission, by resolution, may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any 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 of estimated income and any accumulated funds.
- (c) *Adoption.* The commission shall adopt the budget by resolution on or before the twenty-fifth day of the last month of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriate for current operation for the current fiscal year shall be deemed 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 for the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

(Ord. No. 227, § 26, 10-28-80/12-2-80)

State law reference(s)—Budget adoption procedure, mandated, F.S. § 200.061.

Sec. 4.07. Public records.

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at the town hall.

(Ord. No. 227, § 26, 10-28-80/12-2-80)

State law reference(s)—Public records act, F.S. ch. 119.

Sec. 4.08. Amendments after adoption [of budget].

- (a) *Supplemental appropriations.* If during the fiscal year the manager 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) *Emergency appropriations.* To meet a public emergency affecting life, health, property or the public peace, the commission may make appropriations. Such appropriations may be made by resolution, amending the budget. To the extent that there are no available unappropriated revenues to meet such appropriations, the commission may, by emergency ordinance in accordance with the provisions of this Charter, authorize the issuance of emergency notes, which may be renewed when necessary notwithstanding the automatic repeal provision of section 2.11(a)(3) 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) *Reduction of appropriations.* If at any time during the fiscal year it appears probable to the manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the commission without delay, indicating the estimated amount of the 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) *Transfer of appropriations.* After the first six (6) months of the fiscal year, the manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency. Upon written request by the manager, the commission may by resolution transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.
- (e) *Limitations, effective date.* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

(Ord. No. 227, §§ 26, 29, 30, 10-28-80/12-2-80)

Sec. 4.09. Lapse of appropriations.

Every appropriation, except an appropriation for a 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 of any such appropriation shall be deemed abandoned if five (5) years pass without any disbursement from or encumbrance of the appropriation.

(Ord. No. 227, §§ 26, 31, 10-28-80/12-2-80)

Sec. 4.10. Administration of budget.

Payments and obligations prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any person who knowingly authorized or made such

payment or incurred such obligation, and he shall also be liable to the town for any amount so paid. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

(Ord. No. 227, § 26, 10-28-80/12-2-80; Ord. No. 371, § 15, 1-21-97/3-11-97)

ARTICLE V. PLANNING AND ZONING⁴

Sec. 5.01. Authorized.

The town commission shall exercise all power[s] possible for a municipality to have under the Constitution and Laws of the State of Florida to regulate and restrict the planning and zoning of the town.

(Ord. No. 227, § 32, 10-28-80/12-2-80)

Sec. 5.02. Comprehensive plan.

The town commission shall adopt and may from time to time amend in accordance with law a comprehensive plan setting forth in graphic and textual form the present requirements and such future requirements as may be foreseen for the development of the town, based on existing and anticipated needs.

(Ord. No. 227, § 32, 10-28-80/12-2-80)

State law reference(s)—Comprehensive plan, F.S. § 163.3177.

Sec. 5.03. Land use, zoning and development.

- (a) After a comprehensive plan has been prepared and adopted, the town commission shall enact or amend and enforce a zoning ordinance in accordance with law.
- (b) Ordinances which amend land use, rezone private real property, initiated by the governing body or its designee, shall be enacted pursuant to Florida Law and this Charter.
- (c) All comprehensive plans, zoning or rezoning ordinances, land use regulations, Residential Planned Development districts; and any amendments, variances, changes or modifications thereto shall be enacted pursuant to Florida Law and this Charter and shall not become effective except by an affirmative vote of at least four (4) of the commission members. This subsection 5.03(c) shall not apply to variances related to existing single-family lots or structures or improvements thereon.

(Ord. No. 227, § 32, 10-28-80/12-2-80; Ord. No. 371, § 16, 1-21-97/3-11-97)

State law reference(s)—Land development regulations, F.S. § 163.3202.

⁴State law reference(s)—Planning, F.S. § 163.3161 et seq.

Sec. 5.04. Planning and zoning board.

The town commission shall appoint by resolution a planning and zoning board whose members shall serve at the pleasure of the commission.

(Ord. No. 227, § 32, 10-28-80/12-2-80; Ref. of 3-11-08, Amend. No. 3)

Sec. 5.05. Board of adjustment.

The commission shall have the authority to appoint a board of adjustment if judged to be in the best interests of the town. Said board of adjustment, if appointed, shall consist of five (5) members, one member to be appointed by the mayor and one member to be appointed by each of the four (4) commissioners. The board of adjustment, if created, shall be established by ordinance which shall set forth the terms of office, duties, responsibilities and authority of the members. Said ordinance creating the board of adjustment shall clearly set forth the scope of authority of the board of adjustment establishing its authority to act and render decisions on requests for variances and special exceptions from established zoning or building regulations. Any party believing that he or she is aggrieved by the actions of the board of adjustment shall have the right of appeal to the commission within thirty (30) days from any decision rendered by said board.

(Ord. No. 227, § 32, 10-28-80/12-2-80)

ARTICLE VI. ELECTIONS⁵

Sec. 6.01. Town elections.

- (a) *General.* The regular town elections shall be held in accordance with the provisions of section 2.01(c) of this Charter. Except as otherwise provided by this Charter and the Belleair Town Code, the provisions of the state elections laws shall apply to all elections held under this Charter. All elections shall be conducted by the election authorities established by the commission, except as otherwise provided by this Charter.
- (b) *Mayor, commissioner elections.*
 - (1) *Mayor election.* The candidate for mayor receiving the highest number of votes shall be declared elected to such office.
 - (2) *Commissioner election.* All candidates for the office of commissioner shall run at large. The candidate(s) receiving the highest number of votes shall be declared elected to such office.
 - (3) *Elector.* Each elector may vote for the number of offices to be filled under the ballot.
 - (4) *Tie.* All ties in elections shall be decided by lot in the presence of the candidates concerned after reasonable notice thereto, under the direction of the town clerk.

(Ord. No. 227, §§ 33, 33a, 10-28-80/12-2-80; Ord. No. 371, § 17, 1-21-97/3-11-97)

⁵State law reference(s)—Florida election code, F.S. chs. 97—106.

Sec. 6.02. Qualifying.

- (1) *Candidate.* Every candidate for the office of mayor or commissioner desiring his name to be placed upon the ballot in a regular or special election of the town who is qualified under this Charter to hold said office shall file with the town clerk his written request, during the town clerk's regular office hours. The candidate qualifying period shall commence no earlier than the day which is one hundred (100) days prior to and exclusive of the date of said election and end no later than 4:00 PM on the day which is eighty four (84) days prior to and exclusive of the date of said election. The candidates shall submit a petition setting forth such desires and signed by not less than twenty-five (25) electors of the town.

In the event the first day of qualifying shall fall on a weekend or holiday, the qualifying period shall commence on the day prior to the weekend or holiday. Should the final day of qualifying fall on a weekend or holiday, then the qualifying period shall close at 4:00 PM on the day following the weekend or holiday.

- (2) *Town clerk.* The town clerk shall cause the name of qualified candidates to be placed upon the election ballot in alphabetical order without any political party designation or symbol.

(Ord. No. 227, §§ 33, 33b, 10-28-80/12-2-80; Ord. No. 302, § 1, 10-20-90/12-4-90; Ord. No. 371, § 18, 1-21-97/3-11-97; Ref. of 3-11-08, Amend. No. 4)

State law reference(s)—Qualifying, election assessment state fee, F.S. § 99.093.

ARTICLE VII. GENERAL PROVISIONS

Sec. 7.01. Appeals to the commission.

An appeal to the commission may be taken by any person aggrieved by the decision of any administrative officer designated or appointed to carry out the rules and regulations prescribed by the commission.

However, such appeal shall be taken within thirty (30) days from the date of the decision by filing with the commission a notice of appeal specifying the grounds thereof. The officer from whose decision the appeal is taken shall forthwith transmit to the commission copies of all of the papers constituting the record upon which the action appealed from was taken.

The commission shall fix a time for the hearing of the appeal giving public notice thereof, as well as due notice to the party in interest, and decide the same within a reasonable time. At the time of the hearing, any party may appear in person or by agent or attorney.

(Ord. No. 227, § 34, 10-28-80/12-2-80)

Sec. 7.02. Petition to judge of circuit court of Pinellas County.

Any person or persons, jointly or severally aggrieved by any act of the commission under the powers herein granted to said commission, may present to the circuit court of Pinellas County, Florida, a petition duly verified, setting forth that such act is illegal in whole or in part, particularly specifying the grounds of illegality. Such petition shall be presented to said court within thirty (30) days after the act or acts of the commission upon which the petition is based; or no action, suit or other proceeding in any manner questioning the legality of said act or acts shall lie for any cause whatsoever.

(Ord. No. 227, § 34, 10-28-80/12-2-80)

Sec. 7.03. Standards of conduct for town officers and employees.

The standard of conduct required of town officers and employees in the performance of their official duties shall be as provided by general law.

(Ord. No. 227, § 34, 10-28-80/12-2-80)

State law reference(s)—Code of ethics, F.S. § 112.311 et seq.

Sec. 7.04. Separability.

If any article, section, subsection, sentence, clause or provision of this Charter is held invalid, the remainder of the Charter shall not be affected.

(Ord. No. 227, § 34, 10-28-80/12-2-80)

Sec. 7.05. Rules of context.

Unless qualified in the text, the following rules of context shall apply to this Charter:

- (a) The singular includes the plural.
- (b) The masculine includes the feminine.
- (c) Captions, letters and subtitle appearing in this Charter are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of the articles, sections or paragraphs of this Charter nor in any way affect this Charter.
- (d) Any references in this Charter to either a registered or qualified voter or elector of the town shall mean a resident of the town who has qualified as an elector of the State of Florida and who registers in the manner prescribed by general law and ordinance of the town.

(Ord. No. 371, § 19, 1-21-97/3-11-97; Ref. of 3-11-08, Amend. No. 5)

ARTICLE VIII. INITIATIVE AND REFERENDUM⁶

Sec. 8.01. General authority.

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

⁶State law reference(s)—Charter amendment, F.S. § 166.031.

(Ord. No. 227, § 35, 10-28-80/12-2-80)

Sec. 8.02. Commencement of proceedings; petitioners' committee; affidavit.

Any five (5) electors may commence initiative or referendum proceedings by filing with the clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Filing shall consist of delivery of said petition to the clerk, or in his absence, to any employee of the office of the clerk, during normal working hours, and the date and time of filing shall be noted thereon.

(Ord. No. 227, § 35, 10-28-80/12-2-80)

Sec. 8.03. Petitions.

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

(Ord. No. 227, § 35, 10-28-80/12-2-80; Ref. of 3-11-08, Amend. No. 6)

Sec. 8.04. Procedure after filing.

- (a) *Certificate of clerk, amendment.* Within ten (10) days after the petition is filed, the clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective, and shall promptly send a copy of the certificate to the petitioners' committee by certified mail. A petition certified insufficient for lack of the required number of valid signatures may be supplemented if the petitioners' committee files a notice of intention to supplement it with the clerk within five (5) days after receiving the copy of his certificate, and files a supplementary petition with additional signatures within thirty (30) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of section 8.03 hereof; and within five (5) days after it is filed, the clerk shall complete a certificate as to the sufficiency of the petition as supplemented and forthwith send a copy of such certificate to the petitioners' committee by certified mail as in the case of an original petition. If a petition or supplemented petition is certified insufficient, and the petitioners' committee does not elect to amend or request the commission's review under subsection (b) of this section within the time required, the clerk shall promptly present his certificate to the commission and the certificate shall then be a final determination as to the sufficiency of the petition.

(Supp. No. 29)

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- (b) *Commission's review.* If a petition has been certified insufficient and the petitioners' committee does not file a notice of intention to supplement it, or if a supplemented petition has been certified insufficient, the committee may, within five (5) days after receiving the copy of such certificate, file a request that it be reviewed by the commission. The commission shall review the certificate at its next 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) *Court review, new petition.* A final determination as to the sufficiency of a petition shall be subject to court review as provided under section 7.02 of this Charter. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

(Ord. No. 227, § 35, 10-28-80/12-2-80)

Sec. 8.05. Referendum petitions, suspension of effect of ordinance.

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

- (a) There is a final determination of the insufficiency of the petition.
- (b) The petitioners' committee withdraws the petition.
- (c) The commission repeals the ordinance.
- (d) Thirty (30) days have elapsed after a vote of the town on the ordinance.

(Ord. No. 227, § 35, 10-28-80/12-2-80)

Sec. 8.06. Action on petitions.

- (a) *Action by commission.* When an initiative or referendum petition has been finally determined sufficient, the commission shall promptly consider the proposed initiative ordinance in the manner provided under section 2.11 or reconsider the referred ordinance by voting its repeal. If the commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the electors of the town.
- (b) *Submission to electors.* The vote of the town on a proposed or referred ordinance shall be held not less than sixty (60) days and not later than one hundred eighty (180) days from the date the petition was finally determined sufficient. If no regular town election is to be held within the period prescribed in this subsection, the commission shall provide for a special election; otherwise, the vote shall be held at the same time as such regular town election, except that the commission may upon the affirmative vote of not less than four (4) members provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls and posted in the town hall for not less than thirty (30) days prior to the election.
- (c) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the town by filing with the clerk a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(Ord. No. 227, §§ 35, 36, 10-28-80/12-2-80; Ord. No. 371, § 20, 1-21-97/3-11-97)

Sec. 8.07. Results of election.

- (a) *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results, and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the 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.
- (b) *Referendum.* If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

(Ord. No. 227, § 35, 10-28-80/12-2-80)

ARTICLE IX. TRANSITIONAL PROVISIONS

Sec. 9.01. Elected officials and town employees.

Rights and privileges preserved. Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are elected officials or employees of the town at the time of its adoption.

(Ord. No. 227, § 37, 10-28-80/12-2-80; Ord. No. 371, § 21, 1-21-97/3-11-97)

Sec. 9.02. Departments, offices and agencies.

Property and records. All property, records and equipment of any department, office or agency existing when this Charter is adopted shall be transferred to the department, office or agency assuming its powers and duties, but, in the event that the powers or duties are to be discontinued or divided between units, or in the event any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices or agencies designated by the commission in accordance with this Charter.

(Ord. No. 227, § 37, 10-28-80/12-2-80; Ord. No. 371, § 22, 1-21-97/3-11-97)

Sec. 9.03. Pending matters.

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

(Ord. No. 227, § 37, 10-28-80/12-2-80)

Sec. 9.04. State and municipal laws.

In general, all town ordinances, resolutions, orders and regulations which are in force when this Charter becomes fully effective shall remain in full force and effect until otherwise changed in accordance with this Charter.

(Ord. No. 227, § 37, 10-28-80/12-2-80)

ARTICLE X. CHARTER REVIEW

Sec. 10.01. Composition.

Every ten (10) years during the month of June, there shall be established a charter review committee of not less than five (5) members. The members of the committee shall be appointed by the town commission and shall be electors of the town at the time of appointment and throughout the term of their office. Vacancies shall be filled in the same manner as the original appointment.

(Ord. No. 371, § 23, 1-21-97/3-11-97; Ref. of 3-11-08, Amend. No. 7)

Sec. 10.02. Proposal of amendments.

Amendments to this Charter may be framed and proposed:

- (a) In the manner provided by law, or
- (b) By ordinance of the town commission, either on its own initiative or on the recommendation of the Charter Review Committee, containing the full text of the proposed amendment and effective upon the adoption, or
- (c) By the electors of the town.

Proposal of an amendment by the electors of the town shall be by petition containing the full text of the proposed amendment and shall be governed by the same procedures and requirements prescribed in Article VIII.

(Ord. No. 371, § 23, 1-21-97/3-11-97; Ref. of 3-11-08, Amend. No. 7)

Sec. 10.03. Election.

Upon adoption of an ordinance or delivery of a petition finally determined sufficient, proposing an amendment pursuant to this Article, the town commission shall submit the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election or at a special election called for such purpose.

(Ord. No. 371, § 23, 1-21-97/3-11-97; Ref. of 3-11-08, Amend. No. 7)

Sec. 10.04. Report.

Each charter review committee established pursuant to this Article X shall complete its review and submit a report to the town commission by the first day of December of the year of appointment.

(Ord. No. 371, § 23, 1-21-97/3-11-97)

CHARTER COMPARATIVE TABLE ORDINANCES

This table shows the location of the sections of the basic Charter and any amendments thereto.

PART I - CHARTER
CHARTER COMPARATIVE TABLE ORDINANCES

Ordinance Number	Adoption Date	Election Date	Section	Section this Charter
130	12-19-72	2- 6-73	2	1.01—9-04
227	10-28-80	12- 2-80	2	1.02
			4—14	2.01—2.11
			16, 17	2.12, 2.13
			18—22	3.01—3.05
			23	3.06, 3.07
			26	4.01
				4.03—4.10
			27	4.01
			28	4.03
			29, 30	4.08
			31	4.09
			32	5.01—5.05
			33	6.01, 6.02
			33a, 33b	6.01, 6.02
			34	7.01—7.04
			35	8.01—8.07
			36	8.06
			37	9.01—9.04
301	10-23-90	12- 4-90	1	2.01
302	10-20-90	12- 4-90	1	6.02
371	1-21-97	3-11-97	2	2.01
			3 Rnbd	2.02
			as	2.09
			4 Rnbd	2.03
			as	2.02
			5 Rnbd	2.04
			as	2.06
			6 Rnbd	2.05
			as	2.07
				2.07(c), (e)
			Added	2.07(f)
			7 Rnbd	2.06
			as	2.03
				2.03(c)
			8 Rnbd	2.07
			as	2.05
			9 Rnbd	2.08
			as	2.10
			10 Rnbd	2.09
			as	2.13
			11 Rnbd	2.10

PART I - CHARTER
CHARTER COMPARATIVE TABLE ORDINANCES

			as	2.08
			12	2.11(a)(1), (2)
			13 Rnbd	2.13
			as	2.04
			14	3.05
			15	4.10
			16	5.03
			17, 18	6.01, 6.02
			19	7.05
			20	8.06(b)
			21, 22	9.01, 9.02
			23 Added	10.01—10.04
		3-11-08	Amd. 1	
			Added	Preamble
			Amd. 2	2.01(c)
			Amd. 3	5.04
			Amd. 4	6.02(1)
			Amd. 5	
			Added	7.05(d)
			Amd. 6	8.03(a)
			Amd. 7	10.01—10.03
506	8-16-16	11- 8-16	3	2.07(e)
			Added	2.07(g)
				2.11(a)(1)
535	8- 3-21		3	2.01(c)
540	12- 7-21	3-15-22	1	2.07(f)