

ORDINANCE NO. 2023-02

AN ORDINANCE OF THE TOWN OF JUPITER INLET COLONY PROPOSING A COMPLETE REVISION OF THE TOWN CHARTER IN ORDER TO TRANSITION TO A COMMISSION-MANAGER FORM OF GOVERNMENT; BY PROVIDING FOR POWERS AND DUTIES OF THE TOWN COMMISSION; PROVIDING ELECTION PROCEDURES; PROVIDING FOR THE SELECTION, POWERS AND DUTIES OF A TOWN MANAGER; PROVIDING FOR A TOWN CLERK, TOWN ATTORNEY AND CHIEF OF POLICE; PROVIDING FOR INITIATIVE AND REFERENDUM PROCEDURES; PROVIDING GENERAL PROVISIONS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, on or about June 20, 1959, the Town of Jupiter Inlet Colony was duly incorporated by the adoption of Chapter 59-1434, Laws of Florida; and

WHEREAS, the Charter of the Town has been amended from time to time since its adoption; and

WHEREAS, the Town Commission desires and recommends that the Town Charter be further amended in order to change the form of government for the Town to a “Commission-Manager” form of government; and

WHEREAS, the Town Commission further desires and recommends that the current Charter be substantially revised in order to update and amend the same; and

WHEREAS, the Town Commission requests and directs that a ballot question be placed on the ballot for the March 19, 2024 election in order to permit the electors of the Town to consider the adoption of the revised Charter as more fully set forth herein.

NOW, THEREFORE be it ordained by the Town Commission of the Town of Jupiter Inlet Colony, Florida that:

Section 1. The foregoing recitals are hereby ratified and confirmed being true and correct and are hereby made a part of this ordinance.

Section 2. The Town Commission of the Town of Jupiter Inlet Colony hereby proposes and approves of an amended Town Charter as set forth below constituting an amendment to the entire Charter of the Town, to wit:

ARTICLE I. CORPORATE EXISTENCE, TRANSITION; FORM OF GOVERNMENT, BOUNDARY AND POWERS

Section 1.01. Corporate existence; form of government; Charter.

The Town of Jupiter Inlet Colony (“Town”) in Palm Beach County, Florida, which was created by the Florida Legislature, shall continue as a municipal corporation with a

“Commission-Manager” form of government as provided herein and with this document as the Charter for the Town.

Section 1.02. Amendment as complete revision.

This Charter shall constitute an amendment and complete revision of the entire former Charter of the Town of Jupiter Inlet Colony.

Section 1.03. Existing ordinances preserved.

All ordinances in effect upon the effective date of this Charter, to the extent not inconsistent with it, shall remain in full force and effect until repealed or amended as provided by law.

Section 1.04. Transition ordinances and resolutions authorized.

The Town Commission shall adopt all ordinances and resolutions which are necessary or required to effectuate an orderly transition of government and procedures under this amended Charter.

Section 1.05. Effective date.

This Charter amendment proposed by this ordinance shall be presented to the electors of the Town of Jupiter Inlet Colony at the regular Town election on March 19, 2024 and shall be deemed adopted and effective upon the favorable vote of a majority of the Town electors voting in the Referendum election.

Section 1.06. Corporate boundaries.

The territorial limits of the Town are hereby defined and shall be as follows:

Beginning at the point of intersection of the Low Water Line of the Atlantic Ocean and the North Line of Jupiter Inlet Beach Colony according to the plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 24, at page 139, thence S. 89°-08'-37" W. along said North line a distance of 620 feet, more or less, to a point; thence N. 84°-18'-20" W. a distance of 102.40 feet to the Northeast corner of Lot B, of said plat of Jupiter Inlet Beach Colony; thence S. 18°-40'-08" E. along the easterly line of said Lot B, a distance of 245.72 feet to a point, said point being the intersection of the East and South lines of said Lot B; thence N. 89°-54'-38" W. along said South line of Lot B a distance of 470.06 feet to a point; thence continue westerly on a projection of said south line of Lot B a distance of 116.44 feet to a point in the Easterly Right of Way line of the Florida Intracoastal Waterway according to the plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 17, at page 2; thence continuing westerly on the same course, a distance of 504.54 feet to a point in the Westerly Right of Way line

of said Florida Intracoastal Waterway, thence S. 7°-46'-37" W. along said Westerly Right of Way line a distance of 1236.30 feet to a point; thence S. 11°-45'-53" W. along said Westerly Right of Way line, a distance of 437.80 feet to a point; thence S. 44°-14'-07" E. a distance of 680 feet to a point; thence S. 75°-29'-07" E. along the south line of the Jupiter Inlet Channel, a distance of 2800 feet, more or less, to a point in the Low Water Line of the Atlantic Ocean; thence Northwesterly along said Low Water Line of the Atlantic Ocean, a distance of 3296 feet, more or less, to the point of beginning; TOGETHER WITH those lands annexed by virtue of Ordinance No. 25-66-3 legally described as follows: BEGINNING at the point of intersection of the westerly extension of the northerly line of Lot 1, and the northerly extension of the easterly right-of-way line of Colony Road, Jupiter Inlet Beach Colony, according to the plat thereof recorded in Plat Book 24, page 139, Public Records of Palm Beach County, Florida; thence northerly along the northerly extension of the easterly right-of-way line of said Colony Road, a distance of 55.67 feet, more or less, to a point in a line parallel to and 53 feet northerly from (measured at right angles to) the westerly extension of the northerly line of said Lot 1; thence westerly along said parallel line to a point in the southeasterly right-of-way line of State Road Number 707, said point being in the arc of a curve concave to the northwest and having a radius of 337.94 feet, according to the right-of-way map thereof, recorded in Road Plat Book 2, pages 70, 71 and 72; thence southwestwardly along said right-of-way line, and along the arc of said curve, to a point in a line parallel to and 13 feet northerly from (measured at right angles to) that part of the northerly line Lot "B," of said Jupiter Inlet Beach Colony lying east of the southeasterly right-of-way line of said State Road Number 707; thence easterly along said parallel line to a point in the northerly extension of the westerly right-of-way line of said Colony Road; thence southerly along said northerly extension, to a point in the westerly extension of the northerly line of said Lot 1; thence easterly long said westerly extension to the POINT OF BEGINNING.

Section 1.07. Powers of Town; Form of government.

- (a) **POWERS OF THE TOWN.** 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 electors 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.
- (b) **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 the general powers granted in this Charter in any way.
- (c) **FORM OF GOVERNMENT.** The Town shall be a Commission-Manager form of government, with the Commission to consist of five (5) Town Commission ("Commission") members elected by the Town at-large. The Commission shall

constitute the governing body of the Town with the duties and responsibilities hereinafter provided. The Commission shall appoint a Town Manager to be the chief administrative officer of the Town who shall serve at the pleasure of the Commission.

ARTICLE II. TOWN COMMISSION

Section 2.01. General powers and duties.

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

Section 2.02. Composition; eligibility; terms.

- (a) *Composition.* There shall be a Town Commission composed of five Commission members. Each Commission member shall be elected by the voters of the Town at large.
- (b) *Eligibility.* Each candidate for Town Commission shall be a qualified elector of the Town. Each candidate for Commission shall have been a resident of the Town for at least one year before qualifying for office. Each Commission member must reside in the Town for the duration of his or her term. The term of office for each Commission member shall be two (2) years.
- (c) *Seats.* The Town Commission shall be divided into five separate Commission seats to be designated as seats 1, 2, 3, 4, and 5, to be voted on a Town wide basis, with each qualified elector entitled to vote for one candidate for each seat in separate contests.
- (d) *Mayor; Vice Mayor.*
 - i. *Mayor.* At the organizational meeting following a scheduled election and after receiving the certified results of the election, the Commission, by a majority vote, shall select from its membership a Mayor who shall serve for one (1) year or until the next Town organizational meeting. The Mayor shall serve as chairperson during the meetings of the Commission and shall serve as the head of municipal government for the purpose of execution of legal documents as required by ordinance. The Mayor shall also serve as the ceremonial head of the Town.
 - ii. *Vice Mayor.* A Vice Mayor shall be selected in the same manner as the Mayor. The Vice Mayor shall serve as Mayor during the absence or disability of the Mayor and, if a vacancy of the Mayor occurs, shall become interim Mayor until a Mayor is selected.
- (e) *Commission meetings.*
 - i. *Regular and Special Meetings.* The Commission shall hold meetings as required. Special meetings may be held at the call of the Mayor or by any two

(2) the Commission members. At least a 48 hours notice shall be provided to each Commission member and the public for special meetings, unless there is an immediate threat to the public health, safety or welfare. Except as authorized by law, all meetings shall be open to the public. Three (3) members of the Town Commission shall constitute a quorum for the conduct of business unless otherwise provided herein. Unless a quorum is present, no action may be taken except to adjourn.

- ii. *Organizational Meeting.* The members of the Town Commission shall meet annually for an organizational meeting as provided by Town ordinance.

(f) *Prohibitions.*

Town Commissioners are free to make inquiries of Town employees, but no individual member of the Commission shall give orders to any officer or employee of the Town. Recommendations for improvements in Town government operations shall come through the Town Manager, but each member of the Commission shall be free to discuss or recommend improvements to the Town Manager. No present or former elected Town official shall hold any compensated appointive office or employment with the Town until one year after leaving office.

(g) *Vacancies; filling of vacancies.*

- i. *Vacancies.* A vacancy in the office of a member of the Commission, Mayor, or Vice Mayor shall occur upon the incumbent's death, inability to fulfill the duties of the office, relocation of residence outside the Town, resignation, appointment to another public office, judicially determined incompetence or removal or forfeiture of office as described in this subsection.
- ii. *Filling of vacancies.* A vacancy on the Commission shall be filled by a majority vote of the remaining members of the Commission for the period of time until the next regular election, when a Commission member shall be elected for the remainder of the term vacated. In the event that all of the Commission members are removed by death, disability, recall, forfeiture of office, or resignation, the Governor shall appoint interim Commission members who shall call a special election at least 30 days, but no more than 60 days, after such appointment. However, if there are fewer than six months remaining in any unexpired terms, the interim Commission appointed by the Governor shall serve out the unexpired terms. Appointees must meet all requirements for candidates as provided in this Charter.

(h) *Forfeiture of Office.* A member of the Commission may forfeit the office if the member:

1. Lacks at any time during the term of office any qualification for the office prescribed by this Charter or by law;
2. Violates any express prohibition of this Charter;

3. Is convicted of a felony or criminal misdemeanor; or
4. Is found to have violated any standard of conduct or code of ethics established by law for public officials or has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or
5. Misses three consecutive regularly scheduled Commission meetings, unless excused by the Commission.

If any of these events should occur, a hearing shall automatically be conducted at the next regularly scheduled Commission meeting, and the member may be declared to have forfeited office by majority vote of the Commission.

The Commission shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a Commission member's office, including whether good cause for absence has been or may be established. The Commission shall have the power to set additional written standards of conduct for its members beyond those specified in this Charter and may provide for such penalties as it deems appropriate, including forfeiture of office. In order to exercise these powers, the Commission have power to subpoena witnesses, administer oaths, and require the production of evidence.

Section 2.03. Reduced Town Commission membership

- (a) Notwithstanding the provisions set forth in Section 2.02(a) of this Charter, in the event the Town is unable to fill more than three (3) Town Commission seats by election or by the filling of vacancies pursuant to Section 2.02(g) of this Charter, then the Town Commission may continue to function with no less than three (3) Town Commission members. In the event the Town Commission has only three members, then two (2) members shall constitute a quorum.
- (b) At the time of each annual general election, all vacant seats on the Town Commission shall be open for qualifying and election as otherwise provided for herein.

ARTICLE III. ADMINISTRATION

Section 3.01. Town Manager.

There shall be a Town Manager who shall be the chief administrative officer of the Town. The Town Manager shall be responsible to the Town Commission for the administration of all Town affairs under or in pursuance of this Charter.

Section 3.02. Appointment; Qualifications; Removal; Compensation.

- (a) *Appointment.* The Town Commission shall appoint a Town Manager by a majority vote of all of the Town Commissioners.
- (b) *Qualifications.* The Town Manager shall be chosen solely on the basis of executive and administrative qualifications and need not be a resident or land owner of the Town.

(c) *Removal.* The Town Commission may remove the Town Manager by a majority vote of all the Town Commissioners.

(d) *Compensation.* Compensation of the Town Manager shall be fixed by the majority vote of the Town Commission.

Section 3.03. Power and Duties of the Town Manager.

The powers and duties of the Town Manager shall be as prescribed by the Town Commission and shall include, but not be limited to, the following:

1. Appointing, and when he or she deems it necessary for the good of the Town, suspending or removing the Town Clerk and other employees, except as otherwise provided by this Charter.
2. Directing and supervising the Town Clerk and administration of all departments, offices and agencies of the Town, except as provided by this Charter, by Florida general or special law or by the Town Commission.
3. Attending all Town Commission meetings.
4. Having the right to take part in discussion at all Town Commission meetings, but not voting.
5. Seeing that all laws, provisions of this Charter and acts of the Town Commission subject to enforcement by the Town Manager or by officers subject to the direction and supervision of the Town Manager are faithfully executed.
6. Preparing and submitting the annual fiscal budget to the Town Commission in written form.
7. Within budgetary guidelines, hire, supervise and discipline, if necessary additional Town staff.
8. Making such other reports as the Town Commission may require concerning the operations of the Town's departments, offices and agencies subject to direction and supervision of the Town Manager.
9. Keeping the Town Commission fully advised as to the financial condition and future needs of the Town and making such recommendations to the Town Commission concerning the affairs of the Town.
10. Performing such other duties and exercising such other administrative powers as are specified in this Charter or may be required by the Town Commission.

Section 3.04. Town Clerk.

The Town Manager shall appoint a Town Clerk or management firm to serve as Town Clerk. The Town Clerk shall provide notice of Town Commission meetings and other Town meetings; keep minutes of proceedings; be responsible for the orderly retention of Town records and perform such other duties as Town Manager may prescribe from time to time. The Town Clerk shall report to the Town Manager.

Section 3.05. Town Attorney.

The Commission may from time to time appoint an attorney to act as Town Attorney under such terms, conditions and compensation as may be established by the Commission. The Town Attorney shall report to the Commission and may be removed by the Commission at any time.

Section 3.06. Chief of Police.

- (a) The Town Commission shall appoint a Chief of Police for an indefinite term by a majority vote of all of the Town Commissioners. The Town Commission may remove the Chief of Police by a majority vote of all of the Town Commissioners. Compensation for the Chief of Police shall be fixed by a majority vote of the Town Commission.
- (b) The Chief of Police shall report to the Town Manager.
- (c) The Chief of Police shall be responsible for the overall operation of the police department and, in consultation with the Town Manager, shall be responsible for hiring and disciplinary actions involving police officers.
- (d) Any proposed changes in the organizational structure of the police department shall be presented to and approved by the Town Commission.
- (e) Nothing in this Charter shall preclude the Town Commission from contracting with the Palm Beach County Sheriff or another municipality to provide police or law enforcement services in the Town; provided, no such contract shall be entered into by the Town unless approved by a majority vote of those qualified electors of the Town voting in a Referendum election.

Section 3.07. Contracting for Traditional Municipal Services.

The Commission may, in its discretion, contract with a private provider(s) or firm to perform the services of Town Manager and Town Clerk or town attorney rather than retaining Town employees to perform such functions; provided, no such contract shall be entered into by the Town for Town Manager services unless approved by a majority vote of those qualified electors of the Town voting in a Referendum election.

ARTICLE IV. NOMINATIONS AND ELECTIONS

Section 4.01. Nonpartisan Elections; Electors; Qualifying; Oath.

- (a) *Nonpartisan elections.* All elections shall be conducted on a non-partisan basis without designation of a political party affiliation.
 - (b) *Electors.* Any person who is a resident of the Town, who has qualified as an elector of this State, and who registers as prescribed by law shall be an elector of the Town.
 - (c) *Qualifying.*
 - i. Each candidate for Town Commission shall be a qualified elector of the Town and must reside in the Town for at least one (1) year before the beginning of the qualifying period for the office sought.
 - ii. Any elector of the Town who wishes to become a candidate for Town Commission shall qualify as provided by Town Ordinance.
 - (d) *Elections.*
 - i. Dates for all Town elections shall be provided by Ordinance.
 - ii. All elections required under any article or section of this Charter shall be conducted in accordance with the Florida Election Code as may be amended from time to time. The Town Commission, by ordinance, may adopt such election procedures as are necessary and as provided by the Florida Election Code.
- The election of members of the Commission shall be by groups to be known as Groups 1, 2, 3, 4, and 5. The Commissioners in Groups 1, 3 and 5 shall be elected in the odd years and the Commissioners in Groups 2 and 4 shall be elected in the even years. The term of office of Commissioners shall commence on the first Monday in the month following the General Election, or runoff election, if necessary, and shall continue for two (2) years thereafter and until their successors are elected and qualified. Any candidate seeking election as Commissioner shall at the time of his or her qualification as a candidate announce the number of the group in which he or she seeks to be elected, and candidates shall be elected by group. If a candidate for any office receives a majority of the votes cast at a general election, such candidate receiving such majority shall be deemed to be elected to such office. In the event no candidate receives a majority of the votes cast at a general election in his or her group, the names of the two (2) candidates receiving the highest number of votes cast for each respective office shall be placed on the ballot and be voted upon at the ensuing runoff election and the candidate receiving the highest vote at such runoff election shall be elected to each respective office as the case may be.
- (e) *Oath of Officers.* Each person appointed or elected as a member of the Commission of said municipality, before entering upon the discharge of the duties of the office, shall take and subscribe the following oath before some officer authorized to administer oaths under the Laws of the State of Florida: "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 of the United States and the Constitution and Laws of the State of Florida, and that I will faithfully perform all the duties of the office of Commissioner of Jupiter Inlet Colony, Florida, upon which I am about to enter, so help me God." This oath may be spread upon the minutes of the Commission.

ARTICLE V. INITIATIVE AND REFERENDUM

Section 5.01. Power of voters.

- (a) *Initiative.* The qualified voters of the Town shall have power to propose ordinances to the Commission and, if the Commission fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a municipal election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of Town officers or employees.
- (b) *Referendum.* The qualified voters of the Town shall have power to require reconsideration by the Commission of any adopted ordinance and, if the Commission fails to repeal an ordinance so reconsidered, to approve or reject it at a Town election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money, levy of taxes or salaries of Town officers or employees.

Section 5.02. Commencement of proceedings.

Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the Town Clerk or other official designated by the Commission an affidavit stating they will constitute a Petitioners' Committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the Committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the Petitioners' Committee is filed, the Town Clerk or other official designated by the Town Commission may, at the Committee's request, issue the appropriate petition blanks to the Petitioners' Committee at the Committee's expense.

Section 5.03. Petitions.

- (a) *Number of signatures.* Initiative and referendum petitions must be signed by not less than fifty (50) qualified voters of the Town.
- (b) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall

contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

- (c) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signature of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- (d) *Time for filing referendum petitions.* Referendum petitions must be filed within thirty (30) days after adoption by the Town Commission of the ordinance sought to be reconsidered.

Section 5.04. Procedure for filing.

- (a) *Certificate of clerk; amendment.* Within twenty (20) days after the initiative petition is filed and five (5) days for a referendum petition, the Town Clerk or other official designated by the Town Commission shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly deliver a copy of the certificate to the Petitioners' Committee. Grounds for insufficiency are only those specified in Section 5.03. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the Petitioners' Committee files a notice of intention to amend it with the Town Clerk or other official designated by the Town Commission within two (2) days after receiving the copy of the certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 5.03 and within five (5) days after it is filed the Town Clerk or other official designated by the Town Commission shall complete a certificate as to the sufficiency of the petition as amended and promptly deliver a copy of such certificate to the Petitioners' Committee as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the Petitioners' Committee does not elect to amend or request Town Commission review under subsection (b) of this section within the time required, the Town Clerk or other official designated by the Town Commission shall promptly present his certificate to the Town Commission and the certificate shall then be a final determination as to the sufficiency of the petition.
- (b) *Commission review.* If a petition has been certified insufficient and the Petitioners' Committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the Committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the Town Commission. The Town Commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Town Commission's determination shall then be a final determination as to the sufficiency of the petition.

Section 5.05. Referendum petitions; suspension of effect of ordinance.

When a referendum petition is filed with the Town Clerk or other official designated by the Town Commission, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (a) There is a final determination of insufficiency of the petitions, or
- (b) The Petitioners' Committee withdraws the petition, or
- (c) The Town Commission repeals the ordinance, or
- (d) After a vote of the Town voters on the ordinance has been certified.

Section 5.06. Action on petitions.

- (a) *Action by Town Commission.* When an initiative or referendum petition has been finally determined sufficient, the Commission shall promptly consider the proposed initiative ordinance in the manner provided by Chapter 166.041, *Florida Statutes*; or reconsider the referred ordinance by voting its repeal. If the Town Commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days, it shall submit the proposed or referred ordinance to the voters of the Town at the next regular municipal election.
- (b) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the day scheduled for a vote of the Town by filing with the Town Clerk or other official designated by the Town Commission a request for withdrawal signed by at least four (4) members of the Petitioners' Committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Section 5.07. Results of election.

- (a) *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Town Commission. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (b) *Referendum.* If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

ARTICLE VI. GENERAL PROVISIONS.

Section 6.01. 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*, as amended, the Palm Beach County Code of Ethics, as amended, and other applicable Florida law.

Section 6.02. Charter Amendments.

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*, as the same may be amended from time to time, or its successor, or as may otherwise be provided by general law. The form, content, and certification of any petition to amend shall be established by ordinance.

Section 6.03. Severability.

If any provisions 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 provision or application, and to this end the provisions of this Charter are declared severable.

Section 6.04. Elimination of Transitional Elements of 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.

ARTICLE VII. EFFECTIVE DATES.

This Charter shall take effect only upon its approval by a majority vote of those qualified electors of the Town voting in a referendum election to be held on March 19, 2024, in accordance with the provisions of law relating to elections currently in force, except that the Mayor of the Town shall remain as chief executive officer of the Town and Chairman of the Town Commission until such time as a Town Manager is selected and assumes employment with the Town. Thereafter, the Town shall at all times continue as a “Commission-Manager” form of government as set forth in this Charter.

Section 3. The Town Commission, pursuant to Section 166.031, *Florida Statutes*, hereby calls for a referendum election, to be held concurrently with the Town’s general election on March 19, 2024 (the “Referendum”) whereby the electors of the Town shall vote on this proposed Charter amendment. The Charter amendment shall be adopted if it receives a majority of the votes cast at the Referendum election as to the Charter amendment.

Section 4. The ballot title and summary to be placed on the ballot and voted on in the Referendum shall be in substantially the following form:

PROPOSED TOWN OF JUPITER INLET COLONY CHARTER AMENDMENT

Shall the Charter of the Town of Jupiter Inlet Colony be substantially rewritten and revised, as provided in Ordinance No. 2023-02, in order to change the form of government of the Town from a Strong Mayor form of government to a Commission-Manager form of government; to amend the process for the election of the Town Mayor and to make additional revisions to the Charter as provided by Ordinance No. 2023-02?

Yes ____ or No ____

Section 5. The Town Clerk is hereby directed to ensure that all advertising, translation and notice requirements are complied with and to coordinate all activities necessary to conduct the Referendum with the Supervisor of Elections of Palm Beach County and to place the above-described question on the Referendum ballot. If the Charter Amendment is adopted, the Town Clerk shall file the revised and amended Charter with the Department of State in accordance with Section 166.031(2), *Florida Statutes*.

Section 6. That all Ordinances or parts or Ordinances, in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 7. If any clause, section or other part of this Ordinance shall be held by any Court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 8. This Ordinance shall become effective immediately upon its passage and adoption. The Charter Amendment shall take effect immediately upon adoption by the electors of the Town of Jupiter Inlet Colony at the Referendum election to be held on March 19, 2024.

FIRST READING this 10th day of October, 2023.

SECOND READING and FINAL PASSAGE this ____ day of _____, 2023.

TOWN OF JUPITER INLET COLONY, FLORIDA

Mayor Milton J. Block

Vice-Mayor Mark Ciarfella

Commissioner Ed Hocefer

ATTEST:

Commissioner Marie Rosner

Town Clerk

Commissioner Richard D. Busto