

**CHARTER OF THE TOWN
OF OCEAN BREEZE**

ARTICLE I.

CORPORATE EXISTENCE, FORM OF GOVERNMENT, BOUNDARY, AND POWER

Sec. 1.01. Corporate Existence, Form of Government, and Charter.

The Town of Ocean Breeze in Martin County, Florida, which was created in accordance with the provisions of Chapter 165, Florida Statutes of 1959, shall continue as a municipal corporation with a Mayor-Council form of government and with this document as the charter for the Town.

Sec. 1.02. Description of Corporate Boundary.

The area described in Appendix A of this charter shall constitute the corporate boundary of the Town of Ocean Breeze.

Sec. 1.03. General Powers of the Town.

The Town shall have all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as expressly prohibited by this charter or other applicable law.

The powers of the Town shall be liberally construed in favor of the Town, limited only by the constitution, general and special law, and specific limitations in this charter.

ARTICLE II.

THE MAYOR AND THE TOWN COUNCIL

Sec. 2.01. The Form of Government.

The Town of Ocean Breeze shall operate under the Mayor-Council form of government, consisting of a mayor and six councilmen, each of whom shall be residents of the Town registered to vote and shall be elected by the people, as hereinafter provided in this charter.

Sec. 2.02. General Powers of the Town Council.

All powers of the Town shall be vested in the Town Council except those powers given herein to the Mayor, the Town Clerk, heads of departments or specifically reserved by this charter to the electors of the town.

Sec. 2.03. The Mayor.

A. Powers. There shall be a Mayor. The Mayor is the chief executive officer of the Town. The Mayor shall not receive a salary for service as Mayor. The mayor shall:

- 1) Enforce the laws and ordinances of the Town and see that peace, good order, safety and good morals are preserved within the Town.
- 2) Recommend to the Town Council any measures which the Mayor deems necessary and expedient for the proper governance and management of the Town.
- 3) Oversee the departments of the Town government, and the operations of the Town Clerk.
- 4) Execute or veto ordinances and resolutions submitted to the Mayor for approval.
- 5) Make appointments to boards, commissions, or other agencies, and hire employees to fill vacancies in the office of Town Clerk and the departments of the Town government, which appointments and hiring may be subject to subsequent confirmation by the Town Council, if required by ordinance.
- 6) Negotiate and execute contracts with employees and independent contractors, set salaries or other compensation for department heads, independent contractors, and employees of the Town, which contracts and salaries may be subject to subsequent confirmation by the Town Council, if required by ordinance.
- 7) Dismiss employees of the Town, terminate contracts with independent contractors, remove those serving in the office of Town Clerk and other departments of the Town government, and remove those serving on boards, commissions or other agencies of the Town government, which dismissal or removal may be subject to subsequent confirmation by the Town Council, if required by ordinance.
- 8) Attend meetings of the Town Council.
- 9) Recommend an annual budget.
- 10) Execute contracts, deeds and other legal instruments on behalf of the Town upon direction from the Town Council.
- 11) Perform ceremonial duties on behalf of the Town.
- 12) Exercise such other duties and have such other powers as may be necessary or appropriate to perform the functions of the chief executive officer of the Town.

B. Execution of Ordinances and Resolutions. All ordinances and resolutions passed by the Town Council shall be submitted before going into effect, to the Mayor or person acting as such, for the Mayor's approval. If approved, the Mayor shall sign the same, when it shall become a law. If disapproved, the Mayor shall return the same with his objections in writing to the Town Council, at their next regular meeting, who shall cause the same to be entered in full upon the record of their

proceedings, and proceed to consider the Mayor's objections, and to act upon the same. If, upon consideration, the Town Council shall pass the same by a two-thirds vote of the members present, which vote shall be entered upon the records, the ordinance or resolution shall then become a law, the Mayor's objections to the contrary notwithstanding. Any ordinance which shall not be returned to the Town Council at the next regular meeting of the Council after its passage, shall become a law in like manner as if signed by the Mayor or person acting as such.

Sec. 2.04. The Town Council.

There shall be a Town Council. The Town Council is the legislative body of the Town. The Town Council shall be composed of six councilmen. No councilman shall receive a salary for service as councilman. The Town Council shall:

- 1) Pass and adopt such ordinances and resolutions as may be necessary and expedient for the proper governance and management of the Town.
- 2) Create or abolish departments, boards, commissions or other agencies of the Town government, excluding the offices of Mayor and Town Clerk. The foregoing power to abolish shall only be exercised pursuant to the unanimous vote of Town Council.
- 3) Confirm or reject the mayoral appointments, contracts with employees and independent contractors, and salaries set by the mayor, if required by ordinance.
- 4) Hold meetings at least once a month.
- 5) Exercise such other duties and have such other powers as may be necessary and appropriate to perform the function of the legislative body of the Town.

Sec. 2.05. Town Council Meetings.

- A) Time and Place. The Town Council shall meet regularly at least once a month at such time and place as the Town Council may prescribe by ordinance. A special meeting may be held at the call of the Mayor, or at the request of a majority of the councilmen and, whenever practicable, shall provide for not less than twelve (12) hours' notice to each member and the public shall be informed thereof over the Town's loudspeaker system or as otherwise provided by ordinance.
- B) Quorum and Rules. A majority of the Town Council shall constitute a quorum.

Sec. 2.06 The President of the Council.

At the first meeting after the annual election the Town council shall elect a President and a Vice-President from among its members. The Mayor shall not be president of the Town Council. The President shall preside over meetings of the Town Council. In the absence of the President, the Vice-President shall preside. In case of the absence of the Mayor for any reason including but not limited to, sickness, disability or death, the President shall act as mayor for the time being and while so acting shall be disqualified from presiding over the council. During the Mayor's absence, the Vice-President shall become acting President. In the absence of both the Mayor and the

President, the Vice-President shall act as Mayor and the Town Council shall elect a president pro term who shall preside during the absence of the Mayor and the President.

Sec. 2.07 Vacancies, Filling of Vacancies.

A) Vacancies. The office of a councilman shall become vacant in accordance with general law or if a Councilman is absent from four (4) consecutive regular Town Council meetings without being excused by Town Council prior to the fourth consecutive absence.

B) Filling of vacancies. A vacancy on the Town Council shall be filled by a majority vote of the remaining members of the Town Council. Any person appointed by the Town Council to fill a vacancy shall hold office for the duration of the remainder of the unexpired term of the office being filled. If at any time the membership of the Town Council is reduced to less than a quorum, the remaining member or members may by majority vote appoint additional members in conformity with this section or shall call for a special election to be held within sixty (60) days from the date of the vacancy which reduced the Town Council to less than a quorum. In the event that all seats on the Town Council become vacant, the Mayor shall appoint an interim Town Council which may serve until the next regular election, and in the absence of such appointments by the Mayor, the governor shall appoint the interim Town Council.

ARTICLE III.

ADMINISTRATION

Sec. 3.01. Administrative Offices and Departments.

There shall be such administrative offices and departments as are deemed necessary and appropriate to carry out the functions of the Town. All persons serving in administrative capacities shall serve at the pleasure of the Mayor, subject to confirmation by the Town Council, if required by ordinance.

Sec. 3.02. The Town Clerk.

There shall be a Town Clerk. The Town Clerk shall:

1. Attend meetings of the Town Council and keep the minutes of its proceedings.
2. Be custodian of this Charter, the Seal and all records of the Town.
3. Perform municipal bookkeeping functions.
4. Supervise municipal elections.
5. Keep the Town Council informed about Town business.
6. Recommend to the Town Council any measures which the Town Clerk deems necessary and expedient for the proper governance and management of the Town.

7. Act as a liaison between the Mayor, Town Council and the departments of the Town.
8. Authenticate by signature all ordinances, resolutions, and other city documents.
9. Perform such other duties as may be delegated or assigned by the Mayor or the Town Council.

Sec. 3.03. Town Attorney.

The Town shall hire such attorney, or attorneys, as may be deemed necessary, from time to time, to represent and advise the Town regarding its legal business, and to perform such professional duties as may be required.

Sec. 3.04. Departments.

A. Town Manager. The Town may hire a Town Manager who shall attend Town meetings; act as a liaison to the other departments of the Town; keep the Town informed with regard to Town business; and perform such duties as may be delegated or assigned by the Mayor, the Town Clerk or the Town Council.

B. Town Engineer. The Town may hire a Town Engineer, or engineers, who shall perform such duties as may be delegated or assigned by the Mayor, the Town Clerk or the Town Council.

C. Town Planner. The Town may hire a Town Planner, or planners, who shall assist the Town in its planning and zoning functions and perform such other duties as may be delegated or assigned by the Mayor, the Town Clerk, or the Town Council.

D. Town Auditor. The Town may hire a Town Auditor, or auditors, who shall perform financial and compliance audits; assist the Town with its accounting needs; perform such other functions as may be delegated or assigned by the Mayor, the Town Clerk, or the Town Council.

E. Other Departments. There shall be such other departments as may be created, from time to time, by the Town Council. Nothing herein shall be deemed to prohibit the Town Council from abolishing any of the aforementioned departments, pursuant to Section 2.04(2) of this Charter.

ARTICLE IV.

ELECTIONS

Sec. 4.01. Electors.

Any person who is a resident of the Town, who has qualified as an elector of the State of Florida, and who registers in the manner prescribed by law, shall be an elector of the Town.

Sec. 4.02. Nonpartisan Elections.

All elections for the offices of Mayor or Town Councilman shall be conducted on a nonpartisan basis without any designation of political party affiliation and those elected shall be chosen at large by the electors of the Town.

Sec. 4.03. Qualifying.

No less than thirty (30) days before the election, candidates for the offices of Mayor or Town Councilman shall qualify by filing a written notice of candidacy with the Town Clerk, taking and subscribing to an oath or affirmation substantially in the form required by ordinance.

Sec. 4.04. Elections.

Regular municipal elections shall be held each year on the third Tuesday in December or such other date as may be prescribed by ordinance. The election of Town Councilmen for a term of two years shall be conducted so that three members shall be elected every even-numbered year and three members shall be elected every odd-numbered year. The election of the Mayor for a term of two years shall be held every even-numbered year. In any election the candidate receiving the greatest number of votes shall be elected. In the event of a tie vote the office shall be deemed vacant and the vacancy shall be filled by vote of the Town Council. In the event a candidate for any office is unopposed, such candidate shall be considered as elected without the formality of presentation of his candidacy to the electorate as otherwise provided herein.

Sec. 4.05. Oath of Office.

After election or appointment and before taking office, the Mayor and each Town Councilman, in addition to any other oath required pursuant to Florida Law, shall swear or affirm:

"I do solemnly swear (or affirm) that I will support, honor, protect and defend the Constitution and Government of the United States of America and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State and under the Charter of the Town of Ocean Breeze; and that I will faithfully perform the duties of (title of office) to the best of my abilities, so help me God.

ARTICLE V.

BUDGET ADOPTION

Sec. 5.01. Budget Adoption.

The Town Council shall adopt an annual budget for the Town by resolution or ordinance before October 1 of each year. A resolution or ordinance adopting an annual budget shall constitute appropriations of amounts specified as expenditures from the funds indicated and shall constitute a levy of the property tax proposed, if any.

ARTICLE VI.

CHARTER AMENDMENTS

Sec. 6.01. Charter Amendment.

This Charter may be amended in accordance with the provisions for Charter Amendments as specified in the Florida Statutes. The form, content and certification of any petition to amend submitted by the electors shall be established by ordinance. Any provisions hereof which the laws of Florida permit to be amended by ordinance alone shall be subject to such amendment.

ARTICLE VII

TRANSITION

Sec. 7.01. Repeal of Former Charter Provisions.

All charter provisions in effect prior to the effective date of this Charter are hereby repealed except those provisions regarding the establishment of the municipal corporation known as the Town of Ocean Breeze.

Sec. 7.02. Ordinances Preserved.

All ordinances in force on the effective date of this Charter, to the extent not inconsistent with it, shall remain in force until repealed or amended.

Sec. 7.03. Pending Matters.

No rights, claims, actions, contracts, or legal or administrative proceedings existing on the effective date of this Charter which involve the Town shall be affected by the adoption of this Charter.

Sec. 7.04. Continuation in Office.

The Mayor and Councilmen shall continue to hold their offices for the term to which they were elected or appointed and to discharge their duties until their successors are elected and take office.

Sec. 7.05. Effective Date.

This Charter shall become effective on the 17th day of December, 1991.

NOTE: The effective date of revisions to Article II, Sec. 2.03 A) 9 and Section 2.05 B) was December 18, 2001.

NOTE: The effective date of revisions to Article II Sec. 2.03 A) 9; Article II, Sec. 2.05 B); and Article IV. Sec. 4.03 was December 16, 2003.

NOTE: The effective date of revisions to the Charter removing the word "Park" from the name of the Town was December 18, 2012.

NOTE: The effective date of revisions to Article II, Section 2.07 B) was December 20, 2016.