

The electors of the Town shall have the power to recall and to remove from office any elected official of the Town to the extent permitted by the Constitution and the laws of the State of Florida. The minimum number of electors of the Town which shall be required to initiate a recall petition shall be ten (10) percent of the total number of electors registered to vote at the last regular Town election, or such percentage as may be established by State law.

ARTICLE III. ADMINISTRATIVE

Section 3.1 Town Manager.

There shall be a Town Manager (the "Town Manager") who shall be the chief administrative officer of the Town. The Town Manager shall be responsible to the Council for the administration of all Town affairs and for carrying out policies adopted by the Council. The term, conditions and compensation of the Town Manager shall be established by the Council.

Section 3.2 Town Manager; Appointment, Removal.

The Town Manager shall be nominated by the Mayor subject to confirmation by a majority of the Council. Once a selection for Town Manager has been submitted to the Council and rejected, that name may not be resubmitted to the Council by the Mayor without approval by a majority of the Council. The Town Manager shall be removed by a majority of the Council either upon the recommendation of the Mayor or upon the Council's own motion.

Section 3.3 Powers and Duties of the Town Manager.

The Manager shall:

- (a) Be responsible for the hiring, supervision and removal of all Town employees;
- (b) Direct and supervise the administration of all departments and offices but not Town boards or agencies, unless so directed by the Council from time to time;
- (c) Attend Council meetings and have the right to take part in discussion but not the right to vote;
- (d) Ensure that all laws, provisions of this Charter and acts of the Council, subject to enforcement and/or administration by him/her or by employees subject to his/her direction and supervision, are faithfully executed;
- (e) Prepare and submit to the Council a proposed annual budget and capital program;
- (f) Submit to the Council and make available to the public an annual report on the finances and administrative activities of the Town as of the end of each fiscal year;
- (g) Prepare such other reports as the Council may require concerning the operations of Town departments, offices, boards and agencies;

- (h) Keep the Council fully advised as to the financial condition and future needs of the Town and make such recommendations to the Council concerning the affairs of the Town as s/he deems to be in the best interests of the Town;
- (i) Execute contracts, deeds and other documents on behalf of the Town as authorized by the Council; and
- (j) Perform such other duties as are specified in this Charter or as may be required by the Council.

Section 3.4 Acting Town Manager.

To perform his/her duties during his/her temporary absence or disability, the Town Manager may designate by letter filed with the Council, a qualified employee of the Town. In the event of failure of the Town Manager to make such designation or should the person so designated be unacceptable, the Mayor, with the approval of a majority of the Council, may revoke such designation and appoint another employee of the Town to serve until the Town Manager shall return or his/her disability shall cease.

Section 3.5 Bond of Town Manager.

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

Section 3.6 Town Clerk.

The Town Manager shall appoint the Town Clerk (the "Town Clerk") subject to the approval of the Council. The Town Clerk shall give notice of all Council meetings to its members and the public, and shall keep minutes of the Council proceedings. The Town Clerk shall perform such other duties as the Town Manager or the Council may prescribe from time to time. The Town Clerk shall report to the Town Manager. The Town Clerk may be removed by the Town Manager with the approval of the Council.

Section 3.7 Town Attorney.

The Mayor shall nominate, subject to approval by a majority of the Council, an individual attorney or law firm to act as the Town Attorney under such terms, conditions, and compensation as may be established by the Council. The Town Attorney shall report to the Council and may be removed by majority vote of the Council either upon the recommendation of the Mayor or upon the Council's own motion.

Section 3.8 Expenditure of Town Funds.

No funds of the Town shall be expended except pursuant to duly approved appropriations.

Section 3.9 Town Boards and Agencies.

The Council shall establish or terminate such boards and agencies as it may deem advisable from time to time. The boards and agencies shall report to the Council.

ARTICLE IV. LEGISLATIVE

Section 4.1 Council Meeting Procedure.

- (a) *Meetings.* The Council shall hold at least 11 regular monthly meetings in each calendar year, at such times and places as the Council may prescribe. Special meetings may be held on the call of the Mayor or upon the call of four Councilmembers upon no less than 48 hours' notice to the public or such shorter time as a majority of the Council deems necessary in case of an emergency affecting life, health, property or the public peace.
- (b) *Rules and Minutes.* The Council shall determine its own rules of procedure and order of business and shall keep minutes open for public inspection.
- (c) *Quorum and Voting.* A majority of the 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 Council. Voting on ordinances shall be by roll call on final reading. Voting on all other matters shall be by voice vote unless a Councilmember or the Town Clerk requests otherwise. In the event that four or more Councilmembers are unavailable to vote on a particular matter due to required abstention pursuant to State law, then the remaining members of the Council may vote and approve such matter by unanimous vote.
- (d) *Meeting Time Limits.* No meeting of the Council shall extend later than midnight except upon the affirmative vote of a majority of members present at the meeting.

Section 4.2 Prohibitions.

- (a) *Appointment and Removals.* Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any Town employees, other than the Town Clerk, whom the Town Manager or any of his/her subordinates are empowered to appoint. The Council may express its views and fully and freely discuss with the Town Manager anything pertaining to appointment and removal of such officers and employees.
- (b) *Interference With Administration.*
 - i) Except for the purpose of inquiries and investigations made in good faith and in accordance with a resolution adopted by the Council, the Council and any of its individual members shall deal with Town employees who are subject to the direction and supervision of the Town Manager solely through the Town