

Charter Review Version 9 as of 7/13/20

-PART I - CHARTER

FOOTNOTE(S):

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Editor's note— Printed herein is the Charter of the Town of McIntosh, Florida, as adopted by Ordinance Number 2020-01, and approved at a referendum on November 3, 2020. 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, catch lines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

State Law reference— Municipal home rule powers, F.S. ch. 166.

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PREAMBLE

The citizens of the Town of McIntosh, in order to protect the health, welfare and safety of its residents, and promote harmonious, efficient and responsive government, hereby adopt a revised Home Rule Charter in accordance with the Constitution and Laws of Florida.

ARTICLE I. - POWERS OF THE TOWN

Sec. 1.01. - Establishment and powers.

The Town of McIntosh (Town) is hereby established pursuant to the Laws of Florida and shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions, render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law.

Sec. 1.02. - Form of government.

The form of government of the Town of McIntosh shall be a Town Council and a Mayor. The Town Council shall serve as the legislative governing body of the municipality.

Sec. 1.03. - 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, including Florida and its civil divisions and agencies, or the United States or agencies thereof.

State law reference— Intergovernment programs, F.S. ch. 163.

Sec. 1.04. - Extraterritorial powers.

All extraterritorial powers conferred upon the Town of McIntosh by general or special act prior to the adoption of this Charter shall remain in full force and effect until repealed by ordinance or by amendment to this Charter.

Sec. 1.05. - Legal construction.

The powers of the Town shall be construed liberally in favor of the Town, limited only by the constitution, general law and specific limitations contained herein. Special acts pertaining to the jurisdiction and exercise of the powers by the Town shall be considered amendments to this Charter and, pursuant to the provisions adopted by incorporation of other Charter amendments, shall be incorporated as official amendments to this Charter.

ARTICLE II. - CORPORATE LIMITS

FOOTNOTE(S):

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State Law reference— Municipal annexation or contraction, F.S. ch. 171.

Sec. 2.01. - Description of corporate limits (accepted and reserved as same).

The corporate limits of the Town of McIntosh are described in the records of the Marion County Property Appraiser and include territory lying and situated in Marion County, Florida, as provided in the Laws of Florida:

Editor's note—

The corporate limits are on file in the office of the Town Manager. Note : Town Manager refers to the Town Manager or designee.

Sec. 2.02. - Historic district.

There shall not be expansion of the Historic District by any means beyond its original boundaries. Exception only by the request of a property owner whose property borders the present historic boundary.

(Referendum of 7-11-2006)

ARTICLE III. - LEGISLATIVE BRANCH

Sec. 3.01. - Town Council; composition; powers.

There shall be a Town Council consisting of five (5) Council Members. There shall be separately elected a Mayor. The Council Members and Mayor shall be electors of the Town and elected at large by the qualified voters of the Town. The Town Council shall have and exercise all lawful legislative powers of the Town vested therein. The Town Council shall elect one of the Council Members or the Mayor to preside as President of the Town Council meetings.

Sec. 3.02. - Qualifications.

Any elector of the Town of McIntosh who has resided continuously in the Town for two (2) years prior to qualifying as a candidate for the office shall be eligible to hold the office of Town Councilors, or Mayor.

Sec. 3.03. - Election and terms.

The regular election of the Mayor and the Town Council members shall be held based on staggered terms pursuant to the Laws of Florida on the first Tuesday after the first Monday in November according to the provisions of Article VI, Section 6.05 of this Charter. The Town Council and the Mayor shall be elected for a term of four (4) years and shall serve until their successors are qualified and elected.

(Ord. No. 2005-146, 10-13-2005)

Editor's note—

This section was amended without referendum pursuant to F.S. § 100.3605.

Sec. 3.04. - Mayor; President; Vice-President.

(1) ***Election-Mayor*** The Mayor shall be directly elected to the office of Mayor in the manner provided for in Article VI of this Charter, except as provided in this Article for the filling of a vacancy in the office of Mayor.

(2) ***Election-Council President and Vice-President.*** No later than the second Thursday in November following the general election and certification by the Marion County Supervisor of Elections, or as soon as may be practicable thereafter if there has been a disputed election, the Town Council shall elect from its Members a President and Vice President who shall serve at the pleasure of the Town Council for a term of one year. In the event a majority of the Town Council is unable to agree upon the President and/or Vice President, such President and Vice President shall be the Town Council member(s) receiving the largest number of votes in their most recent election. For purposes of this Section, a Town Council member who was elected unopposed shall be deemed to have received the highest number of votes.

(3) ***Duties-Mayor.*** The Mayor shall be recognized as the head of Town government for all ceremonial and official purposes, as agent for the service of process, and as the Town official designated to execute contracts as established by ordinance, resolution or agreement of the Town Council. The Mayor shall represent the Town in all agreements with other governmental entities and perform such other functions as prescribed by law, ordinance or resolution of the Town Council. The Mayor may submit the budget to Council but shall have no administrative duties and shall take no action on Town business without direct approval of the Town Council. The Mayor shall have no vote on Town matters.

(4) **Duties-President and Vice President.** The President shall preside at meetings of the Town Council. In the absence of the President, the Vice-President shall preside at meetings of the Town Council.

(5) **Mayoral Absence.** If the Mayor is temporarily absent from the Town or temporarily disabled and/or unable to perform his or her duties for whatever reason, and there are matters of the Town which require the Mayor's powers to be exercised, the President shall act as Mayor during the absence. The Vice-President shall act as Mayor only when both the Mayor and President are absent.

Sec. 3.05. - Vacancies, forfeiture of office, filling of vacancies.

(1) **Vacancies; temporary and permanent.** A vacancy in the office of Mayor or Town Council occurs when a Town Council member leaves office before the expiration of the term of office. A vacancy in the office of Mayor or Town Council shall occur upon the death, permanent disability, removal from office in any manner authorized by law; the effective date of resignation or forfeiture of the office, such forfeiture to be declared by the remaining Members of the Town Council.

(2) **Forfeiture of office.** The Mayor or Town Council member(s) shall forfeit their office, and said office will become vacant if said person, as determined by applicable law or by a majority vote of the remaining Town Council as provided in [Section 3.06](#) of this Charter:

- (a) Lacks at any time during a term of office any qualification for the office prescribed by this Charter or law; or
- (b) Violates any standard of conduct or code of ethics established by law for public officials; or
- (c) Is convicted of any felony, or a misdemeanor directly relating to his or her power or duties or privileges or involving moral turpitude while in office. For the purpose of this Section, any person who pleads guilty or nolo contendere or who is found guilty shall be deemed to have been convicted notwithstanding a suspension of sentence or a withholding of adjudication; or
- (d) Fails to attend three (3) consecutive regular meetings of the Town Council without the majority vote and excuse of Council or four (4) meetings in twelve (12) months.
- (e) Has become incapable of performing the duties of Town Council for a period of more than four (4) months.

(3) **Filling of vacancies; temporary and permanent in the office of the Mayor or Town Council.**

Filling of vacancies. A vacancy or vacancies on the Town Council or of the Mayor shall be filled as follows:

(a) **Ordinary Vacancies.** Within four (4) months of the vacancy, a special election shall be held to fill the vacancy. The Town Council shall not make appointments to fill a vacancy. Electors seeking to fill a vacancy will have a period of one (1) week from official notice of the vacancy to qualify to run for Town Councilor or Mayor. Official notice shall be made by the Town Manager by posting notice of said vacancy on the Town website, Town notice board, and one other public place in the Town.

The Town Council member or Mayor elected in this way will serve out the term of the Mayor or Town Council member he/she is replacing.

(c)

(b) **Extraordinary vacancies.** In the event that four (4) or more vacancies occur on the Town Council, for whatever reason and by whatever cause, the Governor shall appoint interim council members to fill the vacancies who shall call a special election as provided in (a) and (b) above, and such election shall be done in the following manner: Qualification of candidates shall be in accordance with [Section 3.02](#) and the election held in accordance with [Section 3.03](#) of the Town of McIntosh Town Charter. Council Members elected shall, by lot at their first meeting, determine which shall serve for the two-year (2) terms open and which for the four-year (4) year terms open.

Sec. 3.06. - Judge of qualifications.

The Town Council shall be the judge of the election and qualification of its members and of the grounds for forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published on the Town notice board, Town website and one other public place in the Town, at least one (1) week in advance of the hearing.

Sec. 3.07. - General powers and duties of Town Council.

All legislative powers of the Town shall be vested in the Town Council, except as otherwise provided for by law or this Charter, which shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the Town by law.

Sec. 3.08. - Prohibitions.

Holding other office. Except where authorized by law, no Town Council Member or Mayor shall hold any other Town office, or Town employment, during the time in which said person is serving as Mayor or Town Council Member.

State law reference— Resign to run for certain offices, F.S. § 99.012.

Sec. 3.09. - Boards and committees.

(1) ***Creation.*** In connection with any necessary Town function, the Town Council may at any time create standing or advisory boards and committees. The ordinance or resolution creating such bodies shall specify the powers and duties of the body or agency and the number, qualifications, and terms of office of the members thereof.

(2) ***Appointment.*** Unless otherwise specified in the ordinance or resolution creating them, each of such boards or committees shall have the number of members and the method for appointment of the members set forth in a separate resolution of the Town Council.

(3) ***General provisions.*** The Mayor and Members of the Town Council, standing town boards and committees created under subsection (a) shall not receive compensation.

(4) ***Board and Committee Membership.*** Voting board and committee members shall be residents of McIntosh. A non-resident may be a member of a board or committee, when approved by a majority vote of the Town Council. Non-residents will not have voting rights and will only act in an advisory capacity.

The total number of committee/board members will not include any non-residents.

Sec. 3.10. - Independent audit.

The Town Council shall provide for an independent annual audit of all Town accounts and may provide for more frequent audits as it deems necessary. The terms and conditions of the independent annual audit shall be established by ordinance or resolution of the Town Council. 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 government or any of its officers.

State law reference— Annual audit required, F.S. §§ 166.241, 218.32 et seq.

Sec. 3.11. - Procedure and meetings.

(1) **Regular.** The Town Council shall meet regularly not less than once each month and shall hold all of its meetings in the evening, commencing no earlier than 6:00 p.m., nor later than 9:00 p.m. All meetings must end no later than 10:00 p.m. and if any unfinished business remains it will be carried over to the next regular meeting as 'old business'.

(2) **Post Election.** No later than the second Thursday in November following the general election and certification by the Marion County Supervisor of Elections, or as soon as may be practicable thereafter if there has been a disputed election, the Town Council shall meet in its usual meeting place. At this time, the newly elected Mayor and/or Town Council Members shall take the oath of office and assume the duties of the office.

(3) **Special.** Special meetings may called by the Mayor or the President of the Town Council, with no less than 24 hours' notice to each member, and the public and all special meetings must be held in the evening, commencing no earlier than 6:00 p.m. nor later than 9:00 p.m. No business shall be conducted or a vote taken at a Special Town Council Meeting on business other than that subject or subjects, for which the special meeting is called.

(4) **Workshop.** In addition to regular and special meetings, the Mayor, or the President of the Town Council may call for workshop meetings for information on, and discussion of, municipal and related matters, which meetings may be conducted like regular meetings, except that no resolution or ordinance may be adopted at a workshop meeting and provided that forty-eight (48) hours' advance notice of such meeting must be given to each member and the public.

(5) **Emergency.** Emergency meetings may be held on the call of the Mayor or by a member of the Town Council whenever there is a public emergency affecting life, health, safety or property or the public peace, and, whenever practicable, upon no less than three (3) hours' notice to each member, and the public.

(6) **Rules and written records.** The Town Council shall determine its own rules and order of business and shall provide for keeping a public written record of its proceedings.

(7) **Voting.** Voting on ordinances and resolutions shall be by roll call and shall be recorded in the minutes of the meeting. A majority of the Town Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent Members in the manner and subject to the penalties prescribed by the rules of the Town Council. No action of the Town Council, except as otherwise provided in this Charter, in the preceding sentence, and

in [Section 3.05](#)(3), shall be valid or binding, unless adopted by the affirmative vote of the majority of the Town Council Members present.

Sec. 3.12. - Ordinances, resolutions and motions.

An **ordinance** is an official legislative action of the Town Council, which action is a regulation of a general and permanent nature and enforceable as a local law.

A **resolution** is an expression of the Town Council on matters of official concern, opinion or administration, of a temporary nature. It may also be a provision for the disposition of a particular item of the administrative business of the governing body.

(1) **Form.** Each ordinance or resolution shall be introduced in writing and shall embrace but one (1) subject and matters properly connected therewith. The subject shall be clearly stated in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend an existing ordinance, shall set out in full the revised or amended act, section, subsection or paragraph of a section or subsection.

(2) **Procedure.** A proposed ordinance shall be read by title or in full on the first reading, and by title or in full on the second reading on at least two (2) separate days, at either regular or special meetings of the Town Council. The notice of proposed enactment shall state the date, time, and place of the meeting, the title(s) of the proposed ordinance(s) and the place or places within the Town where such proposed ordinances may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance(s).

(3) **Effective date.** Except as otherwise provided in this Charter, every adopted ordinance shall become effective upon adoption or as otherwise specified therein.

(4) **Action requiring an ordinance.** In addition to other acts required by law or by specific provision of this Charter, the Town Council shall enact ordinances which:

- a. Alter or abolish any Town offices, boards or committees;
- b. Establish a rule or regulation the violation of which carries a penalty;
- c. Grant, renew, or extend a franchise;
- d. Authorize the borrowing of money consistent with limitations in the Constitution and general laws of the state;

(5) **Action by resolution or motion.** Other actions of the Town Council shall be by resolution or motion which shall be approved by a majority of the Town Council. Matters requiring a resolution shall be indicated by resolution or ordinance of the Town or by general law. Otherwise, Town Council action by motion shall be proper.

(6) *An ordinance or resolution may not be amended by motion.*

State law reference— Minimum mandatory procedure for adoption of ordinances and resolutions, F.S. § 166.041.

Sec. 3.13. - Emergency ordinances.

To meet a public emergency affecting life, health, property, safety or the public peace, the Town Council may adopt one (1) or more emergency ordinances, but such ordinances may not authorize the borrowing of money, except as provided under the emergency appropriations provisions of Article V, Section 5.05(5), of this Charter. Such ordinances may provide for a waiver of notice and the requirement for public advertising.

(1) **Form.** An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in the 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.

(2) **Procedure.** An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least a majority of a quorum of the Town Council shall be required for adoption. The ordinance shall be published at least once on the Town notice board, one other public place in the Town, and on the Town website.

(3) **Effective date.** Emergency ordinances shall become effective upon adoption or at such date as may be specified in the ordinance.

(4) **Repeal.** An emergency ordinance may be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of an emergency ordinance.

Sec. 3.14. - Authentication, recording and disposition of ordinances, resolutions and Charter amendments.

(1) **Authentication.** The Mayor and the Town Manager shall authenticate by their signatures all ordinances and resolutions adopted by the Town Council. In addition, when Charter amendments have been approved by the electors, the Mayor and the Town Manager shall authenticate by their signatures the Charter amendment, such authentication to reflect the approval of the Charter amendment by the electorate.

(2) **Recording.** The Town Manager shall keep searchable records in which shall be recorded, in full, all ordinances and resolutions passed by the Town Council. Ordinances shall be codified periodically, published and made available for distribution on a continuing basis. The Town Manager shall also maintain the Town Charter in current form and shall enter all Charter amendments and send a copy of any revised Charter incorporating amendments to the Secretary of State's office.

(3) **Printing.** The Town Council shall, by ordinance, 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.

Sec. 3.15. - Compensation of Town Council and Mayor.

The members of the Town Council and the Mayor shall not receive compensation and shall serve without pay.

Sec. 3.16. - Oath of office.

Before entering upon the duties of their respective offices, all elected officers of the Town shall each take and subscribe to the following oath:

"I do solemnly swear* or affirm that I am a registered voter and a resident of the Town of McIntosh, as shown by the public records of Marion County, Florida. I further swear that I will support, protect and defend the Constitution and government of the United States, and the Constitution of the State of Florida, and the Code of Ordinances and Charter of the Town of McIntosh, and that I will faithfully perform the duties of my office of the said Town of McIntosh upon which I am about to enter, (so help me God*)."

Sec. 3.17. - Charter Officers—Town Manager and Town Attorney.

- (1) **Appointment.** The Town Council shall appoint a Town Manager and a Town Attorney and each of these officers shall serve until a successor is appointed.
- (2) **Town Manager.** The Town Manager shall give notice of Town Council meetings to its members, the Town Attorney, and the public, and shall keep a public record of its proceedings. The Town Manager shall also perform other such duties as may be required by law, by this Charter, by Town ordinance or by the Town Council.
- (3) **Town Attorney.** The Town Attorney shall serve as the chief legal advisor to the Town Council and to all Town officers and committees/boards. The Town Attorney shall ensure that the Town is represented in all legal and contract proceedings.
- (4) **Filling vacancies.** Whenever under this section it is necessary to fill a Charter Officer vacancy, the Town Council shall do so as soon as is feasible and practicable or as otherwise provided in this section.
- (5) **Removal.** The Town Manager and Town Attorney may be removed by the Town Council according to procedures established by the Town Council.

ARTICLE IV. - ADMINISTRATION

Sec. 4.01. - Administrative departments.

The Town Council shall establish by ordinance the administrative organization of the Town, with such departments, offices, committees, and boards as it deems necessary.

State constitution reference— Transfer of powers, Fla. Const. art. VIII, § 4.02.

Sec. 4.02. - Personnel system, the merit principle and employee's oath.

- (1) All appointments and promotions of Town employees and Town officers shall be made on the basis of merit and fitness, professional evaluation, and other evidence of competence; to this end the Town Council shall create and maintain a personnel system with established procedures and rules governing employment, promotion and termination of employment, and procedures for dealing with associations of public employees.
- (2) All Town employees shall take and subscribe to an oath of office as follows:

"I do solemnly swear* or affirm that I will support, protect and defend the Constitution and Government of the United States, and the Constitution of the State of Florida, and that I will faithfully perform the duties of my office of the said Town of McIntosh, upon which I am about to enter, (so help me God*)."

Resolution No: 2010-03

Sec. 4.03. - Town Auditor.

The Town Auditor shall be a certified public accountant or public accountant as defined under the laws of Florida governing the practice of public accountancy, or such other person qualified by education or experience in governmental accounting, internal auditing practices and fiscal controls, who shall have no personal interest, direct or indirect, in the fiscal affairs of the Town government or any of its officers.

ARTICLE V. - FINANCIAL PROCEDURES

FOOTNOTE(S):

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State Law reference— Finance and taxation, F.S. § 166.101 et seq.; financial matters, F.S. ch. 218.

Sec. 5.01. - Fiscal year.

The fiscal year of the Town shall conform to the general law of the state and shall commence on the first day of October and end the last day of September in each year as currently provided and until such controlling general law shall be changed.

State law reference— Fiscal year, F.S. § 166.241.

Sec. 5.02. – Budget, budget message, capital program.

(1) **Budget.** On or before the first day of August of each year, the Mayor and/or Town Manager shall submit to the Town Council a budget for the ensuing fiscal year, and a budget message.

(2) **Budget Message.** The budget message shall explain the budget in fiscal terms and describe programs. It shall outline the financial policies of the Town for the fiscal year, indicate major changes in policy, expenditure and revenue together with the reason for such changes, summarize the Town's debt position, and include such other material as the Mayor and/or Town Manager deems desirable. The total of proposed expenditures shall not exceed the total of estimated income.

Sec. 5.03. - Reserved.

Sec. 5.04. - Budget adoption.

The Town Council shall adopt the budget pursuant to the provisions of [Section 3.12](#) on or before the thirtieth day of September of each year. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, and all items in it prorated accordingly until such time as the Town Council adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated.

Sec. 5.05. - Amendments after adoption.

(1) **Supplemental appropriations.** If, during the fiscal year, the Mayor and/or Town Manager certifies that there are revenues available for appropriation which are in excess of those estimated in the budget, the Town Council by resolution may make supplemental appropriations for the year up to the amount of such excess.

(2) **Reduction of appropriations.** If at any time during the fiscal year it appears probable to the Mayor and/or Town Manager that the revenues available will be insufficient to meet the amount appropriated, the Mayor and/or Town Manager shall report to the Town Council without delay, indicating the estimated amount of the deficit, any remedial action to be taken by the Mayor and/or Town Manager, and recommendations as to any other steps to be taken. The Town Council 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 (1) or more appropriations.

(3) **Transfer of appropriations.** At any time during the fiscal year the Town Council may transfer part or all of any unencumbered appropriation balance among programs within a department or office.

(4) **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.

(5) **Emergency appropriations.** To meet a public emergency affecting life, health, property, safety or the public peace, the Town Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions in [Section 3.13](#). To the extent that there are no available unappropriated revenues to meet such appropriations, the Town Council by emergency ordinance may authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the next fiscal year.

Sec. 5.06. - Payment of money by Town.

(1) **Money paid out by the Town.** All money paid out by the Town shall be in conformity with budget and appropriation ordinances. The Town Manager shall ensure that for all warrants or checks issued the following requirements are met:

- (a) The payment is from budgeted funds;
- (b) The payment is a proper town expenditure; and
- (c) Funds to cover the payment are in the Town's bank account.

(2) **Checks or warrants.** All checks or warrants shall be cosigned by the Town Manager and/or Mayor and/or Town Council Members, unless otherwise provided by ordinance or resolution. The Town Manager shall authenticate all checks and warrants.

Sec. 5.07. - Bonds of Town officers and employees.

The Town Council shall determine which Town officers and employees in addition to the Town Manager shall give bond and the amount of penalty thereof. All persons required by the

Town Council to give bond shall upon assuming their respective duties, give bond with surety to be approved by the Town Council, conditioned for the faithful performance of these respective offices, which bond shall be payable to the Town in such penalty as the Town Council may prescribe; and surety on any official bond shall be guaranteed only by a known, solvent bonding and surety company authorized to do business in the State of Florida. The premium on any such bonds shall be paid by the Town and notice of such bonds shall be filed with the Town Manager.

ARTICLE VI. - ELECTIONS

FOOTNOTE(S):

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State Law reference— Florida election code, F.S. chs. 97—106.

Sec. 6.01. - Town elections.

(1) **Town Council powers.** The Town Council, by ordinance and subject to the provisions of the Constitution and laws of Florida, and this Charter, shall have the power to call for regular and special elections as may be required for the Town and to make all necessary regulations for the conduct thereof.

(2) **Electors.** All citizens qualified by the Constitution and Laws of Florida to vote in the Town, and who satisfy the requirements for registration prescribed by law, shall be qualified electors within the meaning of this Charter.

(3) **Number of votes.** Every elector shall be entitled to vote for a candidate for the office of Mayor and to vote for as many candidates of the Town Council as there are members to be elected to the Town Council in any given election.

(4) **Nonpartisan elections.** All nominations and elections for the offices of Mayor and Town Council shall be conducted on a nonpartisan basis without regard for a designation of a political party affiliation for any nominee or any nominating petition or ballot.

(5) **Incumbent candidates.** Incumbent elected Town officers who become candidates for elected Town offices shall be governed by the provisions of the Florida "Resign to Run" law, F.S. § 99.012.

(6) **Town employees.** Any person who is a Town employee or any Town board or committee member shall resign his/her position when elected.

Sec. 6.02. - Conduct of elections.

(1) Except as otherwise provided by this Charter, the provisions of the general election laws of the State of Florida and Marion County shall apply to elections held under this Charter. All elections provided for by the Charter shall be conducted by the election authorities established by law.

(2) For the conduct of Town elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the Town Council may adopt, by ordinance, other election regulations which it considers desirable and consistent with state law and this Charter.

Sec. 6.03. - Voting machines.

The Town Council may provide for the use of mechanical or other devices for voting or counting the votes consistent with law.

Sec. 6.04. - Form of ballots.

(1) **Form of Ballot.** The Town Council, by ordinance, shall prescribe the form of ballot, including the method of listing candidates for the Town Council elections and any other Town election.

(2) **Names on ballots.** The full names of all candidates nominated for the office of Mayor and for Town Council, except those who have withdrawn, or become ineligible, shall be printed on the official ballots without party designation or symbol.

The order in which the candidate's names shall appear on the ballot shall be as follows: The surnames of all candidates shall appear in their category or group in alphabetical order.

If in any election, two (2) or more candidates have the same surname or similar surnames likely to cause confusion, their residence addresses shall be printed with their names on the ballot.

Sec. 6.05. - Regular and special elections.

(1) **Regular elections.** Regular Town elections for the purpose of electing Members of the Town Council and the Mayor shall be held on the first Tuesday after the first Monday in November as per the County's general election schedule.

(2) **Special elections.** Special Town elections may be held to submit to referendum, proposed Charter amendments, bond proposals, and other issues requiring the expression of voter opinion, and to comply with the recall provisions of general law.

Ordinance No.: 2015-003,3,11-3-2015

Sec. 6.06. - Candidates; filing affidavits; qualifying fee and time of qualifying.

Every candidate for elective office in the Town of McIntosh shall file with the Town Manager a notice of candidacy and affidavit that the candidate is qualified under the terms of the Charter and the election laws of Marion County and the State of Florida, and that the candidate will serve if elected. The time of qualifying for the offices of Town Council or Mayor shall be the period between noon on the second Monday of August and noon on the following Friday in any election year. Qualifying fees will be paid by the Town.

(Ord. No. 2005-145, 10-13-2005)

Editor's note—

This section was amended without referendum pursuant to F.S. § 100.3605.

Sec. 6.07. - Election of Mayor and Town Councilors.

(1) **Election of Mayor.** The candidate for Mayor in a regular or special election receiving the greatest number of votes cast for that office shall be declared elected when the election result is certified.

(2) **Election of Town Councilors.** Electors may vote for any number of candidates for the offices of Town Council up to the number of Council seats to be filled. The candidates receiving the highest numbers of votes shall be declared elected to such seats, when the election result is certified.

(3) **Staggered terms.** The Town Council shall be elected to four-year staggered terms.

Sec. 6.08. - Runoff election.

In the event of a tie vote between two (2) or more candidates, the Town Manager shall arrange for a runoff election to be held within ninety (90) days from the date of the election resulting in a tie vote.

ARTICLE VII. - OFFICIAL CONDUCT

FOOTNOTE(S):

--- (5) ---

State Law reference— Code of ethics, F.S. § 112.311 et seq.

Sec. 7.01. - Standards of ethics.

All elected officials and employees of the Town shall be subject to the standards of conduct for public officers and employees set by general law.

ARTICLE VIII. - CHARTER AMENDMENTS

FOOTNOTE(S):

--- (6) ---

State Law reference— Charter amendments, F.S. § 166.031.

Sec. 8.01. - Charter amendment.

(1) **Initiation by ordinance.** The Town Council may, by ordinance, propose amendments to any part of or all of this Charter, except Article II prescribing boundaries, and upon passage of the initiating ordinance, shall place the proposed amendment to a vote of the electors at the next regular Town or general election held within the Town or at any special election called for such purpose. Amendment of Article II resulting from annexation done in accordance with general law shall be by ordinance of the Town Council and shall not be subject to a vote of the electors, except as provided by general law.

(2) **Initiation by petition.** The electors of the town may propose amendments to this Charter by petition signed by at least fifteen (15) percent of the total number of qualified electors registered

to vote in the Town as of January first in the year in which the circulation of the petition is commenced.

- (a) **Commencement of proceedings.** Any five (5) percent of the qualified voters as of January first may commence Charter amendment proceedings by filing with the Town Manager an affidavit stating that they will constitute the petitioners' committee and designating one (1) person as chairperson of the committee and that they will be responsible for circulating the petition and filing it in proper form. In the affidavit they shall state their names and addresses and specify the address to which all notices to the committee are to be sent and setting out in full the proposed amendment to the Charter.
- (b) **Form and content.** All papers of a petition shall be uniform in size and style, shall be in a form provided by the Town Manager at the circulator's expense and shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the printed name and street address of the person signing. Petitions shall contain the full text of the proposed Charter amendment.
- (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/she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his/her presence, that he/she believes them to be the genuine signatures of the persons whose names they purport to be, and that each person who signed had an opportunity before signing to read the full text of the proposed Charter amendment.
- (d) **Time for filing Charter amendment petitions.** Charter amendment petitions in completed form must be filed with the Town Manager within ninety (90) calendar days after the commencement of proceedings according to Section 8.01(2)(a).
- (e) **Town Attorney.** The sole responsibility of the Town Attorney with reference to Charter amendment provisions shall be to offer an opinion on the legal sufficiency of the petition language.

Sec. 8.02. - Procedure for filing Charter amendments.

Certificate of Town Manager—Amendments. Within forty-five (45) days after a Charter amendment petition is filed, the Town Manager or other official designated by law or the Town Council 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. Grounds for insufficiency are only those specified in Section 8.01. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the Town Manager or other official designated by the Town Council within three (3) days after receiving the copy of the certificate and files a supplementary petition upon additional papers within fifteen (15) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of [Section 9.01](#), and within five (5) days after it is filed, the Town Manager shall complete a certificate as to the sufficiency of the petition as amended and promptly notify the petitioners' committee by certified mail as in the case of any original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Town Council review under Subsection (2) of this Section within the time required, the Town Manager or other official designated by the Town Council shall promptly present the certificate to the Town Council.

Sec. 8.03. - Action on petitions.

(1) **Action by Town Council.** When a Charter amendment petition has been finally determined sufficient, the Town Council shall take steps to hold an election on the proposal. Such election shall be held not less than forty-five (45) days and not later than one hundred eighty (180) days from the date of the final sufficiency of the petition. If no regular Town or general election is to be held within the period described in this subsection, the Town Council shall provide for a special election; except that the Town Council may, in its discretion provide for a special election at an earlier date. Copies of the proposed amendment shall be published at least once by title only ten (10) days before any such election on the Town website and shall be made available in full at the Town Hall and at the polls.

(2) **Withdrawal of petitions.** A Charter amendment petition may be withdrawn at any time prior to the day preceding the date scheduled for a vote of the town by filing with the Town Manager or other official designated by the Town Council, a request for withdrawal signed by the chairperson and at least a majority 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.

(3) **Withdrawal of signatures.** Any elector signing such petition may file a demand in writing with the Town Manager to have his/her name stricken and deleted from the petition and such demand shall be honored and the name deleted by the Town Manager. No signature may be stricken after the Clerk has certified the total of electors to the Town Council.

(4) **End of petition process.** The petition process may be declared null, void and at an end if petitions with a sufficient number of signatures have not been submitted to the Town Manager within the required time limits according to Section (8.01)(2)(d).

ARTICLE IX. - TRANSITION SCHEDULE

Sec. 9.01. - Continuation of former Charter provisions

All provisions of the Town of McIntosh Home Rule Charter adopted on November 2, 1999, and any amendments or additions thereof as amended which are not embraced herein and which are not inconsistent with this Charter shall continue in full force and effect.

Sec. 9.02. - Ordinances preserved.

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

Sec. 9.03. - Rights of appointed officers and employees.

(1) Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are appointed Town officials or employees at the time this takes effect.

(2) Town employees at the time this Charter takes effect who were serving the same or comparable positions at the time of its adoption shall not be subjected to competitive tests as a condition of continued employment in the same positions, but all Town employees in all other

respects shall be subject to the personnel system provided for in Article IV (4.02), and such ordinances as may be adopted by the Town Council.

Sec. 9.04. - Reserved.

Sec. 9.05. - Reserved.

Sec. 9.06. - Reserved.

Sec. 9.07. - Pending matters.

All rights, claims, actions, orders, contract and legal or administrative proceedings involving the Town shall continue except as modified pursuant to the provisions of this Charter.

Sec. 9.08. - Schedule.

(1) **Effectivity Date** This Charter shall be in full effect for all purposes on November 3rd, 2020, unless otherwise specifically provided.

Sec. 9.09. - Deletion of obsolete schedule items.

The Town Council shall have power, by resolution, to delete from this article any section, including this one, when such section becomes obsolete.

Sec. 9.10. - Severability.

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstances is held invalid, the application of the Charter and its provisions to the persons or circumstances shall not be affected thereby.