

**CHARTER OF THE  
TOWN OF ST. GEORGE ISLAND, FLORIDA**

**SECTION 1. FORMATION OF TOWN**

Section 1.01 *Name.* The municipality hereby established shall be known as the Town of St. George Island (the “town”).

Section 1.02 *Charter.* This act, together with any future amendments thereto, may be known as the Charter of the Town of St. George Island (“charter”).

Section 1.03 *Boundaries.* The territorial boundaries of the Town of St. George Island upon the date of incorporation shall be as follows:

An island lying in the Gulf of Mexico in Franklin County, Florida, in the following townships:

Township 8 South, Range 5 West; Township 9 South, Range 5 West; Township 9 South, Range 6 West; Township 9 South, Range 7 West; and Township 10 South, Range 7 West; more particularly described as:

Beginning at the intersection of the easterly right of way of a state highway running from East Point to St. George Island and the mean high water line of St. George Sound on St. George Island, thence run easterly along the mean high water line of St. George Sound as it meanders to the northeastern most point of said island, thence run southeasterly along the mean high water line of East Pass as it meanders to the Gulf of Mexico, thence run southwesterly along the mean high water line of the Gulf of Mexico as it meanders to the southwestern most point of said island at the location of a government cut, thence run northeasterly along the mean high water line of the easterly side of the government cut as it meanders to Apalachicola Bay, thence run easterly along the mean high water line of Apalachicola Bay as it meanders to the point of beginning.

Section 1.04 *Purposes.*

- (a) It is in the best interests of the residents of St. George Island, Florida to form a separate municipality with all the powers and authority necessary to provide adequate and efficient municipal services to its residents.
- (b) It is intended that this charter and the incorporation of St. George Island will serve to preserve and protect the character, natural resources, and quality of life of the community.
- (c) It is the intent of this charter and the incorporation of the town to secure the benefits of self-determination and affirm the values of representative democracy, professional management, strong community leadership, citizen participation, diversity and inclusiveness, and regional cooperation.

- (d) It is the intent of this charter and the incorporation of the town to maintain a financially secure and sustainable municipal government and to responsibly manage the town's debt obligations without causing the state to incur any liability.

Section 1.05 *Creation of Town.*

- (a) This act shall take effect upon approval by a majority vote of those registered voters residing within the corporate limits of the proposed town as described in Section 1.02 voting in a referendum election to be called by the Board of County Commissioners of Franklin County in conjunction with the Supervisor of Elections of Franklin County to be held May 10, 2022, in accordance with the provisions of law relating to elections currently in force.
- (b) For the purpose of compliance with Section 200.066, Florida Statutes, relating to assessment and collection of ad valorem taxes, the Town of St. George Island is created and established effective December 31, 2022.

**SECTION 2. POWERS**

Section 2.01 *Powers.* The town shall have all available governmental, corporate, and proprietary powers of a municipality under the state constitution and laws of this state as fully and completely as though such powers were specifically enumerated in this charter, and may exercise them, except where prohibited by law. Through the adoption of this charter, it is the intent of the voters of the town that the municipal government established in this section shall have the broadest exercise of home rule powers permitted under the state constitution and laws of the state.

Section 2.02 *Construction.* The powers of the town under this charter shall be construed liberally in favor of the town, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power granted in this article.

Section 2.03 *Intergovernmental Relations.* The town may participate by contract or otherwise with any governmental entity of this state or any other state or states or the United States in the performance of any activity which one or more of such entities has the authority to undertake.

Section 2.04 *Form of Government.* The town shall have a council-manager form of government. The town council shall constitute the governing body of the town, with the duties and responsibilities hereinafter provided. The town council shall appoint a town manager to be the chief administrative officer of the town who shall serve at the pleasure of the council.

**SECTION 3. TOWN COUNCIL**

Section 3.01 *General Powers and Duties.* All powers of the town shall be vested in the town council, except as otherwise provided by law or this charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the town by law.

Section 3.02 *Composition, Eligibility, and Terms.*

- (a) *Composition.* There shall be a town council (“council”) vested with all legislative powers of the town, consisting of five members (“council members”), each elected from and representing the town at large. Unless otherwise stated in this charter, all charter powers shall be exercised by the council. The mayor shall be elected as provided in Section 3.03(a).
- (b) *Seats.* The town council shall be divided into five separate council seats to be designated as seats 1, 2, 3, 4, and 5, to be elected on a town-wide basis, with each registered voter entitled to vote for one candidate for each seat.
- (c) *Eligibility.* Only registered voters of the town shall be eligible to hold the office of council member and must reside in the town for at least one year before the beginning of the qualifying period for the office. Each council member must reside in the town for the duration of his or her term.
- (d) *Terms.* The term of office of council members shall be four years, elected in accordance with Article VI.

Section 3.03 *Mayor and Vice Mayor.*

- (a) *Election.* The council, at its first regular meeting after each election, shall by majority vote elect from its members a mayor and a vice mayor who shall each serve for a period of two years and who shall have the same legislative powers and duties as any other council member, except as provided in this charter.
- (b) *Powers and Duties of Mayor.* In addition to carrying out the regular duties of a council member, the mayor shall preside at the meetings of the council and shall be recognized as the head of town government for service of process, the signature or execution of ordinances, contracts, deeds, bonds, and other instruments and documents and for purposes of military law. The mayor shall also serve as the ceremonial head of the town and the town official designated to represent the town when dealing with other entities. The mayor shall have no administrative duties other than those necessary to accomplish these actions, or such other actions as may be authorized by the council, consistent with general or special law.
- (c) *Powers and Duties of Vice Mayor.* In addition to carrying out the regular duties of a council member, the vice mayor shall act as mayor during the absence or disability of the mayor. In the absence of the mayor and the vice mayor, the remaining council members shall select a council member to serve as acting mayor.

Section 3.04 *Compensation; Expenses.* The council may determine the annual salary of the council members by ordinance, but no ordinance increasing the salary shall become effective until the date of commencement of the terms of council members elected at the next regular election. The council members shall receive reimbursement of their actual and necessary expenses incurred in the performance of their duties of office.

Section 3.05 *Council Meetings.*

- (a) *Regular Meetings.* The council shall conduct regular meetings at times and places prescribed by the council by resolution. Council meetings shall be public meetings within the meaning of state law and shall be subject to notice and other requirements of law applicable to public meetings.
- (b) *Special Meetings.* Special meetings may be held at the call of the mayor or, in his or her absence, at the call of the vice mayor. Special meetings may also be called upon the request of a majority of the council members. Unless the meeting is of an emergency nature, the person or persons calling a special meeting shall provide at least 72 hours' notice of the meeting to the public.
- (c) *Rules, Order of Business, and Records.* The council shall determine its own rules and order of business and shall provide for keeping minutes of its proceedings. The minutes shall be a public record.
- (d) *Voting.* Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the minutes. All council members present shall vote on all matters before the council, unless, with respect to any council member, there is, or appears to be, a conflict of interest under applicable law.
- (e) *Quorum.* Three members 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.
- (f) *Validity of Actions.* No action of the council, except as otherwise provided in the preceding section and in Section 3.07(d)(iv), shall be valid or binding unless adopted by the affirmative vote of three or more members of the council.

#### Section 3.06 *Prohibitions.*

- (a) *Holding Other Office.* Except where authorized by law, no council member shall hold any other elected public office during the term for which the member was elected to the council. No council member shall hold any other town office or employment during the term for which the member was elected to the council. No former council member shall hold any compensated appointive office or employment with the town until one year after the expiration of the term for which the member was elected to the council, unless granted a waiver by the council. Nothing in this section shall be construed to prohibit the council from selecting any current or former council member to represent the town on the governing board of any regional or other intergovernmental agency.
- (b) *Appointments and Removals.* Neither the council nor any of its members shall in any manner control or demand the appointment or removal of any town administrative officer or employee whom the town manager or any subordinate of the town manager is empowered to appoint, but the council may express its views and fully and freely discuss with the town manager anything pertaining to appointment and removal of town officers and employees.

- (c) *Interference with Administration.* Except for the purpose of inquiries and investigations, the council or its members shall deal with town officers and employees who are subject to the direction and supervision of the town manager solely through the town manager, and neither the council nor its members shall give orders to any town officer or employee, either publicly or privately.

Section 3.07 *Vacancies; Forfeiture of Office; Filling of Vacancies.*

- (a) *Vacancies.* The office of a council member shall become vacant upon the member's death, resignation, or removal from office or forfeiture of office in any manner authorized by law.
- (b) *Forfeiture of Office.* A council member shall forfeit that office if the council member:
- (i) Fails to meet the residency requirements;
  - (ii) Violates any express prohibition of this charter;
  - (iii) Is convicted of a felony or enters a plea of guilty or nolo contendere to a crime punishable as a felony, even if adjudication is withheld;
  - (iv) Is convicted of a misdemeanor of the first degree arising directly out of his or her official conduct or duties, or enters a plea of guilty or nolo contendere thereto, even if adjudication of guilt has been withheld;
  - (v) Is found to have violated any standard of conduct or code of ethics established by law for public officials and has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or
  - (vi) Fails to attend three consecutive regular meetings of the council without being excused by the council.
- (c) *Suspension from Office.* A council member shall be suspended from office upon return of an indictment or issuance of any information charging the council member with a crime that is punishable as a felony or with a crime arising out of his or her official duties which is punishable as a misdemeanor of the first degree.
- (i) During a period of suspension, a council member shall not perform an official act, duty, or function or receive any pay, allowance, emolument, or privilege of office.
  - (ii) If the council member is subsequently found not guilty of the charge, or if the charge is otherwise dismissed, reduced, or altered in such a manner that suspension would no longer be required as provided in this section, the suspension shall be lifted and the council member shall be entitled to receive full back pay and any other benefits he or she would have been entitled to had the suspension not occurred.
- (d) *Filling of Vacancies.*

- (i) A vacancy on the council shall be filled by a majority vote of the remaining members of the council for the period of time until the next election, when a council member shall be elected for the remainder of the term vacated. If more than six months remain in the unexpired term and a majority of the remaining council members cannot reach a decision within 60 days after a vacancy occurs, the vacancy shall be filled by a special election.
- (ii) If a vacancy occurs in the office of mayor, the vice mayor shall serve as mayor until a new council member is elected and the council elects a new mayor and vice mayor as provided by this charter.
- (iii) A person appointed to fill a vacancy on the council shall be required to meet the qualifications of the seat to which he or she is appointed.
- (iv) Notwithstanding the quorum requirements established in Section 3.05(e), if at any time the full membership of the council is reduced to less than three, the remaining members may, by majority vote, appoint additional members to the extent otherwise permitted or required under this subsection to raise the membership to three.
- (v) In the event that all of the council members are removed by death, disability, recall, forfeiture of office, or resignation, the Governor shall appoint interim council members who shall call a special election at least 30 days, but no more than 60 days, after their appointment. The special election shall be held in the same manner as the initial elections under this charter. However, if there are fewer than six months remaining in any unexpired terms of the vacant seats, the interim council members appointed by the Governor to such seats shall serve out the unexpired terms. Appointees must meet all requirements for candidates as provided in this charter.

Section 3.08 *Judge of Qualifications.* The council shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a council member's office, including whether good cause for absence has been or may be established. The burden of establishing good cause for absence shall be on the council member in question; however, a council member may at any time during a duly held meeting move to establish good cause for his or her absence or the absence of any other council member from a past, present, or future meeting or meetings, which motion, if carried, shall be conclusive. A council member whose qualifications are in question or who is otherwise subject to forfeiture of his or her office shall not vote on such matters. The council member in question shall be entitled to a public hearing on request regarding an alleged forfeiture of office. If a public hearing is requested, notice of the hearing shall be published at least one week before the hearing. A final determination by the council that a council member has forfeited his or her office shall be made by resolution. All votes and other acts of the council member in question before the effective date of such resolution shall be valid regardless of the grounds of forfeiture.

#### **SECTION 4. TOWN ADMINISTRATION**

Section 4.01 *Town Manager Appointment; Qualifications; Compensation; Residency.* The council shall appoint a town manager who shall be the administrative head of the municipal

government under the direction and supervision of the council. The town manager shall be appointed solely on the basis of education and experience in the accepted competencies and practices of local government management. The town manager shall be appointed by resolution approving an employment contract between the town and the town manager. The town manager's compensation shall be determined by the council through the adoption of an appropriate resolution. The manager need not be a resident of the town or state at the time of appointment, and may reside outside the town while in office with the approval of the council.

Section 4.02 *Town Manager Removal.* The town manager shall hold office at the pleasure of the town council. If the town manager declines to resign at the request of the council, the council may remove the manager by a resolution approved by the majority of the total membership of the council.

Section 4.03 *Acting Town Manager.* During the absence or disability of the town manager, the council may by resolution designate a properly qualified person to temporarily execute the functions of the town manager. Such person shall have the same powers and duties as the town manager and shall be the acting town manager. The council may by majority vote revoke the designation of acting town manager at any time and appoint another officer of the town to serve as acting town manager.

Section 4.04 *Powers and Duties of the Town Manager.* The town manager shall be the chief executive officer of the town, responsible to the council for the management of all town affairs placed in the manager's charge by or under this charter. The town manager shall:

- (a) Appoint and suspend or remove all town employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. The town manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
- (b) Direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this charter or by law;
- (c) Attend all council meetings. The town manager shall have the right to take part in discussion but shall not vote;
- (d) See that all laws, provisions of this charter, and acts of the council are faithfully executed;
- (e) Prepare and submit the annual budget and capital program to the council, and implement the final budget approved by council to achieve the goals of the town;
- (f) Submit to the council and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year;
- (g) Make such other reports as the council may require concerning operations;

- (h) Keep the council fully advised as to the financial condition and future needs of the town;
- (i) Make recommendations to the council concerning the affairs of the town and facilitate the work of the council in developing policy;
- (j) Sign contracts, deeds, bonds, and other instruments and documents on behalf of the town to the extent authorized by resolution or ordinance;
- (k) Provide staff support services for the mayor and council members;
- (l) Assist the council to develop long term goals for the town and strategies to implement these goals;
- (m) Encourage and provide staff support for regional and intergovernmental cooperation;
- (n) Promote partnerships among council, staff, and citizens in developing public policy and building a sense of community; and
- (o) Perform such other duties as are specified in this charter or may be required by the council.

Section 4.05 *Town Clerk*. The town manager may appoint a town clerk or management firm to serve as town clerk (the “clerk”) or may assume the role of town clerk. The clerk shall give notice of council meetings to its members and the public, keep minutes of its proceedings, and perform such other duties as are assigned by this charter or by the council, by the town manager, or by state law. The clerk shall report to the town manager or the council, as directed by the council.

Section 4.06 *Town Attorney*. There shall be a town attorney who shall be a member of The Florida Bar in good standing, be appointed by the council, and serve as the chief legal advisor to the council, the town manager, and all town departments, offices, and agencies. The council may remove the town attorney for any reason by a majority vote of its members. The town attorney shall:

- (a) Attend all council meetings, unless excused by the council, and perform such professional duties as may be required by general law or by the council in furtherance of the law;
- (b) Approve all contracts, bonds, and other instruments to which the town is a party and endorse on each his or her approval of the form and correctness thereof. No contract with the town shall take effect until his or her approval is endorsed on the contract;
- (c) When requested to do so by the council, prosecute and defend on behalf of the town all complaints, suits, and controversies in which the town is a party; and
- (a) Perform other professional duties required of him or her by resolution of the council or as prescribed for municipal attorneys in general law which are not inconsistent with this charter.



Section 4.07 *Land Use, Development, and Environmental Planning.* Consistent with all applicable federal and state laws with respect to land use, development, and environmental planning, the council shall:

- (a) Designate an employee, agency, or agencies to carry out the planning function and related decision-making responsibilities as may be specified by ordinance or general law;
- (b) Adopt a comprehensive plan and ensure that zoning and other land use control ordinances are consistent with the plan and general law; and
- (c) Adopt zoning development regulations, to be specified by ordinance, to implement the plan.

The designated agency, the town manager, and the mayor and council shall seek to act in cooperation with other jurisdictions and organizations in their region to promote integrated approaches to regional issues.

Section 4.08 *General Provisions.*

- (a) *Creation of Boards.* Except as otherwise provided by law, the council may establish or terminate boards as it may deem advisable from time to time. The boards shall report to the council. Members of boards shall be appointed by the council by resolution. The council shall appoint at least three members to any board it creates.
- (b) *Creation of Departments.* The council may establish town departments, offices, or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices, and agencies.
- (c) *Direction by Town Manager.* All departments, offices, and agencies under the direction and supervision of the town manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. With the consent of council, the town manager may serve as the head of one or more departments, offices, or agencies, or may appoint one person as the head of two or more of them.

Section 4.09 *Personnel System.* Consistent with all applicable state and federal laws, the council shall provide by ordinance for the establishment, regulation, and maintenance of a system governing personnel policies necessary for the effective administration of employees of the town's departments, boards, and agencies. All appointments and promotions of town officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.

## **SECTION 5. FINANCIAL MANAGEMENT**

Section 5.01 *Fiscal Year.* The town's fiscal year shall begin on the first day of October and shall end on the last day of September of the next calendar year, unless otherwise defined by general law. The fiscal year shall also constitute the annual budget and accounting year.

Section 5.02 *Expenditure of Town Funds.* No town funds shall be expended except pursuant to a duly approved appropriation or for the payment of bonds, notes, or other indebtedness duly authorized by the council and only from funds so authorized.

Section 5.03 *Submission of Budget and Budget Message.* On or before July 15 of each year, the town manager shall submit to the council a budget for the ensuing fiscal year and an accompanying message. The town manager's message shall explain the budget both in fiscal terms and in terms of the work programs, linking those programs to organizational goals and community priorities. It shall outline the proposed financial policies of the town for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for the changes, summarize the town's debt position, including factors affecting the ability to raise resources through debt issues, and include such other material as the town manager deems desirable.

Section 5.04 *Budget Hearings and Adoption.* The council shall adopt a budget in accordance with applicable general law. A resolution adopting the annual budget shall constitute appropriation of the amounts specified therein as expenditures from funds indicated.

Section 5.05 *Balanced Budget.* The budget shall not provide for expenditures in an amount greater than the revenues budgeted.

Section 5.06 *Appropriations.*

- (a) If, during the fiscal year, revenues in excess of the revenues estimated in the budget are available for appropriation, the council by resolution may make supplemental appropriations for the year in an amount not to exceed the excess.
- (b) If, at any time during the fiscal year, it appears probable to the town manager that the revenues available will be insufficient to meet the amount appropriated, the town manager shall report to the council without delay, indicating the estimated amount of the deficiency, any remedial action taken, and recommendations as to any other steps that should be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficiency and, for that purpose, the council may by resolution reduce one or more appropriations accordingly.
- (c) 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 unencumbered balance thereof. Notwithstanding any other provision of law, the supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Section 5.07 *Bonds; Indebtednes.*

- (a) Subject to any applicable referendum requirements of the state constitution, the town may from time to time borrow money and issue bonds or other obligations or evidence of indebtedness (collectively, "bonds") of any type or character for any of the purposes for which the town is not or hereafter authorized by law to borrow money, including to

finance the cost of any capital or other project and to refund any and all previous issues of bonds at or before maturity. Bonds may be issued pursuant to one or more resolutions adopted by a majority of the council.

- (b) The town may assume all outstanding indebtedness related to facilities that it acquires from other units of local government and be liable for payment of such indebtedness in accordance with its terms.

Section 5.08 *Revenue Bonds*. Revenue bonds may be issued by the town as authorized by law.

Section 5.09 *Annual Audit*. The council shall provide for an independent annual financial audit of all town accounts and may provide for more frequent audits as it deems necessary. The audits shall be made by a certified public accountant or a firm of accountants who have no personal interest, directly or indirectly, in the fiscal affairs of the town government or in any of its officers.

Section 5.10 *Shortfalls*. The state is not liable for financial shortfalls of the town.

## **SECTION 6. ELECTIONS**

Section 6.01 *Adoption of Florida Election Code*. All elections required under any article or section of this charter shall be conducted in accordance with the Florida Election Code, Chapters 97 through 106, Florida Statutes, except as otherwise provided in this charter. The council, by ordinance, may adopt election procedures as are necessary and as provided by the Florida Election Code, Chapters 97 through 106, Florida Statutes.

Section 6.02 *Voters*. Any person who is a resident of the town, who has qualified as a voter of this state, and who registers as prescribed by law shall be a voter of the town.

Section 6.03 *Qualifying*.

- (a) Each candidate for town council shall be a registered voter of the town and must reside in the town for at least one year before the beginning of the qualifying period for the office sought.
- (b) Any voter of the town who wishes to become a candidate for town council shall qualify with the Supervisor of Elections of Franklin County for the initial election; thereafter, candidates shall qualify with the official designated by town resolution or general law by providing proof of voter registration, current address, and one year of residency in the town unless the town council, by resolution, provides that the Supervisor of Elections of Franklin County conduct the candidate qualification process.
- (c) The qualifying period for candidates for town council shall be provided by the Supervisor of Elections of Franklin County or as otherwise provided by ordinance.

Section 6.04 *Nonpartisan Elections*. All elections shall be conducted on a nonpartisan basis without designation of political party affiliation.

Section 6.05 *At Large Elections.* Elections for members of the town council elections shall be conducted at large.

Section 6.06 *Election Dates.* Regular elections shall be held on the first Tuesday after the first Monday in November of each even-numbered election year unless this date is required to be changed to a date concurrent with any countywide or statewide election.

Section 6.07 *Terms.* At the first election under this charter five council members shall be elected; the three candidates receiving the greatest number of votes shall serve for terms of four years, and the two candidates receiving the next greatest number of votes shall serve for terms of two years. Commencing at the next regular election and at all subsequent elections, all council members shall be elected for four-year terms.

Section 6.08 *Election Procedures.*

- (a) The ballot for the general election shall contain the names of all qualified candidates for the council and shall instruct electors to cast one vote for each open council member seat, with a maximum of one vote per candidate. The candidates for each council member seat receiving the most votes shall be the duly elected council member for that designated council member seat.
- (b) In the event no candidate for an office receives a majority of the votes cast for any office, the person receiving the largest number of votes cast shall be elected. In the event two candidates receive an equal number of votes, a coin toss shall be used to break the tie and determine the winner.
- (c) No election for a council member seat shall be required in an election if there is only one duly qualified candidate for the council member seat.
- (d) The term of office for an elected council member shall begin immediately after official certification of the results of the election and shall expire upon the assumption of office by his or her successor.

Section 6.09 *Special Elections.* Special municipal elections, when required, shall be held in the same manner as regular elections, except that the council, by ordinance, shall fix the time for holding special elections consistent with this charter and state law.

Section 6.10 *Town Canvassing Board.* The canvassing board shall be appointed by the town council by resolution and shall be composed of two members of the town council who are not candidates for reelection and the town clerk, who shall act as chair. Should a vacancy occur on the canvassing board, the town council shall appoint a replacement member by resolution. The town canvassing board shall canvass the election consistent with the requirements of Florida law and consistent with and pursuant to any agreement between the town and the Franklin County Supervisor of Elections. The canvassing board shall certify the results of the election upon receipt of the certification from the supervisor of elections. However, the town council may, by resolution, delegate the election canvassing responsibilities for town elections to the county canvassing board. The canvassing board shall prepare and sign a certificate containing the total

number of votes cast for each candidate or other measure voted upon. The certificate shall be placed on file with the town clerk.

Section 6.11 *Recall*. The voters of the town shall have the power to remove from office any elected official of the town in accordance with state law.

Section 6.12 *Initiative and Referendum*. The powers of initiative and referendum are reserved to the qualified registered voters of the town. The election laws of the state shall govern the exercise of the powers of initiative and referendum under this charter.

## **SECTION 7. GENERAL PROVISIONS**

Section 7.01 *Amendments to Charter*. This charter may be amended in accordance with the provisions for charter amendments as specified in the Municipal Home Rule Powers Act, chapter 166, Florida Statutes, or as otherwise may be provided by general law.

Section 7.02 *Severability*. If any provision of this charter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this charter which can be given effect without the invalid provisions or application, and to this end the provisions of this charter are declared severable.

Section 7.03 *Code of Ethics*. It is essential to the proper conduct and operation of the town that the officers and employees of the town be independent and impartial and for their offices not to be used for private gain other than the remuneration provided by law or by ordinances. It is declared to be the policy of the town that its officers and employees are agents of the people and hold their positions for the benefit of the public. Therefore, all town officers and employees shall adhere to the standards of conduct as provided in part III of chapter 112, Florida Statutes.

## **SECTION 8. TRANSITION**

Section 8.01 *Referendum Election*. A referendum election shall be held on May 10, 2022, at which time the following question shall be placed upon the ballot:

Shall the Town of St. George Island be created and its charter adopted?

YES . . . .

NO . . . .

If this question is answered affirmatively by a majority of voters voting in the referendum, the charter will take effect as provided herein. The referendum election shall be conducted by the Supervisor of Elections of Franklin County in accordance with the Florida Election Code, and the cost of the election shall be funded by the Board of County Commissioners of Franklin County.

Section 8.02 *Initial Election of Council*.

- (a) After the adoption of this charter, the Board of County Commissioners of Franklin County shall call an election to be held November 8, 2022, for the election of five town council members. The election shall be conducted by the Supervisor of Elections of Franklin County in accordance with the Florida Election Code, and the cost of the election shall be funded by the Board of County Commissioners of Franklin County.
- (b) An individual who wishes to run for one of five initial seats on the council shall qualify with the Supervisor of Elections of Franklin County in accordance with this charter and general law. The qualifying period for the initial election of the town council shall begin at noon on the second Monday in September and end at noon on the second Friday in September, unless otherwise provided by law.
- (c) For the initial elections, the county canvassing board shall certify the results of the elections in accordance with general law.
- (d) The three council members receiving the highest number of votes shall each be elected to an initial term expiring upon certification of the election results for the November 2026 election. The two remaining council members shall each be elected to an initial term expiring upon certification of the election results for the November 2024 election. Thereafter, all terms shall be for a period of 4 years.

Section 8.03 *Schedule of Effectiveness.*

- (a) *First Election of Council Members.* At the time of its adoption, this charter shall be in effect to the extent necessary so that the first election of members of the town council may be conducted in accordance with this charter.
- (b) *Full Effectiveness.* This charter shall be in full effect for all purposes on and after the date of the first meeting of the newly elected town council provided in paragraph (c).
- (c) *First Council Meeting.* On January 4, 2023, provided the results of the election of the town council under this charter have been certified, the newly elected members of the town council shall meet at a location to be determined. In the event the results have not been certified by January 4, 2023, the newly elected members shall meet on the following Tuesday. The initial council shall have the authority and power to enter into contracts, arrange for the hiring of legal counsel, begin recruiting applicants for town manager, provide for necessary town offices and facilities, and do such other things as it deems necessary and appropriate for the town.

Section 8.04 *First Year Expenses.* The council, in order to provide moneys for the expenses and support of the town, shall have the power to borrow money necessary for the operation of municipal government until a budget is adopted and revenues are raised in accordance with this charter.

Section 8.05 *Transitional Ordinances and Resolutions.*

- (a) All applicable county ordinances in place at the time of passage of the referendum, unless specifically referenced in this charter, shall remain in place until and unless rescinded by

action of the council, except that a county ordinance, rule, or regulation that is in conflict with an ordinance, rule, or regulation of the town shall not be effective to the extent of the conflict. Any existing Franklin County ordinances, rules, and regulations, as of March 1, 2022, shall not be altered, changed, rescinded, or added to, nor shall any variance be granted, if such action would affect the town without the approval of the council.

- (b) The council shall adopt ordinances and resolutions required to effect the transition.

**Section 8.06 *Transitional Comprehensive Plan.*** Until the town adopts a comprehensive plan, the Franklin County Comprehensive Plan, as it exists on the day that the town commences corporate existence, shall remain in effect as the town's transitional comprehensive plan. However, all planning functions, duties, and authority shall thereafter be vested in the council, which shall be deemed the local planning agency until the council establishes a separate local planning agency.

**Section 8.07 *Transitional Land Development Regulations.*** To implement the transitional comprehensive land use plan when adopted, the town shall, in accordance with the procedures required by the laws of the state, adopt ordinances providing for land use development regulations within the corporate limits. Until the town adopts ordinances, the following shall apply:

- (a) The comprehensive land use plan and land use development regulations of Franklin County existing on the date that the town commences corporate existence shall remain in effect as the town's transitional land use development regulations and comprehensive land use plan.
- (b) All powers and duties of the Franklin County Planning and Zoning Department, Building Department, and Board of County Commissioners of Franklin County, as provided in these transitional land use development regulations, shall be vested in the council until the council delegates all powers and duties, or a portion thereof, to another agency, department, or entity.
- (c) Subsequent to the adoption of a local comprehensive land use plan and subject to general law, the council is fully empowered to amend, supersede, enforce, or repeal the transitional land use development regulations, or any portion thereof, by ordinance.
- (d) Subsequent to the commencement of the town's corporate existence, an amendment of the comprehensive land use plan or land use development regulations enacted by the Board of County Commissioners of Franklin County shall not be deemed an amendment of the town's transitional comprehensive land use plan or land use development regulations or otherwise take effect within the town's municipal boundaries.

**Section 8.08 *State-shared Revenues.*** The town shall be entitled to participate in all revenue sharing programs of the state effective January 1, 2023. The provisions of Section 218.23(1), Florida Statutes, shall be waived for the purpose of conducting audits and financial reporting through the end of the town fiscal year 2023-2024. Initial revised population estimates for calculating eligibility for shared revenues shall be determined by the University of Florida Bureau of Economic and Business Research.

Section 8.09 *Local Option Sales Tax.* The town shall be entitled to receive all local revenue sources available pursuant to general law, including, but not limited to small county sales surtax revenue beginning on October 1, 2023. These revenues shall be distributed in accordance with general law or by any interlocal agreement negotiated with the Board of County Commissioners of Franklin County.

Section 8.10 *Local Option Gas Tax Revenues.* Notwithstanding the requirements of Section 336.025, Florida Statutes, the town shall be entitled to receive local option gas tax revenue beginning on October 1, 2023. These revenues shall be distributed in accordance with general law or by any interlocal agreement negotiated with the Board of County Commissioners of Franklin County.

Section 8.11 *Contractual Services and Facilities.* Contractual services for law enforcement, emergency management, public works, parks and recreation, planning and zoning, building inspection, development review, animal control, library services, town manager, town attorney and solid waste collection may be supplied by a contract between the town and the Board of County Commissioners of Franklin County, special districts, municipalities, or private enterprise until the council establishes independent services. However, existing solid waste contracts shall be honored as required by Section 165.061(1)(f), Florida Statutes, and Section 10, Article I of the State Constitution. Facilities for housing the newly formed municipal operations may be rented or leased until the town selects more permanent facilities.

Section 8.12 *Continuation of Municipal Benefit Service Unit.* Notwithstanding the incorporation of the Town of St. George Island, that portion of the Franklin County Fire and Rescue Municipal Benefit Service Unit, a special taxing district created by the Board of County Commissioners of Franklin County, that lies within the boundaries of the Town of St. George Island is authorized to continue in existence until the town adopts an ordinance, resolution, or interlocal agreement to the contrary.

Section 8.13 *Law Enforcement.* Law enforcement services shall be provided by the Franklin County Sheriff's Office until the town adopts an ordinance or resolution or enters into an interlocal agreement to the contrary.

Section 8.14 *Council Salaries.* The members of the council shall be paid \$5,000 per year, in monthly installments in arrears, until an ordinance adopted in accordance with Section 3.04 of this charter becomes effective.

Section 8.15 *Elimination of Transitional Elements from this Charter.* Upon completion of the transitional phase provided in this charter, the sections of the charter relating to transition may be eliminated from this charter.