

## **CITY CHARTER**

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## **ARTICLE I. IN GENERAL**

### **Sec. 1.01. City government.**

There shall be a municipal corporation named the City of Satellite Beach in Brevard County, Florida. The city shall have a council/manager form of government and shall have all powers possible under the Constitution and laws of the United States and the State of Florida, in addition to any powers specifically enumerated in this Charter. City powers under this Charter shall be construed liberally in favor of the city; and no specific power under the Charter shall be construed as limiting in any way the general power stated in this section or any powers vested in municipalities under federal or State law.

### **Sec. 1.02. City boundaries.**

The city shall include and have jurisdiction over all that territory in Brevard County described as follows:

# LEGAL DESCRIPTION

SECTION 26, TOWNSHIP 26 SOUTH, RANGE 37 EAST

## "EXHIBIT A"

PURPOSE: CREATE UNIFIED LEGAL DESCRIPTION OF THE CITY OF SATELLITE BEACH

SHEET 1 OF 3  
NOT VALID WITHOUT  
SHEETS 2 AND 3

### LEGAL DESCRIPTION:

BEGIN AT THE INTERSECTION OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF SECTION 1, TOWNSHIP 27 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, AND THE LOW WATER MARK OF THE ATLANTIC OCEAN AND THENCE RUN WESTERLY ALONG THE SOUTH LINE OF SECTION 1 AND SECTION 2 TO THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF SECTION 2;

THENCE, RUN NORTHERLY ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 2 TO THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 2;

THENCE RUN WESTERLY ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 2 TO THE SOUTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 2;

THENCE, RUN NORTHERLY ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 2 AND CONTINUE ALONG THE WEST LINE OF THE EAST ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SECTION 2 TO A POINT 825.0 FEET SOUTH OF THE NORTH LINE OF SECTION 2, TOWNSHIP 27 SOUTH, RANGE 37 EAST;

THENCE RUN WESTERLY PARALLEL WITH THE NORTH LINE OF SAID SECTION 2, 564.0 FEET;

THENCE, RUN NORTHERLY PARALLEL WITH THE EAST LINE OF THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 2, TO THE NORTH LINE OF SAID SECTION 2, TOWNSHIP 27 SOUTH, RANGE 37 EAST;

THENCE, RUN WESTERLY ALONG THE NORTH LINE OF SECTION 2 AND SECTION 3, TO THE CHANNEL OF THE BANANA RIVER;

THENCE, RUN NORTHERLY ALONG THE CHANNEL OF SAID BANANA RIVER TO A POINT LYING ON THE WESTERLY EXTENSION OF THE NORTH LINE OF GOVERNMENT LOT 4 LYING IN SECTION 27, TOWNSHIP 26 SOUTH, RANGE 37 EAST;

THENCE, RUN EASTERLY ALONG THE NORTH LINE OF GOVERNMENT LOT 4 AND ITS WESTERLY EXTENSION TO A POINT LYING ON THE CENTER LINE OF THE MOSQUITO CONTROL CANAL LYING IN SAID GOVERNMENT LOT 4;

THENCE, RUN SOUTHERLY ALONG THE CENTERLINE OF SAID MOSQUITO CONTROL CANAL TO A POINT LYING ON THE NORTH LINE OF SECTION 34, TOWNSHIP 26 SOUTH, RANGE 37 EAST;

THENCE, RUN EASTERLY ALONG THE NORTH LINE OF SECTION 34 AND SECTION 35 TO THE WEST LINE OF THE RIGHT-OF-WAY OF STATE ROAD A1A, BREVARD COUNTY, FLORIDA;

THENCE, RUN NORTHERLY ALONG THE WEST LINE OF THE RIGHT-OF-WAY OF STATE ROAD A1A TO THE SOUTH LINE OF THE NORTH 1334.20 OF GOVERNMENT LOT 1, WEST OF STATE ROAD A1A;

THENCE, RUN EASTERLY ALONG SAID SOUTH LINE OF THE NORTH 1334.20 OF GOVERNMENT LOT 1 TO THE LOW WATER MARK OF THE ATLANTIC OCEAN;

THENCE, RUN SOUTHERLY ALONG THE LOW WATER MARK OF THE ATLANTIC OCEAN TO THE POINT OF BEGINNING.

PREPARED FOR: CITY OF SATELLITE BEACH, FLORIDA

PREPARED BY: DAVID J. KUGELMANN, P.L.S.

*David J. Kugelmann* 12/14/07  
DAVID J. KUGELMANN, PLS NO. 5117  
NOT VALID UNLESS SIGNED AND SEALED

KUGELMANN LAND SURVEYING, INC.  
30 NORTH TROPICAL TRAIL, SUITE B  
MERRITT ISLAND, FLORIDA 32953  
L.B. NO. 6575 - PHONE (321) 459-0930

DRAWN BY: DJK

CHECKED BY: KKW

DRAWING NO. 2007108

SECTION 26

DATE: 12-13-07

SHEET 1 OF 3

REVISIONS \_\_\_\_\_

TOWNSHIP 26 SOUTH  
RANGE 37 EAST

# LEGAL DESCRIPTION

SECTION 26, TOWNSHIP 26 SOUTH, RANGE 37 EAST

## "EXHIBIT A"

PURPOSE: CREATE UNIFIED LEGAL DESCRIPTION OF THE CITY OF SATELLITE BEACH

SHEET 2 OF 3  
NOT VALID WITHOUT SHEETS 1 AND 3

### LEGAL DESCRIPTION:

ALL THAT CERTAIN PARCEL OF LAND BEING A PORTION OF SECTION 26, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A P\*K NAIL AND WASHER STAMPED MOTT 3608 MARKING THE SOUTHWEST CORNER OF SAID SECTION 26 LYING IN TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA AND BEARING COORDINATES NORTH 1.400,864.68 FEET AND EAST 783,018.08 FEET BASED ON STATE PLANE COORDINATE SYSTEMS, FLORIDA EAST, NAD 83;

THENCE NORTH 89 DEGREES, 16 MINUTES, 21 SECONDS EAST ALONG THE SOUTH LINE OF SAID SECTION 26 FOR A DISTANCE OF 1,317.82 FEET TO A RECOVERED 4x4 INCH CONCRETE MONUMENT BEING DESIGNATED AS THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED PARCEL OF LAND;

THENCE FROM THE POINT OF BEGINNING RUN NORTH 00 DEGREES, 53 MINUTES, 24 SECONDS WEST ALONG THE EAST LINE OF SOUTH PATRICK PARK FIRST ADDITION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 17, PAGE 116 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, FOR A DISTANCE OF 1,000.55 FEET TO AN IRON PIPE;

THENCE SOUTH 89 DEGREES, 16 MINUTES, 43 SECONDS WEST FOR A DISTANCE OF 1,218.85 FEET TO A 4x4 INCH CONCRETE RIGHT-OF-WAY MARKER FOR SOUTH PATRICK DRIVE;

THENCE NORTH 00 DEGREES, 55 MINUTES, 02 SECONDS WEST FOR A DISTANCE OF 3,001.31 FEET TO A RECOVERED 4x4 INCH CONCRETE RIGHT-OF-WAY MARKER;

THENCE NORTH 89 DEGREES, 14 MINUTES, 27 SECONDS EAST FOR A DISTANCE OF 3,333.18 FEET TO A RECOVERED 1 FOOT CONCRETE MONUMENT BEING A RIGHT-OF-WAY MARKER FOR STATE HIGHWAY A1A;

THENCE SOUTH 09 DEGREES, 58 MINUTES, 53 SECONDS EAST FOR A DISTANCE OF 1,700.45 FEET TO A P\*K NAIL SET IN TOP OF CONCRETE WALL;

THENCE SOUTH 12 DEGREES, 03 MINUTES, 50 SECONDS EAST FOR A DISTANCE OF 2,371.13 FEET TO A RECOVERED 6x6 INCH CONCRETE MONUMENT MARKING THE RIGHT-OF-WAY OF STATE HIGHWAY A1A;

THENCE SOUTH 89 DEGREES, 15 MINUTES, 35 SECONDS WEST FOR A DISTANCE OF 1,000.00 FEET TO A SET ALUMINUM MONUMENT HAVING THE DESIGNATION OF SECOR-1;

THENCE SOUTH 89 DEGREES, 15 MINUTES, 28 SECONDS WEST FOR A DISTANCE OF 1,000.04 FEET TO A SET ALUMINUM MONUMENT HAVING THE DESIGNATION OF SECOR-2;

THENCE SOUTH 89 DEGREES, 15 MINUTES, 46 SECONDS WEST FOR A DISTANCE OF 841.06 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 309.99 ACRES, MORE OR LESS.

ALSO, GENERALLY KNOWN AS PATRICK AIR FORCE BASE SOUTH HOUSING AREA.

PREPARED FOR: CITY OF SATELLITE BEACH, FLORIDA

*David J. Kugel* 12/14/07  
DAVID J. KUGELMANN, PLS NO. 5117  
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SECTION 26  
TOWNSHIP 26 SOUTH  
RANGE 37 EAST

DATE: 12-13-07

SHEET 2 OF 3

REVISIONS \_\_\_\_\_

# SKETCH OF DESCRIPTION

OFFICIAL COURT USE ONLY

THIS IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREON.

PROJECT NO. 2007108

## "EXHIBIT A"

SHEET 3 OF 3

THIS SKETCH IS NOT A SURVEY AND IS NOT VALID WITHOUT SHEETS 1 AND 2

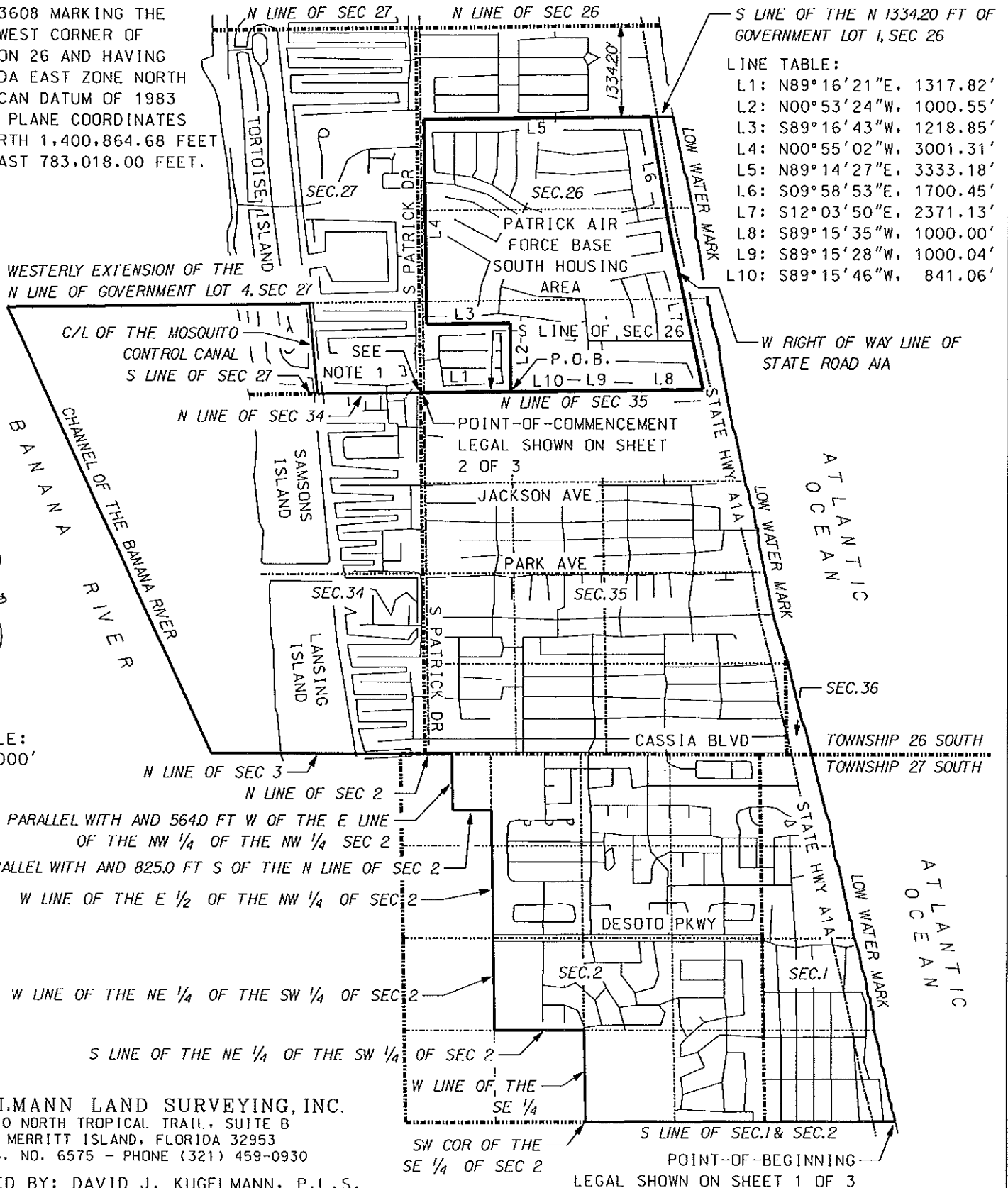
**NOTE 1:**

P\***K** NAIL & WASHER STAMPED MOTT 3608 MARKING THE SOUTHWEST CORNER OF SECTION 26 AND HAVING FLORIDA EAST ZONE NORTH AMERICAN DATUM OF 1983 STATE PLANE COORDINATES OF NORTH 1,400,864.68 FEET AND EAST 783,018.00 FEET.

S LINE OF THE N 1334.20 FT OF GOVERNMENT LOT 1, SEC 26

**LINE TABLE:**

- L1: N89°16'21"E, 1317.82'
- L2: N00°53'24"W, 1000.55'
- L3: S89°16'43"W, 1218.85'
- L4: N00°55'02"W, 3001.31'
- L5: N89°14'27"E, 3333.18'
- L6: S09°58'53"E, 1700.45'
- L7: S12°03'50"E, 2371.13'
- L8: S89°15'35"W, 1000.00'
- L9: S89°15'28"W, 1000.04'
- L10: S89°15'46"W, 841.06'



WESTERLY EXTENSION OF THE N LINE OF GOVERNMENT LOT 4, SEC 27

C/L OF THE MOSQUITO CONTROL CANAL  
S LINE OF SEC 27

SEE NOTE 1

P.O.B.

POINT-OF-COMMENCEMENT LEGAL SHOWN ON SHEET 2 OF 3

W RIGHT OF WAY LINE OF STATE ROAD A1A

BANANA RIVER  
CHANNEL OF THE BANANA RIVER

ATLANTIC OCEAN

SCALE: 1"=2000'

PARALLEL WITH AND 564.0 FT W OF THE E LINE OF THE NW 1/4 OF THE NW 1/4 SEC 2  
PARALLEL WITH AND 825.0 FT S OF THE N LINE OF SEC 2  
W LINE OF THE E 1/2 OF THE NW 1/4 OF SEC 2  
W LINE OF THE NE 1/4 OF THE SW 1/4 OF SEC 2  
S LINE OF THE NE 1/4 OF THE SW 1/4 OF SEC 2

SW COR OF THE SE 1/4 OF SEC 2  
S LINE OF SEC.1 & SEC.2  
POINT-OF-BEGINNING LEGAL SHOWN ON SHEET 1 OF 3

**KUGELMANN LAND SURVEYING, INC.**  
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PREPARED BY: DAVID J. KUGELMANN, P.L.S.

**Sec. 1.03. Intergovernmental activities.**

To the fullest extent permitted by law, the city may exercise any of its powers, perform any of its functions, and participate in the financing thereof, by contract or otherwise, with any one or more states or their agencies; any counties, municipalities, or other governmental units thereof; or the United States or agencies thereof.

**Sec. 1.04. Annexation of land.**

All annexations shall adhere to procedures prescribed by law.

**Sec. 1.05. Bird and wildlife sanctuary.**

All territory within the city's boundaries shall be deemed a bird and wildlife sanctuary.

**ARTICLE II. CITY COUNCIL**

**Sec. 2.01. Definition.**

The term "councilmembers" means all members of the city council, including the mayor.

**Sec. 2.02. Powers and duties generally.**

- (1) Except as otherwise provided by law or this Charter, all powers of the city shall be vested in the city council, which shall exercise the powers granted, and perform the duties imposed on, the city by law and this Charter.
- (2) The city council shall judge the qualifications and grounds for removal of its members. For this purpose, the city council shall have the power to subpoena witnesses and evidence. The city council's decision shall be subject to review by the courts.

**Sec. 2.03. Prohibitions.**

- (1) *Holding other city office.* Councilmembers shall not hold any other city office, whether paid or unpaid, during their city council term.
- (2) *Interference in city administration.* The city council and its individual members shall not direct or request any personnel action regarding any city employee whom the city manager or his/her subordinates are empowered to hire, nor shall they interfere in any manner with city administration. However, the city council and its individual members may freely discuss any personnel matter with the city manager and make any recommendation to the city manager for improvement in city government operations. In addition, individual members may question and observe all aspects of city government operations to obtain information to help formulate sound city council policies. It is the intent of this section that all interactions between councilmembers and city personnel regarding city government business shall occur through the city manager.

**Sec. 2.04. Membership and qualifications.**

- (1) The city council shall consist of four members and a mayor elected at-large by the city's voters. Councilmembers, whether elected or appointed, must be registered voters who have resided in the city for at least one year before they qualify for office.
- (2) To qualify for office, candidates must file the following with the city clerk during the qualifying period designated in the city code: a petition signed by 10 registered city voters, a filing fee designated in the city code, and a sworn statement of his/her name, residential address, occupation, and willingness to serve the full term if elected.

**Sec. 2.05. Terms.**

- (1) Beginning in the presidential election year of 2012 for the mayor and two other councilmembers and in the gubernatorial election year of 2014 for the remaining two councilmembers, all councilmembers shall be elected to a four-year term of office.
- (2) No councilmember who is completing two consecutive elective terms shall be eligible for election or appointment to the city council, and no person shall serve more than 10 consecutive years in the office of mayor, or councilmember, or combination of the two offices. A period of two years must elapse before a former councilmember shall be eligible for reelection; a period of one year must elapse before a former councilmember shall be eligible for appointment.
- (3) Councilmembers shall take office at the start of new business at the first regular city council meeting following the meeting held to accept the election results from the supervisor of elections. Councilmembers shall continue to hold their offices and discharge their duties until their successors are installed.

**Sec. 2.06. Compensation.**

Councilmembers shall serve without salary, but shall be compensated for expenses as provided in the city code.

**Sec. 2.07. Elections.**

Regular city elections shall be held on the first Tuesday after the first Monday in November of each presidential and gubernatorial election year. City council candidates receiving the most votes shall be elected to fill the number of vacant seats.

**Sec. 2.08. Vacancies.**

- (1) A vacancy shall occur upon the death, resignation, forfeiture of office, or lawful removal of a councilmember.
- (2) *Councilmember.* No later than 30 days after a vacancy occurs in the seat of a councilmember other than mayor, the city council shall appoint a replacement to serve until the next regular election.
- (3) *Mayor.* No later than 30 days after a vacancy occurs in the mayor's seat, the city council shall:
  - (a) appoint one of the remaining councilmembers to serve as mayor until the next regular election; and

- (b) appoint a replacement for the councilmember who was appointed mayor, to serve until the next regular election.
- (4) *Vacancies precluding quorum.* Any time the city council is reduced to fewer than three members, the city shall:
  - (a) immediately request the governor to temporarily appoint from a list of all former councilmembers residing in the city, regardless of whether they meet the provisions of 2.05 (2), a sufficient number to constitute a five-member city council, and
  - (b) conduct a special election no later than 90 days after the occurrence of the vacancy which triggers the special election. The winners of the special election shall serve the remainder of the unexpired terms.
- (5) *Candidate.* Following the end of the qualifying period, if a vacancy occurs from the death, withdrawal, or removal from the ballot of a qualified candidate, and the vacancy leaves only one candidate for an office, the remaining candidate shall be deemed elected.

**Sec. 2.09. Grounds for removal.**

The office of a councilmember shall be forfeited whenever at least four of the five councilmembers determine that a member:

- (1) Ceases to be a registered voter residing in the city;
- (2) Is convicted of a misdemeanor involving moral turpitude or any felony;
- (3) Commits an act constituting malfeasance, misfeasance, or neglect of duty;
- (4) Is permanently unable to perform official duties; or
- (5) Is absent from four consecutive regular city council meetings or from one-third of the regular city council meetings during any 12-month period for any reason.

**Sec. 2.10. Duties of mayor and vice-mayor.**

- (1) The mayor shall be a voting member and the presiding officer of the city council, as well as the head of the city for purposes of ceremonies, service of civil process, and martial law. Unless otherwise provided by law, this Charter, or the city council, the mayor shall execute instruments in which the city is authorized to be a party by the city council.
- (2) As prescribed by the city council, the city council shall select from its membership a vice-mayor who shall serve as mayor in the mayor's absence.

**Sec. 2.11. City council meetings.**

- (1) *Regular meetings.* The city council shall meet regularly at least once each month at such time and place as it may prescribe. Except as otherwise provided by law, all city council meetings shall be open to the public.

- (2) *Special meetings.* Special meetings, which must be limited to the subject(s) specified on the agenda, may be convened by the mayor, any three councilmembers, or the city manager upon at least 24 hours' notice to each councilmember and at least one newspaper of general circulation in the city.
- (3) *Emergency meetings.* Emergency meetings may be called in the same manner as special meetings, except that prior public notice shall not be required. Emergency meetings shall be conducted as prescribed by the city council.
- (4) *Rules.* The city council shall determine its own rules, including order of business and rules for expelling disorderly persons from its meetings.
- (5) *Quorum.* Three members of the city council shall constitute a quorum to open a meeting, but a smaller number may require the attendance of absent members under procedures and penalties prescribed by the city council.
- (6) *Voting.* Except as otherwise provided by this Charter, the affirmative vote of at least three members of the city council shall be required for any city council action to be valid. Voting shall be by roll call, with votes recorded in the city council's minutes.
- (7) *Minutes.* Minutes of city council meetings shall be kept by the city clerk.

### **ARTICLE III. CITY MANAGER**

#### **Sec. 3.01. Appointment, qualifications, removal, compensation.**

- (1) *Appointment.* Based solely on executive qualifications as determined by the city council, the city council shall appoint a city manager, who shall be an at-will employee.
- (2) *Qualifications.* The city manager shall be a resident of the city within one year of appointment and a United States citizen.
- (3) *Removal.* Removal of the city manager shall require the affirmative vote of at least four of the five councilmembers. Upon removal, the city council shall immediately appoint an interim city manager and shall appoint a permanent city manager within 180 days.
- (4) *Compensation.* The city council shall determine the compensation of the city manager.

#### **Sec. 3.02. Powers and duties.**

In addition to other duties specified by this Charter or the city council, the city manager shall:

- (1) Serve as chief executive officer of the city, responsible to the city council for all city affairs placed in his/her charge.
- (2) Hire, suspend, or discharge all city employees in accordance with established personnel policies. The city manager may authorize any department head to exercise these powers with respect to that department head's subordinates.
- (3) Within the pay classifications established by the city council, fix the compensation of all city employees.

- (4) Supervise all city departments, except as otherwise provided by law, and determine their functions and staffing.
- (5) Publish personnel policies, including a merit system and appeals process, which shall be submitted for city council approval; and ensure that selection, promotion, demotion, and dismissal of all city employees are based upon competence and performance and are free of political pressure.
- (6) Attend city council meetings. The city manager may take part in discussions but may not vote.
- (7) Ensure that all laws and city council actions subject to enforcement by the city manager or department heads are faithfully executed.
- (8) Prepare and submit the annual budget to the city council, and make other reports, including the present financial status of the city, whenever requested by the city council.
- (9) Keep the city council fully advised of the financial condition and future needs of the city, and make recommendations to the city council.
- (10) Execute contracts on behalf of the city, unless the city council provides otherwise.

#### **Sec. 3.03. Evaluation.**

No later than September 15, the city council shall complete an annual evaluation of the city manager and discuss it with him or her. The evaluation shall be a composite of all councilmembers' evaluations and shall rate the city manager's performance in the areas of goals and objectives established by the city council, duties delineated in this Charter, personal relations, and beneficial changes to the city. The city council may complete additional evaluations whenever it deems appropriate.

#### **Sec. 3.04. Acting city manager.**

In a writing to the city clerk, with copies to all councilmembers and department heads, the city manager shall designate a department head to act as city manager during the city manager's temporary absence or disability. If the city manager fails to make such designation, or the city council disapproves the designation, the city council may appoint another department head to serve until the city manager returns or the disability ends.

### **ARTICLE IV. CITY DEPARTMENTS AND BOARDS**

#### **Sec. 4.01. Departments.**

- (1) The city council may establish, consolidate, or abolish city departments.
- (2) All city departments shall be administered by a department head appointed by the city manager. The city manager may appoint one person as the head of two or more departments or, with consent of the city council, the city manager may serve as head of one or more departments.

#### **Sec. 4.02. Boards.**

- (1) *Generally.* The city council may establish boards as it deems appropriate. Members of such boards shall be residents of the city, unless otherwise provided by ordinance, and shall be appointed by the city council. The terms and method of reappointment shall be established by the city council.

Councilmembers may serve as liaisons to these boards, but shall not attempt to guide the deliberations of the boards.

- (2) *Comprehensive Planning Advisory Board.* There shall be a comprehensive planning advisory board which shall perform the duties of the local planning agency by preparing the city's comprehensive plan and plan amendments. The comprehensive plan shall serve as a guide for city council actions concerning land use, land development regulations, and capital improvements.
- (3) *Planning and Zoning Board.* The city council shall serve as the city's planning and zoning board.
- (4) *Planning and Zoning Advisory Board.* There shall be a planning and zoning advisory board which shall serve as the city's land development regulation commission to advise the city council on land development regulations, which shall not be inconsistent with the comprehensive plan.

## **ARTICLE V. ORDINANCES**

### **Sec. 5.01. Generally.**

Every proposed ordinance and resolution shall be introduced in the final written form required for adoption, except that ordinances amending legislation shall be introduced in legislative style on first reading and final written form required for adoption on second reading. The enacting clause of ordinances shall recite: "Be it enacted by the City Council of the City of Satellite Beach, Florida." No ordinance shall be adopted until it has been read by title at two city council meetings at least two weeks apart. Ordinances and resolutions shall become effective upon adoption unless specified otherwise therein. Upon adoption, every ordinance and resolution shall be authenticated by the presiding officer and the city clerk and shall be recorded in full in a properly-indexed book maintained by the city clerk.

### **Sec. 5.02. Emergency ordinances.**

Notwithstanding the provisions of the foregoing section, the city council may enact emergency ordinances to meet serious public emergencies affecting the welfare of the city or its residents. An emergency ordinance shall be introduced as prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance, and the conditions constituting such emergency shall be stated therein. Emergency ordinances may be adopted, with or without amendment, at the first reading. No emergency ordinance shall enact a land development regulation, enact or amend a land-use plan, or rezone private real property. Emergency ordinances shall expire 120 days after enactment unless sooner specified therein.

### **Sec. 5.03. Codification.**

The city council shall provide for the preparation of a general codification of all city ordinances, which shall be known as the City Code of Satellite Beach, Florida.

### **Sec. 5.04. Ordinance initiatives.**

- (1) The city's voters shall have the power to propose ordinances to the city council, and, if the city council fails to adopt them without substantive change, to approve or reject the proposed ordinances at a city election.
- (2) The city's voters shall have the power to require the city council to reconsider any adopted ordinance, and, if the city council fails to repeal the reconsidered ordinance, to approve or reject it at a city election.

- (3) Voters' petitions to exercise the powers granted by this section shall be signed by at least 15 percent of the city's registered voters as of the most recent election held in the city. Petitioners shall have 90 days from the date of the city council action being challenged to obtain the required signatures.
- (4) No power specified in this section shall extend to the budget, taxes, or salaries of city employees.

**Sec. 5.05. Ordinances requiring voter approval.**

- (1) Any ordinance approving a development permit which would increase the existing density in any zoning district as of November 7, 2006 shall require voter approval before any such ordinance shall become effective. No development permit shall be issued or effective until said ordinance is approved by referendum.
- (2) Any ordinance amending the city's land development regulations to increase residential densities or building heights greater than that allowed on November 7, 2006; or decrease breezeway percentages below those required on November 7, 2006, shall require voter approval before any such ordinance shall become effective.
- (3) Notwithstanding the foregoing, any structure existing, permitted, or approved by any appropriate regulatory agency on November 7, 2006, shall be allowed to be built, rebuilt, or repaired in the event of a casualty or catastrophe, even if such structure is nonconforming for failure to comply with regulations existing on November 7, 2006, governing density, height, and/or breezeways.

**ARTICLE VI. FISCAL MATTERS**

**Sec. 6.01. Fiscal year.**

Unless otherwise provided by law, the fiscal year for the city government shall begin on October 1 and end on September 30 of the following year.

**Sec. 6.02. Taxes and other revenues.**

The city council shall have full power to raise funds for all municipal purposes through taxes and other revenue sources not prohibited by law.

**Sec. 6.03. Budget.**

- (1) *City manager's proposed budget.* No later than the first regular city council meeting in August, the city manager shall present a proposed budget to the city council for all operations of city government for the next fiscal year. In addition to any other(s) the city council may request, the proposed budget shall contain the following components:
  - (a) The city manager's budget message explaining the important features, financial issues, policies and proposed policy changes, and objectives of the proposed budget;
  - (b) A budget summary presenting an overview of sources and amounts of anticipated revenues and expenditures; and
  - (c) A detailed budget presenting the specifics of all anticipated revenues and expenditures.

- (2) *City council's proposed budget.* After considering and revising the city manager's budget as it deems necessary, the city council shall adopt a proposed budget and determine tax requirements under that budget.
- (3) *Public hearing.* The city council shall hold a public hearing on its proposed budget at the first regular city council meeting in September, or at such other time as the city council may approve. Notice of the hearing shall be provided as required by law. All members of the public shall have the opportunity to be heard on the budget at the public hearing. After the public hearing, the city council may amend any part of its proposed budget except for expenditures required by law or debt service.
- (4) *City council's approved budget.* No later than September 30, the city council shall adopt an ordinance approving a final balanced budget with the same components as the city manager's budget. The city clerk shall then certify the taxes levied under the budget and make copies of the budget available to all interested persons.
- (5) *Prohibition.* Funds shall not be transferred from one department to another or allocated for items not included in the approved budget without prior approval of the city council.

#### **Sec. 6.04. Borrowing.**

- (1) *Temporary revenue deficiencies.* The city may borrow to meet current obligations when temporary revenue deficiencies occur. However, the amount borrowed shall not exceed one-fourth of one percent of the assessed value of all taxable property within the city, as determined by the most recent assessment; and the term of the loan shall not exceed one year. The loan may be extended as necessary until fully paid, but no extension shall exceed one year.
- (2) *Financing for projects.* The city may borrow money to finance any project not prohibited by law and may pledge city assets to repay such indebtedness, subject to the following limitations:
  - (a) Any proposal to pledge ad valorem taxes for debt repayment shall require approval by the city's voters.
  - (b) The city's total outstanding indebtedness, including the proposed amount, shall not exceed five percent of the assessed value of all taxable property within the city, as determined by the most recent assessment.

#### **Sec. 6.05. Competitive bidding.**

Competitive bidding, through the city or other governmental agencies, shall be required on all purchases above an amount prescribed by the city council.

#### **Sec. 6.06. Independent audits.**

The city council shall appoint qualified certified public accountants to make an independent audit of accounts and financial transactions of the city government as of the end of each fiscal year. The city council may provide for more frequent audits of the city government. A copy of each audit shall be filed with the State of Florida.

### **ARTICLE VII. MISCELLANEOUS**

#### **Sec. 7.01. Code of ethics.**

All city elected officials, employees, and board members shall be bound by the minimum ethics standards set forth in Chapter 112, Florida Statutes.

**Sec. 7.02. Transitional provisions.**

- (1) All persons holding office when this amended Charter becomes effective shall continue in office for the remainder of their terms.
- (2) To the extent not inconsistent with this amended Charter, all ordinances, resolutions, regulations, and policies in effect upon the adoption of this amended Charter shall remain in force until they expire by their terms or are repealed.
- (3) All rights, claims, actions, orders, contracts, and legal or administrative proceedings involving the city shall continue except as modified by provisions of this Charter.
- (4) All financial obligations of the City existing on the date this amended Charter becomes effective shall continue to be valid as if this amended Charter had not been adopted.

**Sec. 7.03. Conflicting city laws.**

All laws, or portions thereof, of the city that conflict with provisions of this Charter are hereby repealed.

**Sec. 7.04. Severability.**

If a court of competent jurisdiction shall declare any provision of this Charter invalid, such declaration shall not affect the remainder of this Charter.

**Sec. 7.05. Effective date.**

This amended Charter shall become effective on November 4, 2009.