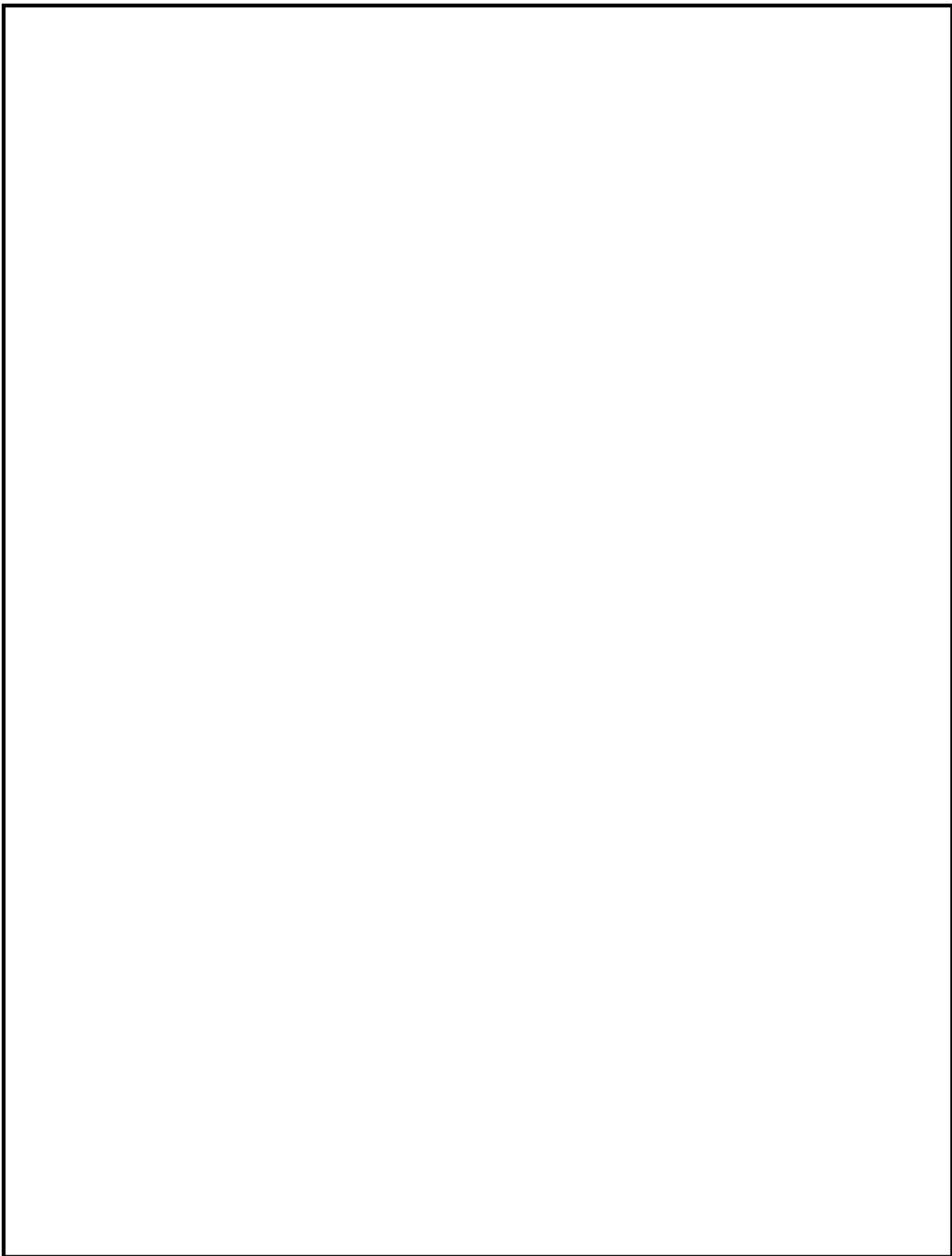




CHARTER

AS ADOPTED BY REFERENDUM ON NOVEMBER 4, 2014



CHARTER

Section

ARTICLE I. CORPORATE EXISTENCE, FORM OF GOVERNMENT, BOUNDARY AND POWERS

- 1.01 Corporate existence
- 1.02 Form of government
- 1.03 Corporate boundary/map
- 1.04 Powers
- 1.05 Construction

ARTICLE II. CITY COMMISSION; MAYOR

- 2.01 City Commission
- 2.02 Mayor
- 2.03 Election and Term of Office
- 2.04 Qualifications
- 2.05 Vacancies; forfeiture of office; filling of vacancies
- 2.06 Compensation; reimbursement for expenses
- 2.07 Residence

ARTICLE III. ADMINISTRATIVE

- 3.01 City Manager
- 3.02 Appointment; removal; compensation
- 3.03 Powers and duties of the City Manager
- 3.04 Absence or disability of City Manager
- 3.05 Bond of City Manager
- 3.06 City Clerk
- 3.07 City Attorney
- 3.08 Removal procedure
- 3.09 Expenditure of City funds
- 3.10 City boards and agencies
- 3.11 Contracting for Traditional Municipal Services

ARTICLE IV. LEGISLATIVE

- 4.01 Commission meeting procedure
- 4.02 Prohibitions

CITY OF WESTON, FLORIDA

- 4.03 Emergency ordinances
- 4.04 Annual budget adoption
- 4.05 Authentication, recording and disposition of ordinances; resolutions and Charter amendments
- 4.06 Tax levy and Assessments
- 4.07 Borrowing
- 4.08 Independent Audit

ARTICLE V. ELECTIONS

- 5.01 Elections
- 5.02 Initiative and referendum

ARTICLE VI. CHARTER AMENDMENTS

- 6.01 Charter amendments
- 6.02 Procedure to amend

ARTICLE VII. GENERAL PROVISIONS

- 7.01 Severability
- 7.02 Conflicts of interest; ethical standards
- 7.03 City personnel system
- 7.04 Charitable contributions
- 7.05 Charter revision
- 7.06 Variation of pronouns
- 7.07 Style and capitalization
- 7.08 Calendar day
- 7.09 No Discrimination
- 7.10 Commission approval of site plans
- 7.11 State Shared Revenues
- 7.12 Limitation on Economic Development Incentives

ARTICLE VIII. RESERVED

ARTICLE IX. CONTINUATION, MERGER AND DISSOLUTION OF EXISTING DISTRICTS

- 9.01 Indian Trace Community Development District
- 9.02 [Reserved]

CITY OF WESTON, FLORIDA

- 9.03 Continuance of rights, powers, privileges, property, ordinances, resolutions, taxes, fees, offices, departments, boards, and agencies of City
- 9.04 Time of taking effect

****Charter Review Board Note - The following is the Charter of the City, as adopted by referendum on November 7, 2000 and amended by referenda on November 5, 2002, March 11, 2003, November 2, 2004, November 7, 2006 and November 4, 2014.***

ARTICLE I. CORPORATE EXISTENCE, FORM OF GOVERNMENT, BOUNDARY AND POWERS

Section 1.01. Corporate existence.--A municipal corporation known as the City of Weston (the "City") is hereby confirmed and continued pursuant to this Charter and the Constitution of the State of Florida (the "State").

Statutory reference:

Establishment of municipalities, see Florida Constitution Article. VIII, § 2

Formation of local governments, see Florida Statutes Chapter 165

Section 1.02. Form of government.--The City shall have a "Commission-Manager" form of government.

Section 1.03. Corporate boundary/map.--The corporate boundaries of the City shall be those described in Ordinance No. 2000-19, as amended, on file at the City Clerk's office and as generally depicted on the following map:

THE CITY OF WESTON



Calvin, Giordano & Associates, Inc.
Engineers Surveyors Planners
1800 Eller Drive, Suite 600
Fort Lauderdale, Florida 33316
Phone: 954.921.7781 Fax: 954.921.8807

Produced and Maintained by the CBA
Geographical Information Systems Services
for the City of Weston

CITY OF WESTON, FLORIDA

Section 1.04. Powers.--The City shall have all available governmental, corporate and proprietary powers and may exercise them except when prohibited by law. The electors of the City intend that the municipal government established by this Charter shall have the broadest exercise of home rule powers permitted under the Constitution and laws of the State.

Statutory reference:

Municipal home rule powers, see Florida Constitution Article VIII, § 2(b), Florida Statutes § 166.021

Section 1.05. Construction.--This Charter and the powers of the City shall be construed liberally in favor of the City.

ARTICLE II. CITY COMMISSION; MAYOR

Section 2.01. City Commission.--There shall be a City Commission (the "Commission") vested with all legislative powers of the City, consisting of four members ("Commissioners") and the Mayor. References in this Charter to Commissioners shall include the Mayor unless the context dictates otherwise.

Section 2.02. Mayor.--The Mayor shall preside at meetings of the Commission and be a voting member of the Commission. The Mayor shall be recognized as head of City government for all ceremonial purposes, for purposes of military law, for service of process, execution of duly authorized contracts, deeds and other documents, and as the City official designated to represent the City in all dealings with other governmental entities.

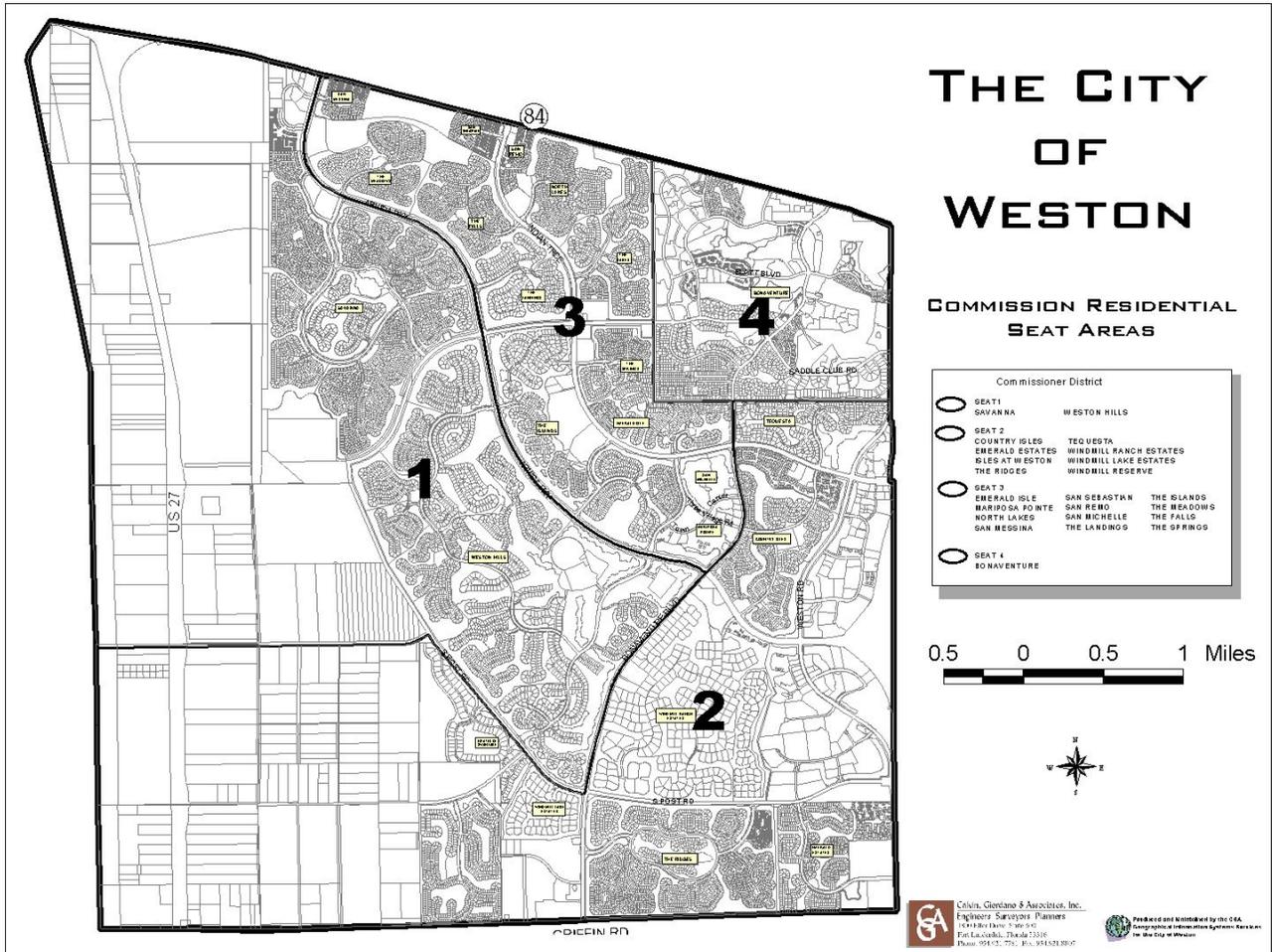
Section 2.03. Election and Term of Office.--

(a) ELECTION AND TERM OF OFFICE.--Each Commissioner and the Mayor shall be elected at-large for 4-year terms by the electors of the City in the manner provided in Article V of this Charter. Each Commissioner and the Mayor shall remain in office until his or her successor is elected and assumes the duties of the position.

(b) RESIDENTIAL AREAS.--The City shall be divided into four areas as delineated on the map below (collectively, "Residential Areas," individually, each is a "Residential Area") and assigned numbered seats 1, 2, 3, and 4 (collectively, "Seats." Individually each is a "Seat."). One Commissioner shall be elected to each Seat. A person must be a resident of the Residential Area that s/he represents during his/her term of office.

CITY OF WESTON, FLORIDA

Commission Residential Seat Areas



(c) TERM LIMITS.

(1) No person may serve in the position of Mayor for more than two consecutive terms; provided, however, that service, as Mayor during the unexpired portion of a term which another person was elected shall not be counted when applying this limitation. If a person who has previously served in the position of Mayor does not serve in the position of Mayor for at least one full term, that person's prior service shall not be counted when applying this limitation.

CITY OF WESTON, FLORIDA

(2) No person may serve in the position of City Commissioner (regardless of Seat) for more than two consecutive terms; provided, however, that service, as Commissioner during the unexpired portion of a term which another person was elected shall not be counted when applying this limitation. If a person who has previously served in the position of Commissioner does not serve in the position of Commissioner for at least one full term, that person's prior service shall not be counted when applying this limitation.

Section 2.04. Qualifications.--Candidates for Commissioner or Mayor shall qualify for election by filing a written notice of candidacy with the City Clerk at such time and in such manner as may be prescribed by ordinance and paying to the City Clerk \$100, in addition to any fees required by Florida Statutes, as a qualifying fee. A person may not be a candidate for Commission and Mayor in the same election. Only electors of the City who have resided continuously within the Residential Area for which election is being sought for at least one year preceding the date of such filing shall be eligible to hold the office of Commissioner. If at the conclusion of the qualifying period no elector from any Residential Area shall file for that Seat, the qualifying period for that Seat shall be reopened for a period of five days and any qualified elector who has resided in the City continuously for at least one year preceding the date of such filing may file a written notice of candidacy for the Seat in accordance with the remaining provisions of this Section. Only electors of the City who have resided continuously in the City for at least one year preceding the date of filing shall be eligible to hold the office of Mayor.

Cross-reference:

Qualification of candidates, see § 35.01

Statutory reference:

Municipal candidates; election assessment, see Florida Statutes § 99.093

Section 2.05. Vacancies; forfeiture of office; filling of vacancies.--

(a) VACANCIES.--The office of the Mayor or a Commissioner shall become vacant upon his or her death, resignation, removal from office in any manner authorized by law or by forfeiture of his or her office. A resignation shall be deemed to occur upon the day of submission of a letter of resignation, unless the letter provides for a future effective date, in which case the resignation shall be deemed to occur on the earlier of the effective date provided in the letter or the date the resigning official's successor takes office.

(b) FORFEITURE OF OFFICE.--

(1) Forfeiture by disqualification.--The Mayor shall forfeit his/her office if at any time during his/her term s/he ceases to maintain his/her permanent residence in the City or otherwise ceases to be a qualified elector of the City. A Commissioner shall forfeit his or her office if at any time during his/her term s/he ceases to maintain his/her permanent residence in his or her respective Residential Area or otherwise ceases to be a qualified elector of the City. A Commissioner shall not forfeit his/her office under this paragraph if, in the process of relocating within a Residential Area, s/he lives outside of his/her Residential Area but within the City for a period of no more than 90 days.

CITY OF WESTON, FLORIDA

(2) Forfeiture by absence.--A Commissioner shall be subject to forfeiture of his/her office, in the discretion of the remaining Commissioners, if s/he is absent without good cause from any four regular meetings of the Commission during any calendar year, or if s/he is absent without good cause from any four, or three as to the Mayor, consecutive regular meetings of the Commission, whether or not during the same calendar year.

(3) Procedures.--The Commission shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a Commissioner's office, including whether or not good cause for absence has been or may be established. The burden of establishing good cause shall be on the Commissioner in question; provided, however, that any Commissioner may at any time during any duly held meeting move to establish good cause for the absence of him/herself or any other Commissioner, from any past, present or future meetings, which motion, if carried, shall be conclusive. A Commissioner whose qualifications are in question or who is otherwise subject to forfeiture of his/her office shall not vote on any such matters. The Commissioner in question shall be entitled to a public hearing on request regarding an alleged forfeiture of office. If a public hearing is requested, notice thereof shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing. Any final determination by the Commission that a Commissioner has forfeited his/her office shall be made by resolution. All votes and other acts of the Commissioner in question prior to the effective date of such resolution shall be valid regardless of the grounds of forfeiture.

(c) FILLING OF VACANCIES.--

(1) If there is an available City election scheduled to be held within one year of the submission of a letter of resignation or the death, forfeiture or removal from office of an elected official, the office shall be filled at the first scheduled available City election and the person elected shall serve the remainder of the term of the vacated office. If there is no available City election scheduled to be held within one year of the submission of a letter of resignation or the death, forfeiture or removal from office of an elected official, but there is an available County, State or National election in that time period, the office shall be filled at the first scheduled available County, State or National election and the person elected shall serve the remainder of the term of the vacated office. If there is no scheduled available City, County, State or National election within one year of the submission of a letter of resignation or the death, forfeiture or removal from office of an elected official, the office shall be filled no sooner than 90 and no later than 180 days after the submission of a letter of resignation or the death, forfeiture or removal from office of an elected official by a special election and the person elected shall serve the remainder of the term of the vacated office. An election shall be deemed available if there is sufficient time to hold a qualifying period and to provide all legally required notices, and the Supervisor of Elections acknowledges that the election can be placed on the ballot for that election.

(2) A vacancy in any Seat shall be filled by a qualified person residing within the corresponding Residential Area.

(3) Persons filling vacancies shall meet the qualifications specified in this Article II.

(4) If no candidate for a vacancy meets the qualifications under this Article for that vacancy, the Commission shall appoint a person qualified under this Article to fill the vacancy.

CITY OF WESTON, FLORIDA

(5) Notwithstanding any quorum requirements established herein, if at any time the full membership of the Commission is reduced to less than a quorum, the remaining members may, by majority vote, appoint additional members to the extent otherwise permitted or required under this subsection.

(6) In the event that all the members of the Commission are removed by death, disability, recall, removal, forfeiture of office, resignation, and/or otherwise, the Governor shall appoint an interim Mayor and an interim Commissioner for each seat, each of whom shall serve until a replacement is elected. If there is no regular City election scheduled to take place during the subsequent 180 days, the interim Mayor and interim Commissioners shall call a special election that shall be held within 180 days of the appointments at which time a Mayor and Commissioner for each seat shall be elected to complete the remainder of the terms. If there is a regular City election scheduled to take place during the subsequent 180 days, a Mayor and a Commissioner for each seat shall be elected at that regular election, and the people elected shall serve either a full term (for those positions that were up for election at that time) or the remainder of the terms (for those positions that were not up for election at that time). Appointees must meet all requirements for candidates provided for in Article II.

Statutory reference:

Municipal officials; suspension and removal by Governor, see Florida Statutes § 112.51

Qualified electors, see Florida Statutes § 166.032

Vacancies, see Florida Statutes § 166.031

Section 2.06. Compensation; reimbursement for expenses.--

Commissioners shall be compensated at the rate of \$10,000 per annum and the Mayor shall be compensated at the rate of \$13,000 per annum. The Mayor and Commission shall receive reimbursement in accordance with applicable law, or as may be otherwise provided by ordinance, for authorized travel and per diem expenses incurred in the performance of their official duties.

Statutory Reference:

Per diem and travel expenses, see Florida Statutes § 112.061

Section 2.07. Residence.--For purposes of this Article, "Residence" shall require all of the following:

- (a) A place of abode within the Residential Area/City;
- (b) A declaration of intent of making that place of abode the person's permanent home;
- (c) Registration to vote at the address of that place of abode; and
- (d) A Florida driver's license (or, if the person does not possess a driver's license, an official Florida state identification) that reflects the address of that place of abode.

The terms "Resident," "Resided" and "Residing" shall be based upon this definition.

ARTICLE III. ADMINISTRATIVE

Section 3.01. City Manager.—There shall be a City Manager, who shall be an individual employed by the City (the "City Manager") who shall be the chief executive and chief administrative officer of the City. The City Manager shall be responsible to the Commission for the execution and administration of all City affairs.

Section 3.02. Appointment; removal; compensation.—A majority of the Commission shall appoint the City Manager for an indefinite term. The Commission may remove the City Manager at any time, as provided for in Section 3.08. The compensation and benefits of the City Manager shall be fixed by the Commission.

Section 3.03. Powers and duties of the City Manager.—The City Manager shall:

- (a) Be responsible for the hiring, supervision and removal of all City employees;
- (b) Direct and supervise the administration of all departments and offices but not City boards or agencies, unless so directed by the Commission from time to time;
- (c) Attend all Commission meetings and have the right to take part in discussion but not the right to vote;
- (d) Ensure that all laws, provisions of this Charter and acts of the Commission, subject to enforcement and/or administration by him/her or by officers subject to his/her direction and supervision, are faithfully executed;
- (e) Prepare and submit to the Commission a proposed annual budget and capital program;
- (f) Submit to the Commission and make available to the public an annual report on the finances and administrative activities of the City as of the end of each fiscal year;
- (g) Prepare such other reports as the Commission may require concerning the operations of City departments, offices, boards and agencies;
- (h) Keep the Commission fully advised as to the financial condition and future needs of the City and make such recommendations to the Commission concerning the affairs of the City as s/he deems to be in the best interests of the City;
- (i) Execute contracts, deeds and other documents on behalf of the City as authorized by the Commission;

CITY OF WESTON, FLORIDA

(j) Perform such other duties as are specified in this Charter or as may be required by the Commission.

(k) Call a Special Meeting of the Commission at his/her discretion or at the request of three Commissioners;

(l) Have the power, jointly with the Mayor, to declare a state of emergency pursuant to Chapter 870, Florida Statutes, and/or a state of local emergency pursuant to Chapter 252, Florida Statutes;

(m) Have the power, jointly with the Mayor, to establish and remove curfews to protect the health, welfare and safety of the citizens and residents of Weston during a state of emergency or state of local emergency; and

(n) Have the power to exempt persons from curfews.

Section 3.04. Absence or disability of City Manager.--To perform his/her duties during his/her temporary absence or disability, the City Manager may designate by letter filed with the City Clerk, a qualified administrative officer of the City. In the event of failure of the City Manager to make such designation, or should the person so designated by the City Manager be unsatisfactory to the Commission, the Commission may by resolution appoint an officer of the City to perform the duties of the City Manager until s/he shall return or his/her disability shall cease.

Section 3.05. Bond of City Manager.--The City Manager shall furnish a surety bond to be approved by the Commission, and in such amount as the Commission may fix, said bond to be conditioned on the faithful performance of his/her duties. The premium of the bond shall be paid by the City.

Section 3.06. City Clerk.--The City Manager shall appoint a City Clerk. The City Clerk shall give notice of Commission meetings to its members and the public, shall keep minutes of its proceedings and shall perform such other duties as the Commission or City Manager may prescribe from time to time. The City Clerk shall report to the City Manager.

Section 3.07. City Attorney.--The Commission may from time to time appoint an individual attorney or a law firm to act as the City Attorney under such terms, conditions and compensation as may be established by the Commission from time to time. The City Attorney shall report to the Commission. The City Attorney may be removed by the Commission at any time.

Section 3.08. Removal procedure.--The City Manager shall be removed from office only by a majority vote of the full Commission.

Section 3.09. Expenditure of City funds.--No funds of the City shall be expended except pursuant to duly approved appropriations or for the payment of bonds, notes or other indebtedness duly authorized by the City and only from such funds so authorized.

Section 3.10. City boards and agencies.--Except as otherwise provided by law, the Commission shall establish or terminate such boards and agencies as it may deem advisable from time to time. The boards and agencies shall report to the Commission. Members of boards and agencies shall be appointed by resolution.

Section 3.11. Contracting for Traditional Municipal Services.-- It was the original intent of the City to provide traditional municipal services through public and private contract providers. Accordingly, traditional municipal services shall be rendered through contract providers, not City employees, unless approved by at least a 4/5 vote of the City Commission. If the City Commission determines that any traditional municipal service is to be provided through City employees, the City Manager shall, pursuant to Section 3.03(a) of the Charter, be responsible for the hiring, supervision and removal of all such employees. For purposes of this Section, traditional municipal services shall mean the following: public safety, public works, administrative services, community development and community services.

ARTICLE IV. LEGISLATIVE

Section 4.01. Commission meeting procedure.--

(a) MEETINGS.--The Commission shall hold at least 11 regular monthly meetings in each calendar year, at such times and places as the Commission may prescribe. Special meetings may be held on the call of the Mayor or the City Manager and upon no less than 24 hours' notice to each member and the public, or such shorter time as the City Manager shall deem necessary in case of an emergency.

(b) RULES AND MINUTES.--The Commission shall determine its own rules of procedure and order of business and shall keep minutes that shall be open for public inspection.

(c) QUORUM AND VOTING.-- Any three members of the Commission shall constitute a quorum but a smaller number may adjourn from time to time and may compel the attendance of absent members in a manner and subject to the penalties prescribed by the rules of the Commission. All voting shall be by roll call. Except as otherwise specifically provided in this Charter, no action of the Commission shall be valid or binding unless adopted by the affirmative votes of at least three members of the Commission. In the event that there are less than three members of the Commission who are eligible to vote on a particular matter due to vacancy or required abstention pursuant to Florida law, then the remaining member or members of the Commission may vote and approve such matter by unanimous vote.

Statutory reference:

Ordinances, resolutions, and quorum, see Florida Statutes § 166.041

Public meetings, see Florida Statutes § 286.011

Section 4.02. Prohibitions.--

(a) APPOINTMENTS AND REMOVALS.--Neither the Commission nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the City Manager or any of his/her subordinates is empowered to appoint, but the Commission may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

(b) INTERFERENCE WITH ADMINISTRATION.--Except for the purpose of inquiries and investigations made in good faith, the Commission or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Commission nor its members shall give orders to any such officer or employee, either publicly or privately. It is the express intent of this Charter that recommendations for improvement in City government operations by individual Commissioners be made solely to and through the City Manager. Commissioners may discuss with the City Manager any matter of City business; however, no individual Commissioner shall give orders to the City Manager.

(c) HOLDING OTHER OFFICE.--No elected City official shall hold any appointive City office or employment while in office. No former elected City official shall hold any compensated appointive City office or employment until one year after the expiration of his/her term.

Section 4.03. Emergency ordinances.--

(a) AUTHORIZATION; FORM.--To meet a public emergency affecting life, health, property, or the public peace, the Commission may adopt, in the manner provided in this Section, one or more emergency ordinances, but such ordinances may not: enact or amend a land use plan or rezone private property; levy taxes; grant, renew, or extend any municipal franchise; set service or user charges for any municipal services; or authorize the borrowing of money except as provided under the emergency appropriations provisions of this Charter if applicable. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.

(b) PROCEDURE.--Upon the affirmative vote of a majority of the City Commission, an emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced. After its adoption, the ordinance shall be advertised and printed as prescribed for other ordinances.

CITY OF WESTON, FLORIDA

(c) **EFFECTIVE DATE.**—Emergency ordinances shall become effective upon adoption or at such other date as may be specified in the ordinance.

(d) **REPEAL.**—Each emergency ordinance except emergency appropriation ordinances shall automatically be repealed as of the 61st day following its effective date, but this shall not prevent reenactment of the ordinance under regular procedures, or, if the emergency still exists, in the manner specified in this Section. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this Section for adoption of emergency ordinances.

(e) **EMERGENCY APPROPRIATIONS.**—To meet a public emergency affecting life, health, property, or the public peace, the Commission, by resolution, may make emergency appropriations. To the extent that there are no unappropriated revenues to meet such appropriation, the Commission may by such emergency resolution authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals in any fiscal year shall be paid not later than the last day of the fiscal year succeeding that in which the emergency appropriations were made.

Statutory Reference:

Emergency ordinances, see Florida Statutes § 166.041

Enactment or amendment of land use plan, see Florida Statutes § 163.3184

Ordinances rezoning private property, see Florida Statutes § 166.041

Section 4.04. Annual budget adoption.—The budget shall be adopted in accordance with applicable Florida Statutes and any amendments thereto.

Statutory reference:

Budget, see Florida Statutes § 166.241

Section 4.05. Authentication, recording and disposition of ordinances; resolutions and Charter amendments.—

(a) **AUTHENTICATION.**—The Mayor and the City Clerk shall authenticate by their signatures all ordinances and resolutions adopted by the Commission. In addition, when Charter amendments have been approved by the electors, the Mayor and the City Clerk shall authenticate by their signatures the Charter amendment, such authentication to reflect the approval of the Charter amendment by the electorate.

(b) **RECORDING.**—The City Clerk shall keep properly indexed books in which shall be recorded, in full, all ordinances and resolutions enacted or passed by the Commission. Ordinances shall, at the direction of the Commission, be periodically codified. The City Clerk shall also maintain the City Charter in current form as to all amendments.

(c) **PRINTING.**—The Commission shall establish procedures for making all resolutions, ordinances, technical codes adopted by reference, and this Charter available for public inspection and available for purchase at a reasonable price.

Statutory reference:

Adoption of ordinances and resolutions, see Florida Statutes § 166.041

Charter amendments, see Florida Statutes § 166.031

Section 4.06. Tax levy and Assessments.--The City shall have the right to determine, order, levy, assess and collect all taxes and assessments as are permitted by law, and as granted to Community Development Districts, pursuant to Chapter 190, Florida Statutes, including, without limitation, benefit special assessments, maintenance assessments, excise, franchise, or privilege taxes and taxes on services and utilities.

Statutory reference:

Local improvements assessments, see Florida Statutes § 170.01 et seq.

Section 4.07. Borrowing.--

(a) Subject to the referendum requirements of the State Constitution, if applicable, the City may from time to time borrow money and issue bonds or other obligations or evidence of indebtedness (collectively, "Bonds") of any type or character for any of the purposes for which the City is now or hereafter authorized by law to borrow money, including for the purpose of financing the cost of any capital project or other project and for the purpose of refunding any and all previous issues of Bonds at or prior to maturity. Such Bonds may be issued pursuant to one or more resolutions adopted by a majority of the City Commission.

(b) In addition to and not in limitation of any borrowing authority of the City, upon the affirmative vote of a majority of the Commissioners, the City may incur indebtedness to finance or refinance water management improvements, pursuant to a general Bond resolution validated by the Circuit Court payable from benefit special assessments to be determined, ordered and levied by the Commission in accordance with a Commissioner's report approved by the Circuit Court, and may enter into any contract necessary or desirable in connection therewith, in accordance with section 190.016, Florida Statutes, as amended, determined by the Commissioners to be in the best interests of the City.

(c) The City may assume all outstanding indebtedness related to facilities it acquires from other units of local government and be liable for payment thereon.

Statutory reference:

Bond validation by circuit courts, see Florida Statutes Chapter 75

Bonds and Division of Bond Finance, see Florida Statutes §§ 159.01 et seq., 218.369 et seq.

Local bonds, see Florida Constitution Article VII, § 12

Local improvement bonds, see Florida Statutes § 170.01 et seq.

Municipal borrowing, see Florida Statutes § 166.101 et seq.

Referendum required before issuing bonds, see Florida Statutes § 100.201 et seq.

Section 4.08. Independent Audit.—The City Commission shall provide for an independent annual audit of all City accounts and may provide for 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 City government or any of its officers.

Statutory reference:

Audits, see Florida Statutes § 11.45

ARTICLE V. ELECTIONS

Section 5.01. Elections.—

(a) ELECTORS.—Any person who is a resident of the City, has qualified as an elector of the State and registers to vote in the manner prescribed by law shall be an elector of the City.

(b) NONPARTISAN ELECTIONS.—All elections for the offices of Commissioner and Mayor shall be conducted on a nonpartisan basis.

(c) ELECTION DATES.— Regularly scheduled elections shall be held on the same date as the November general election date in even-numbered years.

(d) GENERAL ELECTION.— The ballot for the general election shall contain the names of all qualified candidates for Mayor if the Mayor's term is expiring and for each of the two Seats which are to be filled as a result of two Commissioners' terms expiring. The ballot shall instruct electors to cast one vote for Mayor, if applicable, and one vote for each Seat, with a maximum of one vote per candidate. The candidate for Mayor receiving the most votes shall be the duly elected Mayor. The candidate receiving the most votes for each Seat shall be the duly elected Commissioner for that Seat.

(e) SPECIAL ELECTIONS.—Special elections, when required, shall be scheduled by the Commission at such times and in such manner as shall be consistent with this Charter and State law.

(f) SINGLE CANDIDATES.—No election for Mayor or any Seat shall be required in any election if there is only one duly qualified candidate for Mayor or for any Seat.

(g) COMMENCEMENT OF TERMS.—The term of office of any elected official shall commence at the first regularly scheduled City Commission Meeting after receipt of certification of the election (the “Certification”) or 20 days after the Certification is received, whichever is earlier.

Statutory reference:

Municipal elections, see Florida Constitution Article VI, § 6

Municipal electors, see Florida Statutes §§ 101.022, 166.032

Notice for local and special elections, see Florida Statutes § 100.151

Registration and qualification as elector of state, see Florida Statutes § 97.041

Section 5.02. Initiative and referendum.--

(a) POWER TO INITIATE AND RECONSIDER ORDINANCES.--

(1) Initiative.-- The electors of the City 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 City election, provided that such power shall not extend to the annual budget or capital program or any ordinance appropriating money, levying taxes or setting salaries of City officers or employees, or in regard to any development order, local comprehensive plan amendment or map amendment.

(2) Referendum.--The electors of the City 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 City election, provided that such power shall not extend to the annual budget or capital program or any ordinance appropriating money, levying taxes or setting salaries of City officers or employees.

(b) COMMENCEMENT OF PROCEEDINGS.--A minimum of ten electors may commence initiative or referendum proceedings by filing with the City Clerk an affidavit (the "Affidavit") stating they will constitute the petitioners' committee (the "Committee") and be responsible for circulating the petition (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. Promptly after the Affidavit is filed, the City Clerk may, at the Committee's request, issue the appropriate Petition blanks to the Committee at the Committee's expense. Petitioners' proposed ordinance shall be approved as to legal sufficiency by the City Attorney prior to circulation.

(c) PETITIONS.--

(1) Number of signatures.--Initiative and referendum Petitions must be signed by at least ten percent of the total number of electors registered to vote at the last regular City election.

(2) Form and content.--All pages of a Petition shall be assembled as one instrument of filing. Each signature shall be executed in ink and shall be followed by the printed name and address of the person signing. Petitions shall contain or have attached throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(3) Affidavit of circulator.--Each page of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that s/he personally circulated the page, the number of signatures thereon, that all the signatures were affixed in his/her presence, that s/he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(4) Filing deadline.--All initiative and referendum petitions must be filed within 60 days of the date on which a proper Affidavit is filed pursuant to subsection (b) of this Section.

(d) PROCEDURE FOR FILING.

(1) Certificate of City Clerk; amendment.—Within 20 days after an initiative Petition is filed or within five days after a referendum Petition is filed, the City Clerk shall complete a certificate as to its sufficiency (the “Certificate”), upon confirmation by the Supervisor of Elections of a sufficient number of valid petition signatures. If insufficient, the Certificate shall specify the particulars of the deficiency. A copy of the Certificate shall be promptly sent to the Committee by registered mail. Grounds for insufficiency are only those specified in subsection (c) of this Section. A Petition certified insufficient for lack of the required number of valid signatures may be amended once if the Committee files a notice of intention to amend it with the City Clerk within two business days after receiving the copy of the Certificate and files a supplementary petition (“Supplementary Petition”) with additional valid signatures within ten days after receiving the copy of the Certificate. The Supplementary Petition shall comply with the requirements of subsection (c) of this Section. Within five days after a Supplementary Petition is filed, the City Clerk shall complete a Certificate as to the sufficiency of the Petition as amended (“Amended Petition”), upon confirmation by the Supervisor of Elections of a sufficient number of valid petition signatures, and promptly send a copy of such Certificate to the Committee by registered mail as in the case of an original Petition. If a Petition or Amended Petition is certified sufficient, or if a Petition or Amended Petition is certified insufficient and the Committee does not elect to amend or request Commission review under paragraph (2) within the time required, the City Clerk shall promptly present the Certificate to the Commission and such Certificate shall then be a final determination as to the sufficiency of the Petition.

(2) Commission review.—If a Petition has been certified insufficient and the Committee does not file notice of intention to amend it or if an Amended Petition has been certified insufficient, the Committee may, within two business 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. The Commission's determination shall then be a final determination as to the sufficiency of the Petition.

(e) ACTION ON PETITIONS.

(1) Action by Commission.—When an initiative or referendum Petition has been finally determined sufficient, the Commission shall promptly consider the proposed initiative ordinance 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 45 days or fails to repeal the referred ordinance within 30 days, it shall submit the proposed or referred ordinance to the electors of the City. If the Commission fails to act on a proposed initiative ordinance or a referred ordinance within the time period contained in this paragraph, the Commission shall be deemed to have failed to adopt the proposed initiative ordinance or failed to repeal the referred ordinance on the last day that the Commission was authorized to act on such matter.

CITY OF WESTON, FLORIDA

(2) Submission to electors.—The vote of the City on a proposed or referred ordinance shall be held within 180 days from the date the Commission acted or was deemed to have acted pursuant to paragraph (1) of subsection (e) of this Section. If no regular election is to be held within the period described in this paragraph, the Commission shall provide for a special election, except that the Commission may, in its discretion, provide for a special election at an earlier date than the described period. Copies of the proposed or referred ordinance shall be made available at the polls.

(3) Withdrawal of petitions.—An initiative or referendum Petition may be withdrawn at any time by filing with the City Clerk a request for withdrawal signed by at least eight-tenths of the members of the Committee. Upon the filing of such request, the Petition shall have no further force or effect and all proceedings thereon shall be terminated.

(f) RESULTS OF ELECTION.—

(1) 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. 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.

(2) Referendum.—If a majority of the qualified electors voting on a referred ordinance vote for repeal, it shall be considered repealed upon certification of the election results.

ARTICLE VI. CHARTER AMENDMENTS

Section 6.01. Charter amendments.—

This Charter may be amended in accordance with the provisions of this Article.

Statutory reference:

Charter amendments, see Florida Statutes § 166.031

Section 6.02. Procedure to amend.—

(a) INITIATION.—This Charter may be amended in two ways:

(1) By ordinance.—The Commission may, by ordinance, propose amendments to this Charter and upon passage of the initiating ordinance shall submit the proposed amendment to a vote of the electors at the next general election held within the City or at a special election called for such purpose.

(2) By petition.—The electors of the City may propose amendments to this Charter by petition. Each petition proposing amendments to this Charter shall be commenced, in the form, filed, certified as to its sufficiency and/or withdrawn in the same manner as an ordinance proposed by initiative.

CITY OF WESTON, FLORIDA

(b) **SUBMISSION TO ELECTORS.**—Upon certification of the sufficiency of a petition, the Commission shall submit the proposed amendment to a vote of the electors at the next general election or at a special election in accordance with state law.

(c) **RESULTS OF ELECTION.**—If a majority of the qualified electors voting on a proposed amendment vote for its adoption, it shall be considered adopted upon certification of the election results. If conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

ARTICLE VII. GENERAL PROVISIONS

Section 7.01. Severability.—If any Section or part of Section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter or the context in which such Section or part of Section so held invalid may appear, except to the extent that an entire Section or part of Section may be inseparably connected in meaning and effect with the Section or part of Section to which such holding shall directly apply.

Section 7.02. Conflicts of interest; ethical standards.—All Commissioners, officials and employees of the City shall be subject to the standards of conduct for public officers and employees set by Federal, State, County or other applicable law.

Statutory reference:

Code of ethics for public officers and employees, see Florida Statutes § 112.311 et seq.

Section 7.03. City personnel system.—All new employments, appointments and promotions of City officers and employees shall be made pursuant to personnel procedures to be established by the City Manager from time to time.

Section 7.04. Charitable contributions.— The City shall not make any charitable contributions, except as provided in this Section. The City may make charitable contributions to an entity that is exempt under the Internal Revenue Code, 26 USC Sec. 501(c)(3), and provides goods and/or services that directly and substantially benefit individuals in the City, provided that the total amount of all contributions to such entities shall not exceed \$50,000.00 per year. The entity shall have been established for a minimum of 365 days prior to the date of application, and shall have provided goods and/or services to City residents for at least 365 days prior to the date of application. The requested funding shall be required by federal or state law in order for the entity to obtain matching funds. The documentation requirements and procedures for such charitable contributions shall be established by Resolution of the City Commission.

Section 7.05. Charter revision.--

(a) The Charter will be reviewed in 2004 and at least every ten years thereafter.

(b) A five-member Charter Review Board shall be appointed and funded by the City Commission. Each City Commissioner, and the Mayor, shall submit the name of one individual for appointment to the Charter Review Board. Appointees by each Commissioner shall reside within the Residential Area of that Commissioner. The appointee of the Mayor shall reside within the City. The Charter Review Board shall be appointed at least 360 days before the next scheduled election and complete its work and present any recommendations for change no later than 180 days before the election.

(c) The City Commission shall hold a minimum of two public hearings on the proposed changes to the Charter prior to placing the proposed changes on the scheduled election ballot.

Section 7.06. Variation of pronouns.--All pronouns and any variation thereof used in this Charter shall be deemed to refer to masculine, feminine, neutral, singular or plural as the identity of the person or persons shall require and are not intended to describe, interpret, define or limit the scope, extent or intent of this Charter.

Section 7.07. Style and capitalization.--When a defined word is enclosed in quotes and in parentheses after the definition, that word shall be treated as a defined term in the remainder of this Charter, when capitalized.

Section 7.08. Calendar day.--For the purposes of this Charter, a day shall mean a calendar day.

Section 7.09. No Discrimination.--The City shall not adopt any measure or policy or otherwise discriminate against any person due to age, race, religion, color, national origin, physical or mental disability, creed, sexual orientation or sex.

Section 7.10. Commission approval of site plans.--All multi-family and non-residential site plans, as well as any amendments to such site plans (except minor amendments as defined by ordinance), must be received at a public hearing and receive prior approval from the City Commission pursuant to a procedure to be established by ordinance.

CITY OF WESTON, FLORIDA

Section 7.11. State Shared Revenues.--The City of Weston shall be entitled to participate in all Shared Revenue Programs of the State of Florida. The provision of § 218.23, Florida Statutes, shall be waived for the purpose of eligibility to receive revenue sharing funds. The property taxes (including benefit and maintenance taxes and assessments) levied by the Indian Trace Development District, the Bonaventure Development District and Broward County within the boundaries of the City of Weston, and all utility and service taxes levied by the City of Weston, shall be included in the calculations of the minimum amount of revenue to be raised for the City of Weston to qualify for revenue sharing funds.

Section 7.12. Limitation on Economic Development Incentives.--The City shall not grant economic development incentives to any person or entity, unless the economic development incentive is part of a federal, state or county program and is pursuant to an agreement that ensures that the City will recoup at least the full amount of the City's portion of the incentive within seven years.

ARTICLE VIII. RESERVED

ARTICLE IX. CONTINUATION, MERGER AND DISSOLUTION OF EXISTING DISTRICTS

Section 9.01. Indian Trace Community Development District.--

(a) To the extent not inconsistent with this Charter, all resolutions and policies of the Indian Trace Development District, a dependent special taxing district created pursuant to the provisions of Chapter 190, Florida Statutes, shall remain in effect until amended, revised, or repealed by the City Commission.

(b) The debts and obligations of the Indian Trace Development District and the property taxes and benefit assessments therefor shall not be assessed against any property not contained within the geographic boundaries of the Indian Trace Development District. Taxes and assessments from properties not within the boundaries of the Indian Trace Development District shall not be used as security or payment for the obligations of the Indian Trace Development District or any refinancing thereof.

Section 9.02. [Reserved].

Editor's note:

This Section 9.02 was repealed by Florida Law 2001-303. For more information, see Florida Law 2001-303.

Section 9.03. Continuance of rights, powers, privileges, property, ordinances, resolutions, taxes, fees, offices, departments, boards, and agencies of City.--

(a) All ordinances and resolutions passed by the City shall remain in effect to the extent that they are not inconsistent with this Charter.

(b) All taxes and fees passed by the City shall remain in effect to the extent that they are not inconsistent with this Charter.

(c) All offices, departments, boards, and agencies created and established by the City shall continue to the extent that they are not inconsistent with this Charter.

Section 9.04. Time of taking effect.--Any proceeding, action, resolution or ordinance which was commenced or the adoption of which was initiated prior to the effective date of this Charter may be completed under the provisions of either the former Charter or this Charter.

***Charter Review Board Note –** The following provisions were deleted in that they were superseded by Florida Statutes, were unnecessary or were obsolete: Sections 4.04, 4.05 and 4.06, (superseded by Sections 166.021 and 166.241, Florida Statutes); Section 7.09 (removed as unnecessary); Sections 8.01, 8.02, 8.04, 8.06, 8.09-8.11, and 8.14 (removed as obsolete); portions of Sections 2.03, 2.04, 8.12, 8.13, and Section 9.01(a) (removed as unnecessary and obsolete).