

ORDINANCE NO. 12-22

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, APPROVING PROPOSED VILLAGE INITIATED AMENDMENTS TO THE VILLAGE CHARTER; WHICH PROPOSED AMENDMENTS WOULD INCREASE COUNCILMEMBER TERMS FROM TWO YEARS TO THREE YEARS, ADD NEW TERM LIMITS OF THREE CONSECUTIVE TERMS THEREAFTER REQUIRING A ONE TERM WAITING PERIOD BEFORE RUNNING FOR OFFICE AGAIN; REVISE VILLAGE COUNCIL RE-ORGANIZATION PROCEDURES TO CONFORM WITH THE NEW THREE-YEAR TERMS; REQUIRE ANY PERSON RUNNING FOR THE OFFICE OF COUNCILMEMBER TO HAVE RESIDED IN THE VILLAGE OF TEQUESTA FOR A MINIMUM OF ONE CONTINUOUS YEAR PRIOR TO BEING ELIGIBLE TO QUALIFY AND RUN FOR THE OFFICE OF COUNCILMEMBER; ELIMINATE THE REQUIREMENT FOR RUNOFF ELECTIONS TO RESOLVE TIE VOTES AMONG CANDIDATES FOR COUNCILMEMBER OFFICE AND INSTEAD PROVIDE FOR THE DRAWING OF LOTS; ELIMINATE THE REQUIREMENT FOR A SPECIAL ELECTION TO FILL A COUNCILMEMBER VACANCY CAUSED BY DEATH, RESIGNATION, REMOVAL FROM OFFICE, OR FAILURE TO QUALIFY, AND TO INSTEAD ALLOW A TEMPORARY VILLAGE COUNCIL APPOINTMENT UNTIL THE NEXT GENERAL ELECTION; REQUIRE A REFERENDUM AND VOTER APPROVAL PRIOR TO ANY FUTURE CONSIDERATION BY THE VILLAGE COUNCIL FOR DISSOLVING, ABOLISHING, OR OUTSOURCING THE VILLAGE OF TEQUESTA POLICE DEPARTMENT OR FIRE RESCUE DEPARTMENT; AND PROVIDE NON-SUBSTANTIVE TEXT EDITS, INTERNAL CONSISTENCY, GENERAL LANGUAGE CLARIFICATION, AND ORGANIZATION IN ACCORDANCE WITH ORDINANCE 12-22, PASSED AND ADOPTED BY THE VILLAGE COUNCIL ON JULY 14, 2022; PROVIDING A BALLOT TITLE AND BALLOT SUMMARY IN ACCORDANCE WITH THE REQUIREMENTS OF FLORIDA LAW; PROVIDING FOR PROPOSED CHARTER AMENDMENT QUESTION LANGUAGE; AND PUTTING SAID CHARTER AMENDMENT QUESTIONS TO A VOTE OF THE ELECTORS OF THE VILLAGE AT THE MARCH 14, 2023 MUNICIPAL ELECTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Village Council of the Village of Tequesta created a charter review committee which reviewed the Village Charter of the Village of Tequesta during the year 2021, and which made recommendations to the Village Council for six separate Charter amendments; and

WHEREAS, the Village Council has studied the recommendations of the charter

review committee and has fully discussed those recommendations and taken public comment regarding same at two separate Village Council Workshop meetings in March and May of 2022; and

WHEREAS, The Village Council has also considered the comments and opinions of the Village Manager and the Village Attorney regarding the proposed Charter amendments; and

WHEREAS, based on the foregoing, the Village Council desires to place the proposed Village Charter amendments, as set forth in this ordinance, before the Village Electors to be considered for adoption in accordance with state law; and

WHEREAS, the questions to be placed before the Village Electors would increase councilmember terms from 2 to 3 years, impose term limits and consistent re-organization procedures, impose a residency requirement to qualify and run for the office of councilmember, revise the method of resolving tie votes among councilmember candidates from a runoff election to a drawing of lots, provide for the appointment by the Village Council to temporarily fill councilmember vacancies until the next general election, require voter approval prior to the Village Council considering the action of abolishing or outsourcing the police or fire-rescue departments, and provide non-substantive housekeeping, text, organization, and consistency amendments; and

WHEREAS, the next municipal election to be held within the Village is March 14, 2023; and

WHEREAS, the deadline for submission of such ballot titles and summaries to the Palm Beach County Supervisor of Elections Office for the March 14, 2023 municipal election is December 9, 2022; and

WHEREAS, the Village Council desires to provide the Palm Beach County Supervisor of Elections Office with legally sufficient ballot titles and summaries as set forth in this ordinance within the deadline for placement on the March 14, 2023 municipal election.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, THAT:

Section 1: The above recitals are true and accurate and are incorporated herein.

Section 2: The Village Council of the Village of Tequesta, Florida, hereby directs that the following ballot titles and ballot summaries shall be put to a vote of the Village

Electors at the March 14, 2023 municipal election:

QUESTION 1

“CHARTER AMENDMENT PROVIDING FOR COUNCILMEMBER THREE YEAR TERMS, TERM LIMITS, RE-ELIGIBILITY, AND REVISED COUNCIL REORGANIZATION”

“SHALL THE VILLAGE OF TEQUESTA CHARTER BE AMENDED TO INCREASE COUNCILMEMBER TERMS FROM TWO YEARS TO THREE YEARS, AND TO ADD NEW TERM LIMITS OF THREE CONSECUTIVE TERMS, THEREAFTER REQUIRING A ONE TERM WAITING PERIOD BEFORE RUNNING FOR OFFICE AGAIN, AND TO REVISE VILLAGE COUNCIL RE-ORGANIZATION PROCEDURES TO CONFORM WITH THE NEW THREE-YEAR TERMS?”

YES _____
NO _____

QUESTION 2

“CHARTER AMENDMENT PROVIDING A CONTINUOUS ONE YEAR RESIDENCY REQUIREMENT PRIOR TO SERVING AS A COUNCILMEMBER”

“SHALL THE VILLAGE OF TEQUESTA CHARTER BE AMENDED TO REQUIRE ANY PERSON RUNNING FOR THE OFFICE OF VILLAGE OF TEQUESTA COUNCILMEMBER TO HAVE RESIDED IN THE VILLAGE OF TEQUESTA FOR A MINIMUM OF ONE CONTINUOUS YEAR PRIOR TO BEING ELIGIBLE TO QUALIFY AND RUN FOR THE OFFICE OF COUNCILMEMBER?”

YES _____
NO _____

QUESTION 3

“CHARTER AMENDMENT PROVIDING FOR DRAWING OF LOTS TO RESOLVE A TIE VOTE BETWEEN COUNCILMEMBER CANDIDATES”

“SHALL THE VILLAGE OF TEQUESTA CHARTER BE AMENDED TO ELIMINATE THE REQUIREMENT FOR RUNOFF ELECTIONS TO RESOLVE TIE VOTES AMONG CANDIDATES FOR COUNCILMEMBER OFFICE, AND TO INSTEAD PROVIDE FOR THE DRAWING OF LOTS?”

YES _____

NO _____

QUESTION 4

“CHARTER AMENDMENT PROVIDING TEMPORARY APPOINTMENTS FOR COUNCILMEMBER VACANCIES”

“SHALL THE VILLAGE OF TEQUESTA CHARTER BE AMENDED TO ELIMINATE THE REQUIREMENT FOR A SPECIAL ELECTION TO FILL A COUNCILMEMBER VACANCY CAUSED BY DEATH, RESIGNATION, REMOVAL FROM OFFICE, OR FAILURE TO QUALIFY, AND TO INSTEAD ALLOW A TEMPORARY VILLAGE COUNCIL APPOINTMENT UNTIL THE NEXT GENERAL ELECTION?”

YES _____

NO _____

QUESTION 5

“CHARTER AMENDMENT PROVIDING FOR REFERENDUM VOTER APPROVAL PRIOR TO DISSOLVING THE POLICE OR FIRE DEPARTMENTS”

“SHALL THE VILLAGE OF TEQUESTA CHARTER BE AMENDED TO REQUIRE A REFERENDUM AND VOTER APPROVAL PRIOR TO ANY FUTURE CONSIDERATION BY THE VILLAGE COUNCIL FOR DISSOLVING, ABOLISHING, OR OUTSOURCING THE VILLAGE OF TEQUESTA POLICE DEPARTMENT OR FIRE RESCUE DEPARTMENT?”

YES _____

NO _____

QUESTION 6

“CHARTER AMENDMENT PROVIDING FOR NON-SUBSTANTIVE TEXT EDITS,

INTERNAL CONSISTENCY, AND GENERAL CLARIFICATION AND ORGANIZATION”

“SHALL THE VILLAGE OF TEQUESTA CHARTER BE AMENDED TO PROVIDE NON-SUBSTANTIVE TEXT EDITS, INTERNAL CONSISTENCY, GENERAL LANGUAGE CLARIFICATION, AND ORGANIZATION IN ACCORDANCE WITH ORDINANCE 12-22, PASSED AND ADOPTED BY THE VILLAGE COUNCIL ON JULY 14, 2022?”

YES _____
NO _____

Section 3: Based on the language contained in the summaries, the amended Charter, if approved by a majority of the Village Electors at the March 14, 2023 municipal election, would be as follows:

PART I - CHARTER

ARTICLE I. - INCORPORATION; FORM OF GOVERNMENT

Section 1.01. - Incorporation.

The municipality hereby established shall be known as the Village of Tequesta, Florida. The territorial limits of said municipality are defined as set forth below:

VILLAGE OF TEQUESTA LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTIONS 25, 26, 27, 35 AND 36, TOWNSHIP 40 SOUTH, RANGE 42 EAST, SECTIONS 29, 30 AND 32, TOWNSHIP 40 SOUTH, RANGE 43 EAST, AND THE GOMEZ GRANT, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 26; THENCE WESTERLY ALONG THE NORTH LINE OF SAID SECTION 26 TO THE CENTERLINE OF THE NORTH FORK OF THE LOXAHATCHEE RIVER AND THE POINT OF BEGINNING; THENCE ALONG SAID CENTERLINE OF THE NORTH FORK TO THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION 25; THENCE WESTERLY ALONG SAID QUARTER LINE TO THE EASTERLY RIGHT-OF-WAY LINE OF GULFSTREAM DRIVE; THENCE SOUTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE NORTH LINE OF BERMUDA TERRACE, SECTION 1 AS RECORDED IN PLAT BOOK 25, PAGE 23, PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS; THENCE WESTERLY ALONG SAID NORTH LINE OF BERMUDA TERRACE, SECTION 1 AND ALONG THE NORTH LINE OF BERMUDA TERRACE, SECTION 2 AS RECORDED IN PLAT BOOK 25, PAGE 68 PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS AND ALSO ALONG THE NORTH LINE OF BERMUDA TERRACE, SECTION 3 AS RECORDED IN PLAT BOOK 25, PAGE 198, PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID BERMUDA TERRACE, SECTION 3 AND ALONG THE WEST LINE OF SAID BERMUDA TERRACE SECTION 1 TO THE POINT OF CURVATURE OF A CURVE AT THE SOUTHWEST CORNER OF LOT 1 OF SAID BERMUDA TERRACE

SECTION 1; THENCE ALONG SAID CURVE TO ITS POINT OF TANGENCY ON THE SOUTH LINE OF SAID BERMUDA TERRACE SECTION 1; THENCE EASTERLY ALONG SAID SOUTH LINE TO THE EAST LINE OF SAID BERMUDA TERRACE SECTION 1; THENCE NORTHERLY ALONG THE EAST LINE OF SAID BERMUDA TERRACE, SECTION 1,490.76 FEET; THENCE EASTERLY PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF TEQUESTA DRIVE TO THE WEST LINE OF PINE TREE DRIVE; THENCE SOUTHERLY ALONG SAID WEST LINE OF PINE TREE DRIVE TO A POINT 145.30 FEET NORTH OF SAID NORTH RIGHT-OF-WAY OF TEQUESTA DRIVE AS MEASURED PARALLEL TO SAID WEST LINE OF SECTION 25; THENCE EASTERLY PARALLEL TO THE NORTH LINE OF GOVERNMENT LOT 5 OF SAID SECTION 25 TO THE CENTERLINE OF SAID NORTH FORK; THENCE NORTHERLY ALONG SAID CENTERLINE TO THE NORTHWESTERLY EXTENSION OF THE NORTHEASTERLY LINE OF LOT 12, BLOCK 3, RIVERSIDE ON THE LOXAHATCHEE AS RECORDED IN PLAT BOOK 9, PAGE 4, PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS; THENCE SOUTHEASTERLY ALONG SAID NORTHWESTERLY EXTENSION AND ALONG SAID NORTHEASTERLY LINE OF LOT 12 AND ALSO ALONG THE SOUTHEASTERLY EXTENSION OF SAID NORTHEASTERLY LINE TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF RIVERSIDE DRIVE; THENCE SOUTHWESTERLY ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE TO THE NORTH LINE OF JUPITER IN THE PINES, SECTION "B" AS RECORDED IN PLAT BOOK 26, PAGE 18, PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS; THENCE EASTERLY ALONG SAID NORTH LINE OF JUPITER IN THE PINES, SECTION "B" TO THE EAST LINE OF RIVERSIDE PINES AS RECORDED IN PLAT BOOK 43, PAGES 18 AND 19 PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS; THENCE NORTHERLY ALONG SAID EAST LINE OF RIVERSIDE PINES; THENCE WESTERLY ALONG THE NORTH LINE OF SAID RIVERSIDE PINES TO THE EASTERLY LINE OF RIVERSIDE DRIVE; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE SOUTH LINE OF A NOT INCLUDED TRACT BETWEEN PARCEL B AND PARCEL C TEQUESTA PINES AS RECORDED IN PLAT BOOK 34, PAGES 84 THROUGH 89, PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID NOT INCLUDED TRACT; THENCE NORTHERLY ALONG THE EAST LINE OF SAID TRACT; THENCE WESTERLY ALONG THE NORTH LINE OF SAID TRACT TO THE EAST RIGHT-OF-WAY LINE OF RIVERSIDE DRIVE; THENCE NORTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE TO THE SOUTH LINE OF A NOT INCLUDED TRACT NORTH OF SAID PARCEL B; THENCE EASTERLY ALONG SAID SOUTH LINE; THENCE NORTHERLY ALONG THE EAST LINE OF SAID TRACT; THENCE WESTERLY ALONG THE NORTH LINE OF SAID TRACT TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF RIVERSIDE DRIVE; THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE TO THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 147 OF SAID TEQUESTA PINES; THENCE SOUTHERLY ALONG SAID NORTHERLY EXTENSION AND ALONG THE EAST LINE OF LOTS 147, 146, AND 145; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 145 AND ALONG THE SOUTH

LINE OF LOT 144 OF SAID TEQUESTA PINES TO THE EAST LINE OF LOT 143 OF SAID TEQUESTA PINES; THENCE SOUTHERLY ALONG SAID EAST LINE OF LOT 143 TO THE SOUTH LINE OF SAID LOT 143; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 143 AND ALONG THE SOUTH LINE OF LOT 142 TO THE WEST LINE OF LOT 6 RIVER PINES AS RECORDED IN PLAT BOOK 38, PAGES 15 AND 16, PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS; THENCE SOUTHERLY ALONG SAID WEST LINE OF LOT 6 TO THE WATERS OF THE NORTH FORK OF THE LOXAHATCHEE RIVER; THENCE NORTHWESTERLY ALONG SAID WATERS TO THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 25; THENCE NORTHERLY ALONG SAID QUARTER SECTION LINE TO THE SOUTHEAST CORNER OF LOT 1, RIVER CREST, AS RECORDED IN PLAT BOOK 21, PAGE 97, PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS; THENCE WESTERLY ALONG THE SOUTH LINE OF LOTS 1 AND 2 OF SAID PLAT OF RIVER CREST TO THE INTERSECTION WITH THE WEST LINE OF SAID LOT 2; THENCE NORTH ALONG THE SAID WEST LINE TO THE INTERSECTION WITH THE NORTH LINE OF LOT 3 OF SAID PLAT OF RIVER CREST; THENCE WEST ALONG SAID NORTH LINE TO THE INTERSECTION WITH THE EAST LINE OF THE PLAT OF WINDSWEPT PINES, AS RECORDED IN PLAT BOOK 61, PAGES 130-131, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTHERLY ALONG SAID EAST LINE OF WINDSWEPT PINES TO THE INTERSECTION WITH THE SOUTH LINE OF WENDIMERE HEIGHTS, AS RECORDED IN PLAT BOOK 40, PAGES 2 & 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE EASTERLY ALONG SAID SOUTH LINE OF WENDIMERE HEIGHTS TO THE INTERSECTION WITH THE EAST LINE OF SAID WENDIMERE HEIGHTS; THENCE NORTHERLY ALONG SAID EAST LINE OF WENDIMERE HEIGHTS AND THE EAST LINE OF JUPITER RIDGE, AS RECORDED IN PLAT BOOK 26, PAGE 106, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA TO THE INTERSECTION WITH THE NORTH LINE OF SAID SECTION 25; THENCE EASTERLY ALONG SAID NORTH LINE OF SECTION 25 TO THE INTERSECTION WITH THE WEST LINE OF THE EAST 150.00 FEET OF THE NORTH 190.00 FEET OF THE NORTHWEST QUARTER OF SAID SECTION 25; THENCE SOUTHERLY ALONG SAID WEST LINE TO THE INTERSECTION WITH THE SOUTH LINE OF SAID EAST 150.00 FEET OF THE NORTH 190.00 FEET OF THE NORTHWEST QUARTER OF SECTION 25; THENCE EASTERLY ALONG SAID SOUTH LINE TO THE INTERSECTION WITH THE EAST LINE OF SAID NORTHWEST QUARTER OF SECTION 25; THENCE NORTHERLY ALONG SAID EAST LINE TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 25; THENCE EASTERLY ALONG SAID NORTH LINE TO THE INTERSECTION WITH THE EAST LINE OF THE PLAT OF CHAPEL COURT SECTION III, RECORDED IN PLAT BOOK 52, PAGES 40 AND 41, PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID CHAPEL COURT SECTION III TO THE NORTHWEST CORNER OF LOT 2, ACCORDING TO THE PLAT OF TEQUESTA PINES RECORDED IN PLAT BOOK 34, PAGES 84 THROUGH 89, PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS; THENCE EASTERLY ALONG THE

BOUNDARY OF SAID TEQUESTA PINES TO THE NORTHEAST CORNER OF LOT 1 OF SAID TEQUESTA PINES; THENCE SOUTHERLY ALONG THE BOUNDARY OF SAID TEQUESTA PINES TO THE NORTH LINE OF LOT 112 OF SAID TEQUESTA PINES; THENCE EASTERLY ALONG THE BOUNDARY OF SAID TEQUESTA PINES TO THE SOUTHWEST CORNER OF LOT 19 OF SAID TEQUESTA PINES; THENCE NORTHERLY ALONG THE BOUNDARY OF TEQUESTA PINES TO THE SOUTH LINE OF LOT 12 OF SAID TEQUESTA PINES; THENCE WESTERLY ALONG THE BOUNDARY OF TEQUESTA PINES TO THE SOUTHWEST CORNER OF SAID LOT 12; THENCE NORTHERLY ALONG THE WEST LINE OF SAID LOT 12 TO THE SOUTH LINE OF LOT 11 OF SAID TEQUESTA PINES; THENCE WESTERLY ALONG SAID SOUTH LINE OF LOT 11 TO THE SOUTHWEST CORNER OF LOT 11; THENCE NORTHERLY ALONG THE BOUNDARY OF TEQUESTA PINES TO THE CENTERLINE OF WINGO STREET ACCORDING TO SAID PLAT OF TEQUESTA PINES; THENCE EASTERLY ALONG SAID CENTERLINE TO THE SOUTHEASTERLY EXTENSION OF THE WESTERLY LINE OF LOT 5 OF SAID TEQUESTA PINES; THENCE NORTHWESTERLY ALONG SAID SOUTHEASTERLY EXTENSION AND ALONG SAID WESTERLY LINE OF LOT 5, A DISTANCE OF 140.97 FEET; THENCE AT AN ANGLE OF 112°45'20" AS MEASURED FROM SOUTHEASTERLY TO WESTERLY ALONG THE BOUNDARY OF SAID LOT 5, A DISTANCE OF 43.38 FEET; THENCE NORTHEASTERLY ALONG THE BOUNDARY OF LOT 5, A DISTANCE OF 82.65 FEET; THENCE NORTHEASTERLY ALONG THE BOUNDARY OF LOT 5 AND LOT 6 OF SAID TEQUESTA PINES TO THE WESTERLY RIGHT-OF-WAY LINE OF FLORIDA EAST COAST RAILROAD; THENCE SOUTHEASTERLY ALONG SAID WESTERLY RIGHT-OF-WAY TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 40 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY FLORIDA; THENCE EASTERLY ALONG SAID SOUTH LINE TO THE EASTERLY RIGHT-OF-WAY LINE OF OLD DIXIE HIGHWAY; THENCE NORTHWESTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF SAID NORTHWEST QUARTER; THENCE EASTERLY ALONG SAID SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF TO THE EAST LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE NORTHERLY ALONG SAID EAST LINE TO THE INTERSECTION WITH THE SOUTH LINE OF THE NORTH 330.0 FEET OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE WESTERLY ALONG SAID SOUTH LINE TO THE INTERSECTION WITH THE WEST LINE OF THE EAST 150.0 FEET OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE NORTHERLY ALONG SAID WEST LINE TO THE INTERSECTION WITH THE NORTH LINE OF SAID SECTION 30; THENCE EASTERLY ALONG SAID NORTH LINE OF SECTION 30 TO THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY NO. 1; THENCE SOUTHEASTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE INTERSECTION WITH THE WESTERLY EXTENSION OF THE NORTH LINE OF BLOCK 1, ACCORDING TO THE PLAT OF JUPITER HEIGHTS, AS RECORDED IN PLAT BOOK 23, PAGE 69, PUBLIC RECORDS OF PALM BEACH

COUNTY, FLORIDA; THENCE EASTERLY ALONG SAID NORTH LINE, A DISTANCE OF 146.66 FEET TO THE WEST LINE OF LOT 8, OF SAID BLOCK 1; THENCE SOUTHERLY ALONG SAID WEST LINE OF LOT 8, A DISTANCE OF 127.20 FEET TO THE SOUTH LINE OF SAID BLOCK 1; THENCE WESTERLY ALONG SAID SOUTH LINE AND ITS WESTERLY EXTENSION 140.00 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY ONE; THENCE SOUTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 40.00 FEET TO THE INTERSECTION WITH THE NORTH LINE OF BLOCK 2 AND ITS WESTERLY EXTENSION, OF SAID PLAT OF JUPITER HEIGHTS; THENCE EASTERLY ALONG SAID NORTH LINE AND ITS WESTERLY EXTENSION, A DISTANCE OF 140.00 FEET TO THE WEST LINE OF LOT 14 OF SAID BLOCK 2; THENCE SOUTHERLY ALONG THE WEST LINE OF LOT 14 AND 23, OF SAID BLOCK 2, A DISTANCE OF 260.00 FEET TO THE SOUTH LINE OF SAID BLOCK 2; THENCE WESTERLY ALONG SAID SOUTH LINE AND ITS WESTERLY EXTENSION, A DISTANCE OF 140.00 FEET TO SAID EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY ONE; THENCE SOUTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 40.00 FEET TO THE NORTH LINE OF BLOCK 3 AND ITS WESTERLY EXTENSION OF SAID PLAT OF JUPITER HEIGHTS; THENCE EASTERLY ALONG SAID NORTH LINE OF BLOCK 3 AND ITS WESTERLY EXTENSION, A DISTANCE OF 190.00 FEET TO THE EAST LINE OF LOT 13, OF SAID BLOCK 3; THENCE SOUTHERLY ALONG THE EAST LINE OF LOTS 13 AND 25, OF SAID BLOCK 3, A DISTANCE OF 240.00 FEET TO THE SOUTH LINE OF SAID BLOCK 3; THENCE WESTERLY ALONG SAID SOUTH LINE OF BLOCK 3, AND ITS WESTERLY EXTENSION, A DISTANCE OF 50.00 FEET TO THE WEST LINE OF SAID LOT 25; THENCE SOUTHERLY ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 25, 500 FEET TO THE SOUTHWEST CORNER OF LOT 20, BLOCK 5; THENCE WESTERLY ALONG THE EXTENSION OF THE SOUTH LINE OF SAID LOT 20, ALONG THE SOUTH LINE OF LOT 9, BLOCK 5 AND ITS WESTERLY EXTENSION, 140.00 FEET TO SAID EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE SOUTHEASTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE INTERSECTION WITH THE NORTH LINE OF GOVERNMENT LOT 3, SECTION 30, TOWNSHIP 40S, RANGE 43E; THENCE EASTERLY ALONG SAID NORTH LINE OF GOVERNMENT LOT 3 TO THE INTERSECTION WITH THE EAST LINE OF THE WESTERLY 373.13 FEET OF SAID GOVERNMENT LOT 3, AS MEASURED ALONG SAID NORTH LINE; THENCE SOUTHERLY AT RIGHT ANGLES TO SAID NORTH LINE OF GOVERNMENT LOT 3 TO THE INTERSECTION WITH THE NORTH LINE OF KEY WEST VILLAGE AS RECORDED IN PLAT BOOK 65, PAGES 103 THROUGH 105 PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS; THENCE EASTERLY ALONG SAID NORTH LINE OF KEY WEST VILLAGE AND ALONG ITS EASTERLY EXTENSION TO THE CENTERLINE OF THE INTRACOASTAL WATERWAY; THENCE NORTHWESTERLY ALONG SAID CENTERLINE TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 183, GOMEZ GRANT AND JUPITER ISLAND AS RECORDED IN PLAT BOOK 1, PAGE 80, PALM BEACH COUNTY, FLORIDA PUBLIC

RECORDS; THENCE EASTERLY ALONG SAID WESTERLY EXTENSION OF SAID LOT 183 AND ALONG SAID SOUTH LINE OF LOT 183 TO THE WATERS OF THE ATLANTIC OCEAN; THENCE SOUTHEASTERLY ALONG SAID WATERS TO THE INTERSECTION OF THE SOUTH LINE OF THE NORTH 100 FEET OF LOT 187, ACCORDING TO THE PLAT OF GOMEZ GRANT AND JUPITER ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 80, PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS WITH THE WATERS OF THE ATLANTIC OCEAN; THENCE WESTERLY ALONG SAID SOUTH LINE AND ITS WESTERLY EXTENSION TO THE CENTERLINE OF THE INTRACOASTAL WATERWAY; THENCE SOUTHEASTERLY ALONG SAID CENTERLINE TO A LINE 1157.52 FEET NORTHERLY OF AND PARALLEL TO THE SOUTH LINE OF SECTION 30, TOWNSHIP 40 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG SAID PARALLEL LINE TO A LINE 263 FEET EASTERLY OF AND PARALLEL TO THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY ONE; THENCE SOUTHWESTERLY ALONG SAID PARALLEL LINE TO A LINE 150 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 30; THENCE EASTERLY ALONG SAID PARALLEL LINE TO THE CENTERLINE OF THE INTRACOASTAL WATERWAY; THENCE SOUTHEASTERLY ALONG SAID CENTERLINE TO A LINE 820 FEET NORTHERLY OF AND PARALLEL TO THE SOUTH LINE OF LOT 195 OF SAID JUPITER ISLAND AND GOMEZ GRANT; THENCE EASTERLY ALONG SAID PARALLEL LINE TO SAID WATERS OF THE ATLANTIC OCEAN; THENCE SOUTHEASTERLY ALONG THE WATERS OF THE ATLANTIC OCEAN, TO AN INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 1, JUPITER INLET BEACH COLONY, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 24, PAGE 139, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT 1 AND THE EASTERLY AND WESTERLY EXTENSION THEREOF TO THE NORTHERLY EXTENSION OF THE WESTERLY RIGHT-OF-WAY LINE OF COLONY ROAD; THENCE SOUTHERLY ALONG SAID NORTHERLY EXTENSION AND ALONG THE EAST LINE OF LOT "B" OF SAID JUPITER INLET BEACH COLONY TO THE POINT OF CURVATURE OF A CURVE AT THE SOUTHEAST CORNER OF SAID LOT "B"; THENCE ALONG THE ARC OF SAID CURVE TO THE POINT OF TANGENCY OF SAID CURVE AND THE SOUTH LINE OF SAID LOT "B"; THENCE WESTERLY ALONG SAID SOUTH LINE TO THE EASTERLY RIGHT-OF-WAY LINE OF THE INTRACOASTAL WATERWAY; THENCE NORTHERLY ALONG SAID INTRACOASTAL WATERWAY EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 308 FEET MORE OR LESS TO ITS INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 707; THENCE WESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 707 (A-1-A) AND ITS WESTERLY EXTENSION, TO ITS INTERSECTION WITH THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 31; THENCE NORTHERLY ALONG SAID NORTH-SOUTH QUARTER-SECTION LINE; TO THE SOUTH LINE OF SAID SECTION 30; THENCE WESTERLY ALONG THE SOUTH LINE OF SECTION 30, TO THE SOUTHEAST CORNER OF SAID SECTION 25, TOWNSHIP 40 SOUTH,

RANGE 42 EAST; THENCE WESTERLY ALONG THE SOUTH LINE OF SECTION 25 TO THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 25; THENCE NORTHERLY ALONG SAID WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER, A DISTANCE OF 220 FEET; THENCE WESTERLY AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 25 TO A POINT IN THE EASTERLY RIGHT-OF-WAY OF AFORESAID RIVERSIDE DRIVE; THENCE SOUTHEASTERLY ALONG THE EASTERLY RIGHT -OF-WAY LINE OF SAID RIVERSIDE DRIVE, TO THE SOUTH LINE OF SAID SECTION 25; THENCE WESTERLY ALONG THE SOUTH LINE OF SECTION 25, TO A POINT IN THE CENTERLINE OF THE NORTH FORK OF THE LOXAHATCHEE RIVER; THENCE SOUTHERLY ALONG SAID CENTERLINE TO THE INTERSECTION OF THE NORTHEASTERLY EXTENSION OF THE NORTHWESTERLY LINE OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 243, PAGE 235 OF PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS WITH THE CENTERLINE OF THE NORTH FORK OF THE LOXAHATCHEE RIVER; THENCE SOUTHWESTERLY ALONG SAID NORTHEASTERLY EXTENSION AND ALONG SAID NORTHWESTERLY LINE TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF POINT DRIVE; THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE TO THE SOUTHEASTERLY LINE OF JUPITER MANORS, SECTION ONE, AS RECORDED IN PLAT BOOK 12, PAGE 38, PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS; THENCE SOUTHWESTERLY ALONG SAID SOUTHEASTERLY LINE AND ALONG ITS SOUTHWESTERLY EXTENSION TO THE CENTERLINE OF THE NORTHWEST FORK OF THE LOXAHATCHEE RIVER; THENCE ALONG SAID CENTERLINE OF THE NORTHWEST FORK TO THE NORTH LINE OF SECTION 27, TOWNSHIP 40 SOUTH, RANGE 42 EAST; THENCE EASTERLY ALONG SAID NORTH LINE OF SECTION 27 AND ALONG THE NORTH LINE OF SECTION 26, TOWNSHIP 40 SOUTH, RANGE 42 EAST TO THE CENTERLINE OF THE NORTH FORK OF THE LOXAHATCHEE RIVER AND THE POINT OF BEGINNING.

Section 1.02. - Form of Government.

The municipal government provided hereby shall be a Village Council-Manager government. Subject only to the limitations imposed by the constitution and laws of this state and by this Charter, all powers of the Village shall be vested in an elective Council, hereinafter referred to as the Village Council, which shall enact local legislation, adopt budgets, determine policies, and appoint a Village Manager as hereinafter prescribed. Except as limited in this Charter, the Village Manager shall execute the policies and laws and administer the government of the Village. All powers of the Village shall be exercised in the manner provided by this Charter, or if the manner be not provided then in such manner as may be set forth by ordinance.

ARTICLE II. - THE VILLAGE COUNCIL

Section 2.01. - Selection, Term and Compensation.

The Village Council of the Village of Tequesta shall consist of five (5) members who shall be known as "Councilmembers." All Councilmembers shall be considered officers of the Village of Tequesta for purposes of Village code, county codes, and state law, including

both county and state codes of ethics. Councilmembers shall be elected at large to Seats 1, 2, 3, 4 and 5. In order to transition from two (2) to three (3) year terms, Councilmembers shall continue to serve two (2) year terms following the 2022 and 2023 municipal elections. Thereafter, the Councilmembers in Seats 1, 3 and 5 shall be elected every three (3) years beginning with the 2024 municipal election, and the Councilmembers in Seats 2 and 4 shall be elected every three (3) years beginning with the 2025 municipal election. The election shall be held on the second Tuesday in March of each year unless such election date is changed by ordinance.¹ Only qualified electors, as prescribed by Florida law, shall be entitled to vote at such elections.

The term of office of each Councilmember shall commence at the next Council meeting subsequent to the date of the Councilmember's election and shall continue for three (3) years thereafter and/or until the Councilmember's successor is elected and qualified. No person may be elected to the office of Councilmember for more than two consecutive three (3) year terms. At the conclusion of the second consecutive three (3) year term, the affected Councilmember must be out of office for one full three (3) year term prior to serving as a Councilmember again. Councilmembers elected to serve two (2) year terms in 2022 and 2023 shall serve those two (2) year terms to their conclusion prior to qualifying for and serving a three (3) year term beginning in 2024 or 2025. The aforesaid two (2) year terms shall not count toward any term limit calculation.

Each Village Councilmember shall be entitled to an annual salary to be fixed by ordinance; provided, however, a Councilmember shall not be entitled to any increase in salary adopted during the term for which such Councilmember was elected.

The candidate for each Councilmember seat receiving the highest number of votes cast for such office shall be deemed elected to such office regardless of whether or not such candidate shall have received a majority of votes cast. In the event of a tie between the two candidates receiving the highest number of votes cast for the Councilmember seat, the election for such Councilmember seat shall be determined by lot drawn by the Village Clerk in the presence of the candidates running for the Councilmember seat, as well as all sitting Councilmembers, the Village Manager, and the Village Attorney.

Section 2.02. - Qualifications and Disqualifications.

No person shall be eligible to hold any elective office of the Village unless said person shall be a qualified elector and resident of the Village for a minimum of one continuous year prior to qualifying. Any Village Councilmember who ceases to possess these qualifications shall forthwith forfeit his or her office.

Any candidate seeking election as Councilmember shall file with the Village Clerk a written notice to such effect from and including noon on the first Tuesday in November to and including noon on the third Tuesday in November in the year immediately preceding the election, and shall pay such filing fee as set by ordinance. Such notice shall be signed by at least fifty (50) qualified electors of the Village of Tequesta and shall state the seat number to which said candidate seeks to be elected, the candidate's place of residence, the candidate's age and any other data required by law.

¹ See Laws of Florida, Ch. 83-498.

Section 2.03. - Oath of Office.

Each Councilmember, before entering upon the discharge of the duties of office, shall take and subscribe a legally sufficient oath before a person legally qualified to administer such an oath, in substantially the following form:²

"I do solemnly swear (or affirm) that I will support, protect and defend the Constitution, and Government of the United States and of the State of Florida against all enemies, domestic or foreign, and that I will bear true faith, loyalty and allegiance to the same and that I am entitled to hold office under the Constitution and that I will faithfully perform all the duties of the office of _____ on which I am about to enter so help me God."

Section 2.04. - Removal/Recall.

Any or all members of the Village Council may be removed or recalled from office in accordance with procedures established by Florida law.³

Section 2.05. - Vacancies and Forfeiture of Office.

A. Vacancies. In the event of a vacancy on the Village Council because of death, resignation, removal from or forfeiture of office, or because no candidate qualified for the office in question, or because no qualified candidates remained on the ballot as candidates for the election in question, the Village Council shall have the power by majority vote of the remaining Councilmembers, to appoint a qualified elector to hold such office until the next available general election at which time a successor Councilmember shall be elected to take office for the remaining unexpired term of the previously vacant office. The criteria for selection of substitute Councilmembers pursuant to the terms of this provision shall be established by ordinance.

B. Forfeiture of Office. A Councilmember shall forfeit his/her office if he/she:

1. lacks, at any time during the term of office, any qualifications for the office prescribed by this charter or by law; or
2. is convicted of a felony during the term of office; or
3. fails to take and subscribe to the oath of office as provided in Section 2.03 of this Charter within thirty (30) days from the commencement of the term of office; or
4. misses six (6) regularly scheduled monthly meetings (not to include special meetings or workshops) in any twelve-month period.

Section 2.06. - Mayor and Successors.

The Village Council at its first regular meeting subsequent to the date of the municipal election, or in years without a municipal election, at the March regular Village Council meeting, shall appoint one of its members as and to be Mayor of said municipality and another of its members as and to be Vice-Mayor. Said officers shall serve at the pleasure of the Council for one (1) year and/or until a successor shall be appointed and qualified. The Mayor shall preside at all meetings; shall be recognized by the courts for the purpose

² See Sec. 876.05, *Florida Statutes* for language required to be included in oath for those officers and employees who receive public funds.

³ See Sec. 100.361, *Florida Statutes* for municipal recall process.

of military law;⁴ and shall, execute all instruments to which the Village is a party, as approved by vote of the Village Council, unless otherwise provided hereby or by ordinance; but the Mayor shall have no administrative duties. The Vice-Mayor shall act as Mayor during the absence or disability of the Mayor.

Section 2.07. - Appointment of Legal Counsel.

The Village Council shall appoint a Village Attorney to serve at the pleasure of the Council and to act as legal advisor to the Village.

Section 2.08. - Meetings.

All meetings of the Council shall be open to the public pursuant to the provisions of Florida law.

The Village Council shall determine the time and place for holding its meetings provided, however, it shall meet at least once per month.

Special meetings shall be held when called by the Mayor, Manager, or independently by any two (2) members of the Village Council. The amount of notice for special meetings shall be determined by the Village Council by ordinance.

Section 2.09. - Quorum.

A majority of the members of the Council shall constitute a quorum to do business, but no action shall be taken except to adjourn, when only three (3) members are present unless their votes are unanimous; provided, however, in the event of a vacancy of two (2) members of the Village Council, under the provisions of Section 2.05, then and in that event a majority of the remaining members of the Council may act. A majority of those present may adjourn from time to time and compel the attendance of absent members in such a manner and under such penalties as may be prescribed by ordinance. No member shall be excused from voting except as determined by Florida Law.⁵

Section 2.10. - Ordinances and Resolutions.

The adoption of ordinances and resolutions shall be as prescribed by Florida law.⁶

Section 2.11. - Electors and Elections.

Issues relating to electors and elections shall be as prescribed by Florida law relating to such elections⁷ and as may be prescribed by ordinance of the Village in matters not preempted by said law.

Section 2.12. - Interference With the Administrative Department.

Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any Village employee. The Council shall have the power to remove the Village Manager as provided by this Charter and may express its views and discuss all matters with the Manager. Except for the purpose of investigations authorized by the Village Council, the Council and its members shall deal with Village employees solely

⁴ See generally Ch. 250, *Florida Statutes*, Part I, "Military Affairs", which provides for the State Militia, the Military law of the state, the Florida National Guard, military courts-martial, and the Florida Governor's authority as Commander in Chief of the Florida Militia.

⁵ See Sec. 286.012, *Florida Statutes*, "Voting requirements at meetings of governing bodies."

⁶ See generally Ch. 166, *Florida Statutes*, "Municipalities", and specifically Sec. 166.041 "Procedures for adoption of ordinances and resolutions."

⁷ See generally Ch. 97 through 106, *Florida Statutes*, "The Florida Election Code."

through the Manager and neither the Council nor its members shall give orders to any such officials or employees, either publicly or privately.

Section 2.13. – Former Councilmembers; Conflicts of Interest; Lobbying Activities.

No Councilmember shall be employed by the Village until one (1) year after the expiration of the term for which the Councilmember was elected to the Council.

The provisions set forth in the State of Florida Code of Ethics for public officers and employees, as well as the Palm Beach County Code of Ethics shall govern in all matters relating to conflict of interest or financial disclosure and the effect of same on the proper discharge of a Councilmember's duties in the public interest.⁸

No Village of Tequesta Councilmember shall represent another person or entity for compensation before the Village Council for a period of two years after vacating their office of Councilmember.⁹

ARTICLE III. - VILLAGE ADMINISTRATION

Section 3.01. - Village Administration Defined.

Village administration shall include a Village Manager, a Village Clerk and such other department heads as may be provided for by this Charter, Florida law or by vote of the Village Council.¹⁰

Section 3.02. - The Village Manager—Appointment, Removal, Qualifications, Vacancy.

The Village Council shall appoint a Village Manager who shall serve at the pleasure of the Council and who shall be the Chief Administrator under the direction and supervision of the Village Council. The Manager shall be chosen by the Council solely on the basis of his or her administrative and executive qualifications.

The Village Manager shall be appointed by affirmative vote of at least four (4) members of the Council, and must be removed by a like vote of said Council.

A vacancy in the position of Village Manager by death, resignation or otherwise shall be filled by either temporary or permanent appointment by the Village Council at a regular or special Council meeting within thirty (30) days of the creation of the vacancy. This requirement shall not be interpreted to limit the Village Manager's authority to name an "acting manager" during the Village Manager's temporary absence due to taking leave or otherwise, when a vacancy in the position of Village Manager is not created.

Section 3.03. - Village Manager—Functions and Powers.

The Village Manager shall be the supervisor and manager of all public business and affairs of the Village, but shall be responsible to the Village Council for the administration of all the affairs of the Village coming under the Village Manager's jurisdiction. The Village Manager's powers and duties shall be as follows:

(1) To see that all terms and conditions imposed in favor of the Village or its inhabitants in any public utility franchise are faithfully kept and performed; and upon knowledge of

⁸ See generally, Ch. 112, *Florida Statutes*, Part III, "Code of ethics for public officers and employees". See also the Palm Beach County Code of Ethics, Palm Beach County Code of Ordinances, Ch. 2, Art. XIII, Secs. 2-441 et. Seq.

⁹ See Sec. 112.313, *Florida Statutes*, subsection (14) which provides the same restriction.

¹⁰ See generally Village of Tequesta Code of Ordinances, Chapter 2, Administration.

any violation thereof to call the same to the attention of the Village Council.

(2) To supervise the management and control of all public utilities owned by the Village and be charged with the management and operations of, all public works and departments in accordance with the ordinances or resolutions of the Village Council.

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

(4) To attend all meetings of the Village Council and of its committees, if requested, with the right to take part in the discussion but without having a vote, and to file at the regular meetings of the Village Council in each month a report of the Village Manager's actions during the preceding month in a form as directed by vote of the Village Council.

(5) To recommend to the Council for adoption such measures as the Village Manager may deem necessary or expedient in the interests of the Village, to keep the Village Council fully advised as to the financial condition and needs of the Village, and to submit for its consideration an annual budget.

(6) To appoint, and when deemed necessary for the good of the Village, suspend or remove any Village employee and/or department head provided for, by, or under this Charter, or by ordinance, except as otherwise provided by Florida law, this Charter or personnel rules adopted by ordinance or resolution. The Village Manager may authorize any department head to exercise these powers with respect to subordinates in that department.

(7) To direct and manage the activities of all Village staff in protecting the lives and property of Village residents during periods of natural or manmade disaster or civil strife whenever such emergency might occur.

(8) To act as purchasing agent for the Village; authorized to make all purchase of supplies and to approve all purchase orders for the payment of same. In the capacity of purchasing agent the Village Manager shall conduct all sales of personal property which the Council may authorize to be sold as having become unnecessary or unfit for Village use. All purchases and sales shall conform to such regulations as the Village Council may from time to time prescribe.¹¹

(9) To make contracts on behalf of the Village for the furnishing of materials and performance of labor; provided, however, that no such contract shall obligate the Village for a sum greater than allowed by ordinance, and provided, further, that such contracts shall be presented to the Village Council at the next regular meeting after the execution or awarding thereof for action thereon by the Village Council.

(10) To prepare and submit to the Village Council, within ninety (90) days after the close of each fiscal year, a complete report of the operation and business of the Village for the preceding fiscal year.

Section 3.04. - The Village Clerk.

The Village Clerk shall be appointed by the Village Manager, shall function under the supervision and direction of the Village Manager, and may act as a department head. The Village Clerk or designee shall be present at all meetings of the Council and shall keep a

¹¹ See also *Village Code* Ch. 2, Administration, Art. III.- Officers, Employees and Departments.

record of the proceedings of the Council in a minute book, which may be in an electronic software format as allowed by Florida Administrative Code,¹² to be provided and kept for that purpose. The Clerk shall preserve and maintain an ordinance book for the recording and preservation of all duly adopted ordinances, and shall preserve and maintain a resolution book to be provided and kept for that purpose, the Ordinance Book and Resolution Book, which may also be in an electronic software format as allowed by Florida Administrative Code,¹³ to be deemed public records. Copies from said Minute Book, Ordinance Book, or Resolution Book, duly certified by the Village Clerk under the corporate seal of the Village, shall be received in evidence in all Courts and places in proof thereof.

The Village Clerk shall conduct functions relating to elections as prescribed by Florida law and/or Village ordinance and shall, in addition to the duties which are or may be required of the Village Clerk, by this Charter or by Florida law, serve as the Village's records custodian, and have the custody of all the general records, books and documents of the Village, and shall perform such further duties as are imposed upon the Village Clerk by the Village Manager.

Section 3.05. - Department Heads.

There shall be separate departments as established by the Village Council by ordinance upon recommendation of the Village Manager. Each separate department head shall be appointed by the Village Manager. Each department shall be subject to the general supervision and direction by the Village Manager, but shall be directly supervised and directed by the person in charge thereof, who shall have the title appropriate of the functions of his or her department.¹⁴

Section 3.06 – Fire Rescue and Police Departments, Referendum Required to Dissolve, Abolish, or Outsource.

The dissolution, abolition, or outsourcing to another agency, of the Village of Tequesta Fire Rescue Department and/or the Village of Tequesta Police Department shall require the affirmative referendum vote of the electors of the Village of Tequesta approving such action. A referendum is not required to terminate a contract with any outside agency providing or receiving such fire rescue or police services.

ARTICLE IV. - MUNICIPAL POWERS

Section 4.01. - General Powers.

The Village of Tequesta, Florida, shall constitute a body politic and corporate and as such shall have perpetual existence and shall have all powers possible under the Florida Constitution¹⁵ and under Florida law, together with the implied power necessary to carry out all the powers granted, as fully and completely as though they are specifically enumerated in this Charter unless prohibited by or contrary to the provisions of this Charter. The powers of the Village under this Charter shall be construed liberally in favor of the Village.

¹² See 1B-26.003 F.A.C. for electronic recordkeeping requirements.

¹³ See 1B-26.003 F.A.C. for electronic recordkeeping requirements.

¹⁴ See also *Village Code* Ch. 2, Administration, Art. III.- Officers, Employees and Departments.

¹⁵ Art. VIII, sec. 2, Fla. Const.

Section 4.02. - Annexation of Contiguous Territory.

If the Village of Tequesta shall desire to change its territorial limits, either by annexation or contraction it shall do so in the manner prescribed by Florida law.¹⁶

ARTICLE V. - TAXATION

Section 5.01. - Powers of Village Council.

The power of the Village Council to levy and collect tax revenue is set and limited by the Florida Constitution¹⁷ and Florida law. The Village Council shall have power to use the tax revenue that has been so levied and collected by the Village of Tequesta in accordance with the Florida Constitution and Florida law for the following public, corporate, and municipal purposes:

- (1) For the general and incidental expenses of the Village government.
- (2) For lighting the public buildings, streets, and other public places.
- (3) For the support and maintenance of a police department.
- (4) For the support and maintenance of a fire department.
- (5) For the support and maintenance of a water department; including a supply of water for the use of Village and its inhabitants, water for the extinguishing of fires, water for public buildings and for other public purposes.
- (6) For regulating, repairing, maintaining, and cleaning the streets, highways and other public places.
- (7) For the care, preservation and repair of public buildings.
- (8) For the support of any charitable purpose designated by the Village Council.
- (9) For the payment of interest on the public debt and for the payment of the principal of the public debt, as the same becomes due and payable.
- (10) For sinking fund payments required to be made under the provisions of any ordinance, resolution, or other competent authority.
- (11) For the acquisition of land or any interest therein, within or without the territorial limits of the Village, for any public or municipal use.
- (12) For the construction, alteration, repair, or equipment of any building for a public or municipal use.
- (13) For the protection of the public health.
- (14) For the enforcement of the ordinances of the Village.
- (15) For the construction and repair of sewers, drains and drainage ditches.
- (16) For the planting and care of shade or ornamental trees or plants.
- (17) The purpose of paying any note or other obligation of the Village, with the interest.
- (18) For maintenance of a sewage system and for the disposal of garbage or other refuse.
- (19) For the acquisition of land necessary for any street, park, or other public place and of any land or interest therein required or necessary for the construction of any sewer, drain or other public work.
- (20) For the construction and maintenance of street and other local improvements.

¹⁶ See Ch. 171 *Florida Statutes*, Part I, Municipal Annexation or Contraction.

¹⁷ Art. VII, sec. 9, Fla. Const.

(21) For the acquisition, construction, maintenance, and operation of any public or municipal plant to supply the Village and its inhabitants with water, gas, electricity, or other utility service.

(22) For any public, corporate or municipal purpose.

Section 5.02. - Limitations.

Anything else in this Charter notwithstanding, the total indebtedness of the Village shall never in the aggregate exceed 10% of the assessed value of taxable real property within the Village at the time the indebtedness or indebtednesses are incurred.

Section 5.03. - Tax Assessment; Levy and Collection.

The method of assessing taxes; levy and collection shall be as prescribed by Florida law.¹⁸

ARTICLE VI. - INITIATIVE AND REFERENDUM

Section 6.01. - Power of Initiative.

The electors shall have power to propose any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, and to adopt or reject such ordinance(s) at the polls, such power being known as the initiative. Any initiated ordinance may be submitted to the Village Council by a petition signed by registered voters of the Village, as certified by the Palm Beach County Supervisor of Election's office, equal in number to ten (10) percent of the registered voters of the Village of Tequesta at the last Village election.

Section 6.02. - Power of Referendum.

The electors shall have power to approve or reject at the polls any ordinance passed by the Village Council, except an ordinance appropriating money or authorizing the levy of taxes, or submitted by the Village Council to a vote of the electors, such power being known as the referendum. Ordinances submitted to the Village Council by initiative petition and passed by the Village Council without change shall be subject to the referendum in the same manner as other ordinances. Within thirty (30) days after the enactment by the Village Council of any ordinance which is subject to a referendum, a petition signed by registered voters of the Village, as certified by the Palm Beach County Supervisor of Election's office, equal in number to ten (10) percent of the voters registered at the last Village election may be filed with the Village Clerk requesting that any such ordinance be either repealed or submitted to a vote of the electors. Such an ordinance shall be termed the "referred ordinance."

Section 6.03. - Form of Petitions.

All petitions circulated for the purpose of an initiative or referendum shall be uniform. The person(s) or group attempting to circulate a petition shall register their name and address with the Village Clerk before starting to circulate the petition. Initiative petitions shall contain the full text of the proposed ordinance. Referendum petitions shall state the title and number of the ordinance to be repealed or submitted for a vote of the electors. The signatures to initiative or referendum petitions are not required to be appended to one

¹⁸ See generally Ch. 197 "Tax Collections, Sales, and Liens", *Florida Statutes*, which provides for the levy and collection of ad valorem, non-ad valorem, and other taxes. See also Ch. 200 "Determination of Millage" which provides the method for fixing millage rates.

document. Each signer of any such petition shall sign his or her and shall indicate after his or her name his or her place of residence by street and number, or other description sufficient to identify the place. Attached to each petition document there shall be an affidavit of the person(s) circulating the petition that he or she, and he or she only, personally circulated the foregoing petition, that it bears a stated number of signatures, that all the signatures included in the petition were made in his or her presence, and that he or she believes them to be the signatures of the persons whose names they purport to be.

Section 6.04. - Filing, Examination and Certification of Petitions.

All petitions shall be filed with the Village Clerk as one instrument. Within ten (10) business days after a petition is filed, the Village Clerk shall determine whether the petition has a proper statement of the person(s) circulating the petition and whether the petition is signed by a sufficient number of qualified electors. The Village Clerk shall declare any petition entirely invalid which does not include the required affidavit signed by the person(s) circulating the petition. If a petition is found to be signed by more persons than the number of signatures certified by the person(s) circulating the petition, the last signatures in excess of the number certified shall be disregarded. If a petition is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. After completing examination of the petition, the Village Clerk shall within ten (10) business days certify the result thereof to the individual members of the Village Council. If the Village Clerk shall certify that the petition is insufficient the Village Clerk shall set forth in a certificate the particulars in which it is defective and shall at once notify the persons circulating the petitions of the findings.

Section 6.05. - Amendment of Petitions.

An initiative or referendum petition may be amended at any time within ten (10) business days after the notification of insufficiency has been sent by the Village Clerk, by filing a supplementary petition (the "amended petition") signed and filed as provided in case of an original petition. The Village Clerk shall, within ten (10) business days after such an amendment is filed, make examination of the amended petition, and, if the petition be still insufficient, the Village Clerk shall file a certificate to that effect in the Village Clerk's office and notify the persons who circulated the amended petitions of such findings, and no further action shall be had on such insufficient amended petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Section 6.06. - Effect of Certification of Referendum Petition.

When a referendum petition, or amended petition, as defined in Section 6.05 of this Charter, has been certified as sufficient by the Village Clerk, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended as of the date of the certification if it shall have gone into effect, until and unless approved by the electors, as hereinafter provided.

Section 6.07. - Consideration by Village Council.

Whenever the Village Council receives a certification of an initiative or referendum petition from the Village Clerk, it shall proceed within the next thirty (30) days or at the next

regularly scheduled Village Council meeting, whichever is sooner, to consider such petition.

A proposed initiative ordinance shall be read, and provision shall be made for a public hearing upon the proposed ordinance. The Village Council shall take final action on the initiative ordinance at such public hearing not later than sixty (60) days after the date on which such ordinance was certified to the Village Council by the Village Clerk.

A referred ordinance shall be reconsidered by the Village Council at the next regularly scheduled Village Council meeting following certification and the Village Council shall within sixty (60) days make its final vote upon such reconsideration by determining the question, "Shall the ordinance specified in the referendum petition be repealed?"

Section 6.08. - Submission to Electors.

If the Village Council shall fail to pass an ordinance proposed by initiative petition, or shall pass it in a form different from that set forth in the petition therefor, or if the Village Council fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors at the next regular, general election. The Village Council shall, if no regular, general election is to be held, provide for a special election, subject to consent of the Palm Beach County Supervisor of Elections as required by law.¹⁹

Section 6.09. - Form of Ballot for Initiated and Referred Ordinances.

Ordinances submitted to vote of the electors in accordance with the initiative and referendum provisions shall be submitted by ballot. The ballot title may be different from the legal title of any such initiated or referred ordinance, but the ballot shall contain a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. The ballot used in voting upon any ordinance, shall have after the concise statement the following propositions, in the order indicated: "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE."

Section 6.10. - Availability of List of Qualified Electors.

If any organization, person, or group requests the list of qualified electors for the purpose of circulating descriptive matter relating to an ordinance to be voted on, the Village Clerk having custody of such list shall furnish same. For this service the requesting party or parties shall pay a fee to be established by the Village Council.

Section 6.11. - Result of Elections.

If a majority of the electors voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the Village. A referred ordinance which is not approved by a majority of the electors voting thereon shall thereupon be deemed repealed. If conflicting ordinances are approved by the electors at the same election, the ordinance receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

Section 6.12. - Repealing Ordinances; Posting.

Initiative and referendum ordinances adopted or approved by the electors shall be posted, and may be amended or repealed by the Village Council, as in the case of other

¹⁹ See Sec, 100.151, *Florida Statutes*.

ordinances.

**ARTICLE VII. – LEGAL STATUS OF CHARTER AND LAWS; VESTED RIGHTS;
PENDING MATTERS**

Section 7.01. – Severability of Charter Provisions.

In case any one or more of the sections or provisions of this Charter or the application of such sections or provisions to any situation shall for any reason be held unconstitutional or otherwise unlawful by a court of competent jurisdiction, such judicial determination shall not affect any other sections or provisions of this Charter or the application of such sections or provisions as to any other situation and it is intended that this law shall be construed and applied as if such unconstitutional or otherwise unlawful section or provisions had not been included herein.

Section 7.02. – Conflicts of Laws.

All laws and parts of laws relating to or affecting the Village in force when this Charter or any amendment to this Charter shall take effect are hereby repealed and superseded to the extent that such laws or parts of laws are inconsistent with the provisions of this Charter but, insofar as the provisions of this Charter are the same in terms or in substance and effect as provisions of law in force when this Charter or any amendment to this Charter shall take effect relating to or affecting the Village, the provisions of this Charter or any amendment to this Charter are intended to be not a new enactment but a continuation of such provisions of law, and this Charter shall be so construed and applied.

Sec. 7.03. - Rights of Officers and Employees.

Nothing in this Charter or any amendment to this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are Village of Tequesta officers or employees at the time of adoption. Elected officers shall continue to hold their offices and discharge the duties thereof until their successors are elected and sworn.

Sec. 7.04. - Pending Matters.

All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the Village of Tequesta shall continue except as modified pursuant to the provisions of this Charter or any amendment to this Charter.

Section 4: The Village Clerk is hereby directed to provide a certified copy of this Ordinance to the Palm Beach County Supervisor of Elections immediately, but in no event any later than Noon of December 9, 2022.

Section 5: This Ordinance shall take effect immediately upon adoption.



ORDINANCE

Date

12-22

7/14/2022

Upon Second Reading

Motion Council Member Frank D'Ambra

Second Vice-Mayor Kyle Stone

	FOR	AGAINST	ABSENT	CONFLICT
Mayor Molly Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice-Mayor Kyle Stone Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member Laurie Brandon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Frank D'Ambra	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Aaron Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Mayor thereupon declared the Ordinance duly passed and adopted.

MAYOR OF TEQUESTA:



 Molly Young

ATTEST:



 Lori McWilliams, MMC
 Village Clerk

