

CHARTER OF THE TOWN OF OCEAN BREEZE

ARTICLE I.

CORPORATE EXISTENCE, FORM OF GOVERNMENT, BOUNDARY, AND POWER

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

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

Sec. 1.02. Description of Corporate Boundary.

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

Sec. 1.03. General Powers of the Town.

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

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

ARTICLE II.

THE MAYOR AND THE TOWN COUNCIL

Sec. 2.01. The Form of Government.

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

Sec. 2.02. General Powers of the Town Council.

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

Sec. 2.03. The Mayor.

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

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

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

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

Sec. 2.04. The Town Council.

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

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

Sec. 2.05. Town Council Meetings.

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

Sec. 2.06 The President of the Council.

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

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

Sec. 2.07 Vacancies, Filling of Vacancies.

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

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

ARTICLE III.

ADMINISTRATION

Sec. 3.01. Administrative Offices and Departments.

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

Sec. 3.02. The Town Clerk.

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

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

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

Sec. 3.03. Town Attorney.

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

Sec. 3.04. Departments.

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

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

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

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

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

ARTICLE IV.

ELECTIONS

Sec. 4.01. Electors.

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

Sec. 4.02. Nonpartisan Elections.

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

Sec. 4.03. Qualifying.

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

Sec. 4.04. Elections.

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

Sec. 4.05. Oath of Office.

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

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

ARTICLE V.

BUDGET ADOPTION

Sec. 5.01. Budget Adoption.

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

ARTICLE VI.

CHARTER AMENDMENTS

Sec. 6.01. Charter Amendment.

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

ARTICLE VII

TRANSITION

Sec. 7.01. Repeal of Former Charter Provisions.

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

Sec. 7.02. Ordinances Preserved.

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

Sec. 7.03. Pending Matters.

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

Sec. 7.04. Continuation in Office.

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

Sec. 7.05. Effective Date.

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

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

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

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

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

AN ORDINANCE OF THE TOWN OF OCEAN BREEZE PARK,
FLORIDA, PROPOSING AN AMENDED CITY CHARTER TO
THE ELECTORS OF THE TOWN FOR THE REGULAR
MUNICIPAL ELECTION TO BE HELD ON DECEMBER 17
1991; PROVIDING TEXT OF PROPOSED CHARTER;
PROVIDING AN EXPLANATORY SUMMARY OF THE BALLOT
AND THE FORM OF BALLOT; PROVIDING FOR REPEALER,
SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Ocean Breeze Park, Florida, desires to amend and update the Town Charter; and

WHEREAS, the Town Council has approved certain proposed revisions and finds that the same warrant submission to a vote of the electors of the Town of Ocean Breeze Park, Florida, at the regular municipal election to be held on December 17, 1991; and

WHEREAS, the revised Charter proposal is attached hereto and by reference made a part hereof as Exhibit "A"; and

WHEREAS, the form of the ballot and ballot summary as required by general law are attached hereto and by reference made a part hereof as Exhibit "B";

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN OF OCEAN BREEZE PARK, FLORIDA, that revised Charter contained in Exhibit "A" be submitted to the qualified electors of the Town of Ocean Breeze Park, Florida, for approval or disapproval by and through the ballot shown on Exhibit "B" at the regular municipal election to be held on December 17, 1991.

SECTION ONE. REPEALER

All ordinances or parts thereof in conflict with this ordinance be and hereby are repealed to the extent of such conflict.

SECTION TWO. SEVERABILITY

If any section, sentence, clause, phrase or word of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding of invalidity shall not affect the remaining portions of this ordinance, and it shall be construed to have been the intent of the Town Council to adopt this ordinance without such unconstitutional, invalid, or inoperative part therein, and the remainder of this ordinance after the exclusion of such part or parts, shall be deemed and held to be valid as if such part or parts had not been included herein. If this ordinance or any provision thereof shall be held to be inapplicable to any person, groups of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not affect its applicability to any other person, property or circumstance.

SECTION THREE. EFFECTIVE DATE

This ordinance shall take effect immediately upon the date of its final adoption.

PASSED on the first reading at a duly called meeting of the Town Council of the Town of Ocean Breeze Park, Florida, held on the 7 day of October, 1991.

PASSED and Finally adopted on second reading at a duly called meeting of the Town Council of the Town of Ocean Breeze Park, Florida, held on the 11 day of November, 1991.

TOWN COUNCIL OF THE TOWN OF
OCEAN BREEZE PARK, FLORIDA

By: Dorothy Leebers
President

ATTEST:

Sharon D. Chicky
Town Clerk

Approved as to Form:

[Signature]
Town Attorney

Approved:

[Signature]
Mayor



FLORIDA DEPARTMENT OF STATE

Jim Smith
Secretary of State

DIVISION OF ELECTIONS

Room 2002, The Capitol, Tallahassee, Florida 32399-0250
(904) 488-8427

January 15, 1992

Mr. William F. Crary, II
Crary, Buchanan, Bowdish and Bovie
Post Office Drawer 24
Stuart, Florida 34995-0024

Dear Mr. Crary:

This will acknowledge your letter of January 3, 1992 and copy of the revised Charter for the Town of Ocean Breeze Park, together with a copy of the official certificate of election results, and Ordinance No. 63 proposing the amendments to the charter, which were filed in this office on January 15, 1992.

Sincerely,

A handwritten signature in black ink, reading "Liz Cloud", is positioned above the typed name and title.

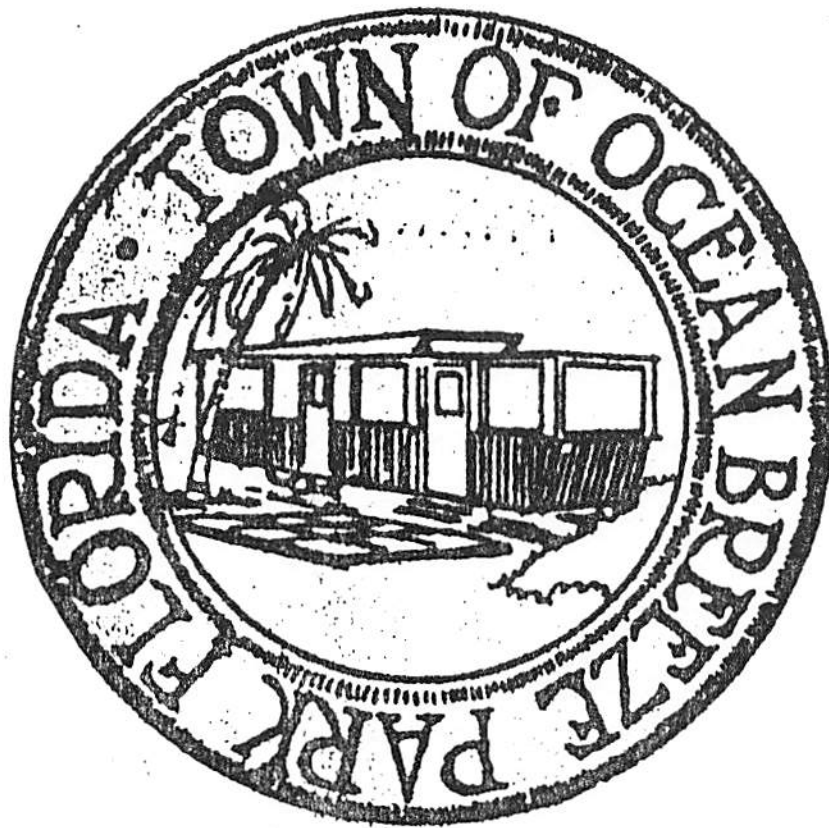
Liz Cloud, Chief
Bureau of Administrative Code

LC/vm

EXHIBIT "A"

TOWN CHARTER

OCEAN BREEZE PARK



**CHARTER OF THE TOWN
OF OCEAN BREEZE PARK**

ARTICLE I.

CORPORATE EXISTENCE, FORM OF GOVERNMENT, BOUNDARY, AND POWER

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

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

Sec. 1.02. Description of Corporate Boundary.

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

Sec. 1.03. General Powers of the Town.

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

Sec. 1.04. Construction.

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

ARTICLE II.

THE MAYOR AND THE TOWN COUNCIL

Sec. 2.01. The Form of Government.

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

Sec. 2.02. General Powers of the Town Council.

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

Sec. 2.03. The Mayor.

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

- 1) Enforce the laws and ordinances of the Town and see that peace, good order, safety and good morals are preserved within the Town.
- 2) Recommend to the Town Council any measures which the Mayor deems necessary and expedient for the proper governance and management of the Town.
- 3) Oversee the departments of the Town government, and the operations of the Town Clerk.
- 4) Execute or veto ordinances and resolutions submitted to the Mayor for approval.
- 5) Make appointments to boards, commissions, or other agencies, and hire employees to fill vacancies in the office of Town Clerk and the departments of the Town government, which appointments and hiring may be subject to subsequent confirmation by the Town Council, if required by ordinance.
- 6) Negotiate and execute contracts with employees and independent contractors, set salaries or other compensation for department heads, independent contractors, and employees of the Town, which contracts and salaries may be subject to subsequent confirmation by the Town Council, if required by ordinance.
- 7) Dismiss employees of the Town, terminate contracts with independent contractors, remove those serving in the office of Town Clerk and other departments of the Town government, and remove those serving on boards, commissions or other agencies of the Town government, which

dismissal or removal may be subject to subsequent confirmation by the Town Council, if required by ordinance.

8) Attend meetings of the Town Council.

9) Vote on matters submitted for vote before the Town Council, only in the event of a tie.

10) Recommend an annual budget.

11) Execute contracts, deeds and other legal instruments on behalf of the Town upon direction from the Town Council.

12) Perform ceremonial duties on behalf of the Town.

13) Exercise such other duties and have such other powers as may be necessary or appropriate to perform the functions of the chief executive officer of the Town.

2. Execution of Ordinances and Resolutions. All ordinances and resolutions passed by the Town Council shall be submitted before going into effect, to the Mayor or person acting as such, for the Mayor's approval. If approved, the Mayor shall sign the same, when it shall become a law. If disapproved, the Mayor shall return the same with his objections in writing to the Town Council, at their next regular meeting, who shall cause the same to be entered in full upon the record of their proceedings, and proceed to consider the Mayor's objections, and to act upon the same. If, upon consideration, the Town Council shall pass the same by a two-thirds vote of the members present, which vote shall be entered upon the records, the ordinance or resolution shall then become a law, the Mayor's objections to the contrary notwithstanding. Any ordinance which shall not be returned to the Town Council at the next regular meeting of the Council after its passage, shall become a law in like manner as if signed by the Mayor or person acting as such.

Sec. 2.04. The Town Council.

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

1) Pass and adopt such ordinances and resolutions as may be necessary and expedient

for the proper governance and management of the Town.

2) Create or abolish departments, boards, commissions or other agencies of the Town government, excluding the offices of Mayor and Town Clerk. The foregoing power to abolish shall only be exercised pursuant to the unanimous vote of Town Council.

3) Confirm or reject the mayoral appointments, contracts with employees and independent contractors, and salaries set by the mayor, if required by ordinance.

4) Hold meetings at least once a month.

5) Exercise such other duties and have such other powers as may be necessary and appropriate to perform the function of the legislative body of the Town.

Sec. 2.05. Town Council Meetings.

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

B) Quorum and Rules. A majority of the Town Council shall constitute a quorum. The Town Council shall determine its own rules and order of business.

Sec. 2.06 The President of the Council.

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

tem who shall preside during the absence of the Mayor and the President.

Sec. 2.07 Vacancies, Filling of Vacancies.

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

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

ARTICLE III.

ADMINISTRATION

Sec. 3.01. Administrative Offices and Departments.

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

Sec. 3.02. The Town Clerk.

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

1. Attend meetings of the Town Council and keep the minutes of its proceedings.
2. Be custodian of this Charter, the Seal and all records of the Town.
3. Perform municipal bookkeeping functions.

4. Supervise municipal elections.
5. Keep the Town Council informed about Town business.
6. Recommend to the Town Council any measures which the Town Clerk deems necessary and expedient for the proper governance and management of the Town.
7. Act as a liaison between the Mayor, Town Council and the departments of the Town.
8. Authenticate by signature all ordinances, resolutions, and other city documents.
9. Perform such other duties as may be delegated or assigned by the Mayor or the Town Council.

Sec. 3.03. Town Attorney.

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

Sec. 3.04. Departments.

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

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

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

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

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

ARTICLE IV.

ELECTIONS

Sec. 4.01. Electors.

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

Sec. 4.02. Nonpartisan Elections.

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

Sec. 4.03. Qualifying.

No less than seven (7) days before the election, candidates for the offices of Mayor or Town Councilman shall qualify by filing a written notice of candidacy with the Town Clerk, taking and subscribing to an oath or affirmation substantially in the following form:

State of Florida)
County of Martin)

Before me, an officer authorized to administer oaths, personally appears (please print name as you wish it to appear on the ballot), to me well known, who, being sworn, says that he is a candidate for the office of _____; that he is a qualified elector of Martin County, Florida; that he is qualified under the Constitution and the laws of Florida to hold the office to which he desires to be nominated or elected; that he has taken the oath required by ss. 876.05-876.10, Florida Statutes; that he has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he seeks; and that he has resigned from any office from which he is required to resign pursuant to s. 99.012, Florida Statutes.

(signature of candidate)

(address)

Sworn to and subscribed before me this _____ day of _____, 19____, at Martin County, Florida.

(signature and title of officer administering oath)

Sec. 4.04. Elections.

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

Sec. 4.05. Oath of Office.

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

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

ARTICLE V.

BUDGET ADOPTION

Sec. 5.01. Budget Adoption.

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

ARTICLE VI.

CHARTER AMENDMENTS

Sec. 6.01. Charter Amendment.

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

hereof which the laws of Florida permit to be amended by ordinance alone shall be subject to such amendment.

ARTICLE VII

TRANSITION

Sec. 7.01. Repeal of Former Charter Provisions.

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

Sec. 7.02. Ordinances Preserved.

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

Sec. 7.03. Pending Matters.

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

Sec. 7.04. Continuation in Office.

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

Sec. 7.05. Effective Date.

This Charter shall become effective on the 11 day of Nov., 1991.

TOWN OF OCEAN LAKE PARK, MARTIN COUNTY, FLORIDA

DESCRIPTION OF TOWN LIMITS

DESCRIPTION:

A PORTION OF FRACTIONAL SECTION 22, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF GOVERNMENT LOT 3 IN SAID SECTION 22 LYING 356.40 FEET SOUTH OF THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 3; SAID POINT BEING FURTHER DESCRIBED AS THE NORTHWEST CORNER OF THE PLAT OF "JENSEN WHITE SCHOOL" AS RECORDED IN PLAT BOOK 2, PAGE 18 OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; THENCE S 00°00'22" W ALONG THE WEST LINE OF SAID GOVERNMENT LOT 3 A DISTANCE OF 686.28 FEET TO THE CENTERLINE OF RIGHT OF WAY (30.00 FEET RIGHT OF WAY) OF FLAMINGO DRIVE AS SHOWN ON THE UNRECORDED PLAT OF "COCONUT WAY"; THENCE S 89°59'38" E ALONG SAID CENTERLINE A DISTANCE OF 93.80 FEET TO A POINT ON THE NORTHERLY PROJECTION OF THE EAST LINE OF LOT 30 OF SAID "COCONUT WAY"; THENCE S 00°00'22" W ALONG SAID PROJECTION AND THE EAST LINE OF SAID LOT 30 A DISTANCE OF 144.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 30; THENCE N 89°59'38" W ALONG THE SOUTH LINE OF SAID LOT 30 A DISTANCE OF 93.80 FEET TO THE SOUTHWEST CORNER OF SAID LOT 30 ON THE WEST LINE OF GOVERNMENT LOT 3; THENCE S 00°00'22" W ALONG SAID WEST LINE A DISTANCE OF 159.00 FEET; THENCE N 89°59'38" W A DISTANCE OF 57.00 FEET; THENCE S 00°00'22" W A DISTANCE OF 129.58 FEET TO THE NORTH LINE OF "JENSEN BEACH HOMESITES SUBDIVISION" AS RECORDED IN PLAT BOOK 2, PAGE 41 OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; THENCE N 89°32'38" W ALONG SAID NORTH LINE A DISTANCE OF 185.06 FEET TO THE EASTERLY RIGHT OF WAY OF THE FLORIDA EAST COAST RAILROAD; THENCE N 17°32'27" W ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 161.87 FEET TO THE SOUTH LINE OF THE NORTH ONE-HALF OF GOVERNMENT LOT 2 IN SAID SECTION 22; THENCE S 89°15'32" W ALONG SAID SOUTH LINE A DISTANCE OF 1029.92 FEET TO THE SOUTHWEST CORNER OF THE NORTH ONE-HALF OF SAID GOVERNMENT LOT 2; THENCE N 00°11'15" E ALONG THE WEST LINE OF SAID GOVERNMENT LOT 2, SAID LINE BEING FURTHER DESCRIBED AS THE EAST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 22, A DISTANCE OF 658.46 FEET TO THE SOUTHEAST CORNER OF THE SOUTH ONE-HALF (S.½) OF THE NORTH ONE-HALF (N.½) OF THE NORTHEAST ONE-QUARTER (N.E.¼) OF THE SOUTHWEST ONE-QUARTER (S.W.¼) OF SAID SECTION 22; THENCE N 89°26'07" W ALONG THE SOUTH LINE OF THE SOUTH ONE-HALF (S.½) OF THE NORTH ONE-HALF (N.½) OF SAID NORTHEAST ONE-QUARTER (N.E.¼) OF THE SOUTHWEST ONE-QUARTER (S.W.¼) AND THE SOUTH LINE OF THE SOUTH ONE-HALF (S.½) OF THE NORTHEAST ONE-QUARTER (N.E.¼) OF THE NORTHWEST ONE-QUARTER (N.W.¼) OF THE SAID SOUTHWEST ONE-QUARTER (S.W.¼) A DISTANCE OF 1979.91 FEET TO THE EAST LINE OF "LEGION HEIGHTS SECTION ONE" AS RECORDED IN PLAT BOOK 4, PAGE 17 OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; THENCE N 00°09'57" E ALONG SAID EAST LINE A DISTANCE OF 327.98 FEET TO THE NORTHEAST CORNER OF LOT 61 OF SAID "LEGION HEIGHTS SECTION ONE"; THENCE S 89°28'43" E ALONG THE SOUTH LINE OF "LEGION HEIGHTS SECTION THREE" AS RECORDED IN PLAT BOOK 7, PAGE 1 OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, A DISTANCE OF 659.55 FEET TO THE SOUTHEAST CORNER OF LOT 12 OF SAID "LEGION HEIGHTS SECTION THREE"; THENCE

N 00°13'00" E ALONG THE EAST LINE OF SAID "LEGION HEIGHTS SECTION THREE"
A DISTANCE OF 327.97 FEET TO THE NORTHEAST CORNER OF LOT 11 OF SAID
"LEGION HEIGHTS SECTION THREE", AND THE NORTH LINE OF THE SOUTHWEST
ONE-QUARTER OF SAID SECTION 22; THENCE S 89°31'21" E ALONG SAID NORTH
LINE AND THE SOUTH LINE OF LOTS 92 AND 93 OF "WEST JENSEN HIGHLANDS" AS
RECORDED IN PLAT BOOK 4, PAGE 15 OF THE PUBLIC RECORDS OF MARTIN COUNTY,
FLORIDA, A DISTANCE OF 213.15 FEET; THENCE N 00°33'43" E A DISTANCE OF
160.00 FEET; THENCE S 89°31'21" E A DISTANCE OF 106.44 FEET; THENCE
S 00°33'43" W A DISTANCE OF 160.00 FEET TO THE SAID NORTH LINE OF THE
SOUTHWEST ONE-QUARTER OF SECTION 22; THENCE S 89°31'21" E ALONG SAID
NORTH LINE A DISTANCE OF 648.76 FEET; THENCE N 00°33'43" E ALONG THE
SOUTHERLY PROJECTION OF THE WEST RIGHT OF WAY LINE (50.00 FEET RIGHT OF
WAY) OF SKYLINE DRIVE A DISTANCE OF 160.00 FEET; THENCE S 89°31'21" E
A DISTANCE OF 50.00 FEET; THENCE S 00°33'43" W ALONG THE SOUTHERLY
PROJECTION OF THE EAST RIGHT OF WAY LINE OF SAID SKYLINE DRIVE A
DISTANCE OF 160.00 FEET TO THE SAID NORTH LINE OF THE SOUTHWEST ONE-
QUARTER OF SECTION 22; THENCE S 89°31'21" E ALONG SAID NORTH LINE A
DISTANCE OF 301.95 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST ONE-
QUARTER OF SAID SECTION 22 (SOUTHWEST CORNER OF GOVERNMENT LOT 1);
THENCE N 00°37'20" E ALONG WEST LINE OF SAID GOVERNMENT LOT 1 A
DISTANCE OF 331.97 FEET; THENCE N 89°31'21" W ALONG THE NORTH LINE OF
"JENSEN HIGHLANDS PLAT 4", AN UNRECORDED PLAT, A DISTANCE OF 327.30 FEET
TO THE CENTERLINE OF RIGHT OF WAY OF SKYLINE DRIVE (50.00 FEET RIGHT OF
WAY); THENCE N 00°33'43" E ALONG SAID CENTERLINE A DISTANCE OF 280.69
FEET TO A POINT ON A CURVE; THENCE EASTERLY ALONG THE ARC OF A CIRCULAR
CURVE TO THE LEFT (CONCAVE NORTHWESTERLY), HAVING A RADIUS OF 1299.66
FEET, WHOSE RADIUS POINT BEARS N 6°02'01" W FROM THE LAST DESCRIBED
POINT, WITH A CENTRAL ANGLE OF 8°55'18", AN ARC DISTANCE OF 202.37 FEET;
THENCE N 14°57'19" W A DISTANCE OF 175.00 FEET TO THE NORTH RIGHT OF
WAY LINE OF STATE ROAD 707-A (JENSEN BEACH BOULEVARD) (75.00 FEET RIGHT
OF WAY); THENCE EASTERLY ALONG SAID NORTH RIGHT OF WAY LINE AND ALONG
THE ARC OF A CIRCULAR CURVE TO THE LEFT (CONCAVE NORTHWESTERLY) HAVING
A RADIUS OF 1124.66 FEET, WITH A CENTRAL ANGLE OF 2°03'12", AN ARC
DISTANCE OF 40.31 FEET; THENCE N 72°41'29" E ALONG SAID NORTH RIGHT OF
WAY LINE A DISTANCE OF 386.29 FEET TO THE WEST RIGHT OF WAY LINE OF THE
FLORIDA EAST COAST RAILROAD; THENCE SOUTHEASTERLY ALONG SAID WEST RIGHT
OF WAY LINE AND ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT (CONCAVE
EASTERLY) HAVING A RADIUS OF 11459.19 FEET, WHOSE RADIUS POINT BEARS
N 74°10'07" E FROM THE LAST DESCRIBED POINT, WITH A CENTRAL ANGLE OF
1°10'31", AN ARC DISTANCE OF 235.03 FEET; THENCE S 17°32'27" E ALONG
SAID RIGHT OF WAY LINE A DISTANCE OF 286.78 FEET; THENCE S 72°27'33" W
ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 25.00 FEET; THENCE
S 17°32'27" E ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 205.90 FEET;
THENCE N 72°27'33" E A DISTANCE OF 75.00 FEET TO THE EAST RIGHT OF WAY
OF SAID FLORIDA EAST COAST RAILROAD; THENCE N 17°32'27" W ALONG SAID
EAST RIGHT OF WAY LINE ALONG A LINE PARALLEL WITH AND 25.00 FEET EAST OF
THE CENTERLINE OF THE NORTHBOUND MAIN TRACK A DISTANCE OF 277.70 FEET;
THENCE N 76°56'00" E A DISTANCE OF 25.00 FEET; THENCE N 17°32'27" W
A DISTANCE OF 108.00 FEET; THENCE S 76°56'00" W A DISTANCE OF 25.00
FEET; THENCE N 17°32'27" W ALONG SAID EAST RIGHT OF WAY LINE A
DISTANCE OF 107.00 FEET TO THE SOUTH LINE OF "SOUTH STREET" AS SHOWN ON

THE PLAT OF THE "RESUBDIVISION OF PART OF JENSEN" AS RECORDED IN PLAT BOOK "A" PAGE 138 OF THE PUBLIC RECORDS OF BREVARD (NOW MARTIN) COUNTY, FLORIDA; THENCE N 76°56'00" E ALONG SAID SOUTH LINE A DISTANCE OF 61.50 FEET; THENCE S 17°32'27" E ALONG A LINE PARALLEL WITH AND 86.50 FEET EAST OF SAID MAIN TRACK A DISTANCE OF 405.37 FEET TO THE NORTHERLY RIGHT OF WAY LINE (50.00 FEET RIGHT OF WAY) OF DETROIT AVENUE AS SHOWN ON THE PLAT OF "ROTH'S ADDITION TO JENSEN, FLORIDA" AS RECORDED IN PLAT BOOK 1, PAGE 3 OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; THENCE N 76°56'00" E ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 41.61 FEET TO THE SOUTHWEST CORNER OF LOT 3 OF SAID "ROTH'S ADDITION"; THENCE N 13°04'00" W ALONG THE WEST LINE OF SAID LOT 3 A DISTANCE OF 120.00 FEET TO THE NORTH LINE OF SAID "ROTH'S ADDITION"; THENCE N 76°56'00" E ALONG SAID NORTH LINE A DISTANCE OF 159.89 FEET; THENCE N 17°32'27" W ALONG THE EAST RIGHT OF WAY LINE OF MAPLE STREET (40.00 FEET RIGHT OF WAY) AS SHOWN ON THE PLAT OF "SORENSEN'S ADDITION TO THE TOWN PLAT OF JENSEN, FLORIDA" AS RECORDED IN PLAT BOOK 1, PAGE 172 OF THE PUBLIC RECORDS OF ST. LUCIE (NOW MARTIN) COUNTY, FLORIDA, A DISTANCE OF 285.00 FEET; THENCE N 76°56'00" E A DISTANCE OF 542.83 FEET TO THE WESTERLY SHORE OF THE INDIAN RIVER; THENCE N 61°58'33" E A DISTANCE OF 826.85 FEET; THENCE S 62°22'34" E A DISTANCE OF 353.37 FEET; THENCE S 34°27'45" E A DISTANCE OF 1232.75 FEET; THENCE S 61°58'33" W A DISTANCE OF 1000.00 FEET TO THE WESTERLY SHORE OF THE INDIAN RIVER; THENCE S 89°59'10" W ALONG A LINE 356.40 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF GOVERNMENT LOT 3, SECTION 22, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA, A DISTANCE OF 689.77 FEET TO THE POINT OF BEGINNING.

SAID LANDS ARE THE TOWN OF OCEAN BREEZE PARK, MARTIN COUNTY, FLORIDA.

EXHIBIT "B"

BALLOT

NO. _____

**TOWN OF OCEAN BREEZE PARK, FLORIDA
CHARTER AMENDMENTS**

CHARTER AMENDMENTS - Proposing amendments to the Town of Ocean Breeze Park Charter to revise and update the present Charter; maintaining the same "Mayor-Council" Form of Government and in Substance; and Better Defining the Functions of the Town Administration, Elections, Budget Adoption and Charter Amendments.

YES FOR APPROVAL

NO FOR REJECTION

AN EMERGENCY ORDINANCE OF THE TOWN
OF OCEAN BREEZE PARK, FLORIDA
SETTING AND CONFIRMING THE TIME
AND PLACE OF REGULAR MEETINGS OF
THE TOWN COUNCIL;

WHEREAS, the revised Town Charter requires that regularly scheduled meetings of the Town Council be set by ordinance;

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE PARK, FLORIDA:

SECTION I: That an emergency exists within the Town of Ocean Breeze Park affecting the health, welfare and safety of the citizens of said town.

SECTION II: That regularly scheduled meetings of the Town Council shall be held at the Town Hall at 10:30 a.m. on the second Monday of each month, unless such day is a holiday, in which such event such meeting shall take place at the aforesaid time and place upon the next following Monday which is not a holiday.

SECTION III: Special meetings may be held as provided in the Charter.

SECTION IV: It is hereby acknowledged and confirmed that the foregoing schedule of regular meetings has been a longstanding procedure well known within the community.

SECTION V: This Ordinance shall become effective immediately upon its adoption.

PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 14th day of September, 1992.

TOWN COUNCIL
TOWN OF OCEAN BREEZE PARK

By: Barthelme
Its President

ATTEST:
Sharon Chieky
Town Clerk

APPROVED:
[Signature]
Mayor

APPROVED AS TO FORM:
[Signature]
TOWN ATTORNEY

ORDINANCE No. 104

AN ORDINANCE OF THE TOWN OF OCEAN BREEZE PARK, FLORIDA PROPOSING AMENDMENTS TO THE TOWN CHARTER TO PERMIT MAYOR TO BE COUNTED TO OBTAIN A QUORUM AND TO PERMIT MAYOR TO VOTE AT TOWN MEETINGS WHERE MAYOR'S PRESENCE IS NEEDED TO OBTAIN A QUORUM; PROVIDING THE TEXT OF THE PROPOSED AMENDMENTS; PROVIDING FOR PLACEMENT OF PROPOSED CHARTER AMENDMENTS ON THE BALLOT AT THE NEXT REGULAR MUNICIPAL ELECTION; PROVIDING AN EXPLANATORY SUMMARY AND FORM OF BALLOT; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Whereas, the Town Council of Ocean Breeze Park, Florida is concerned about the possibility that from time to time, especially during the summer months, it may be difficult to obtain a quorum for meetings of the Town Council, and

Whereas, the Town Charter does not currently permit the mayor to be counted for purposes of obtaining a quorum at Town Council Meetings, and

Whereas, the Town Council believes it would be prudent to so count the mayor for purposes of obtaining a quorum at Town Council Meetings and to permit the mayor to vote at such meetings where the mayor's presence is needed to obtain a quorum,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN OF OCEAN BREEZE PARK, FLORIDA, that the proposed amendments set forth herein be submitted to the electors of the Town of Ocean Breeze Park, Florida, for approval or disapproval by and through the ballot shown on Exhibit "A" attached hereto at the next regular municipal election which is presently scheduled for December 18, 2001.

SECTION ONE. PROPOSED AMENDMENTS

The proposed amendments to be submitted to the voters for approval or disapproval are as follows:

Amendment # 1: If the voters so approve, Article II. Sec. 2.05 B) of the Charter of the Town of Ocean Breeze shall be amended to read:

Sec. 2.05... B) Quorum and Rules. A majority of the Town Council shall constitute a quorum, however, in the event only three members of the Town Council are present at a meeting, the Mayor shall be considered to be a fourth voting member of the Town Council for the purpose of establishing a quorum and conducting business at such meeting.

Amendment #2: If the voters so approve, Article II, Sec. 2.03 A. 9) of the Charter of the Town of Ocean Breeze shall be amended to read:

Sec. 2.05... A. ...The Mayor shall: ...

9) Vote on matters submitted for vote before the Town Council, in the event of a tie, or in the event the Mayor's presence is counted to obtain a quorum.

SECTION TWO. ELECTION.

The proposed amendments referenced above shall be submitted to the electors of the Town of Ocean Breeze Park, Florida for a vote at the next regular municipal election, which is currently scheduled to be held on December 18, 2001.

SECTION THREE. BALLOT.

The ballot shall contain the explanatory statements set forth on the form of ballot attached hereto as Exhibit "A", and the form of ballot shall otherwise be as set forth on the said Exhibit "A", or shall be substantially similar thereto. Changes to the present language of the charter shall be stressed with strike-out and underlining designations.

SECTION FOUR. SEVERABILITY.

If any section, sentence, clause, phrase or word of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding of invalidity shall not affect the remaining portions of this ordinance, and it shall be construed to have been the intent of the Town Council to adopt this ordinance without such unconstitutional, invalid, or inoperative part therein, and the remainder of this ordinance after the exclusion of such part or parts, shall be deemed and held to be valid as if such part or parts had not been included herein. If this ordinance or any provision thereof shall be held to be inapplicable to any person, groups of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not affect its applicability to any other person, property, or circumstance.

SECTION FIVE. EFFECTIVE DATE.

This ordinance shall take effect immediately upon the date of its final adoption. The said amendments to the charter shall take effect immediately upon their approval by the electors of the Town of Ocean Breeze.

Passed on the first reading at a duly called meeting of the Town Council of the Town of Ocean Breeze Park, Florida, held on the 10 day of September, 2001.

Passed and ADOPTED on second reading at a duly called meeting of the Town Council of the Town of Ocean Breeze Park, Florida on the 8 day of October, 2001.

TOWN COUNCIL OF THE TOWN
OF OCEAN BREEZE PARK, FLORIDA

By: Howard Davis
President

ATTEST:

Sharon D. Chicky
Town Clerk

Approved as to Form:

[Signature]
Town Attorney

Approved:

Dorothy Hecker
Mayor

FORM OF BALLOT

Amendment # 1

Explanatory Statement:

Under the Town Charter as it is presently written, the Mayor is not counted for purposes of establishing a quorum. The proposed amendment would allow the mayor to be counted. In other words, if only three Town Council members and the Mayor were present at a Town Meeting, they would make a quorum and the four of them could conduct business at that meeting.

Shall Article II, Sec. 2.05 B) of the Charter of the Town of Ocean Breeze be amended as proposed by Ordinance No. 104 to read:

Sec. 205 ... B) Quorum and Rules. A majority of the Town Council shall constitute a quorum, however, in the event only three members of the council are present at a meeting, the Mayor shall be considered to be a fourth voting member of the council for the purpose of establishing a quorum and conducting business at such meeting.

Yes _____

No _____

Amendment #2

Explanatory Note:

If the Mayor is counted to establish a quorum as provided in the above proposed amendment, she will also need the power to vote on matters coming before the Town Council at such a meeting. The proposed amendment would allow the Mayor to vote at meetings where her presence is required to obtain a quorum.

Shall Article II, Sec. 2.03 A. 9) of the Charter of the Town of Ocean Breeze be amended as proposed by Ordinance No. 104 to read:

Sec. 203 ... A. ...The Mayor shall: ..

9) Vote on matters submitted for vote before the Town Council, only in the event of a tie, or in the event the Mayor's presence is counted to obtain a quorum.

Yes _____

No _____

Exhibit "A"



SCRIPPS TREASURE COAST PUBLISHING COMPANY

The Stuart News

The Port St. Lucie News

1939 S. Federal Highway, Stuart, FL 34994

AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA

COUNTY OF MARTIN; COUNTY OF ST. LUCIE

Before the undersigned authority personally appeared, Mary T. Byrne, who on oath says that she is Classified Legal Advertising Representative of the Stuart News and the Port St. Lucie News, a daily newspaper published at Stuart in Martin County, Florida; that the attached copy of advertisement was published in the Stuart/Port St. Lucie News in the following issues below. Affiant further says that the said Stuart/Port St. Lucie News is a newspaper published in Stuart in said Martin County, Florida, with offices and paid circulation in Martin County and St. Lucie County, Florida, and that said newspapers have heretofore been continuously published in said Martin County, Florida, daily and distributed in Martin and St. Lucie County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the securing this advertisement for publication in the said newspaper. The Stuart News has been entered as second class matter at the Post Offices in Stuart, Martin County, Florida and Ft. Pierce, St. Lucie County, Florida and has been for a period of one year next preceding the first publication of the attached copy of advertisement.

Ad #

Date

Copyline

PO #

2241711

09/24/2001

ORDINANCE/OCEAN BRZ

NOTICE OF PROPOSED ORDINANCE

The Town Council of the Town of Ocean Breeze Park, Florida is meeting on October 8, 2001 at 10:30 a.m. at Hoke Hall in Ocean Breeze Park, Florida to consider adoption and enactment of an ordinance the title of which is:
AN ORDINANCE OF THE TOWN OF OCEAN BREEZE PARK, FLORIDA PROPOSING AMENDMENTS TO THE TOWN CHARTER TO PERMIT MAYOR TO BE COUNTED TO OBTAIN A QUORUM, AND TO PERMIT MAYOR TO VOTE AT TOWN MEETINGS WHERE MAYOR'S PRESENCE IS NEEDED TO OBTAIN A QUORUM; PROVIDING THE TEXT OF THE PROPOSED AMENDMENTS; PROVIDING FOR PLACEMENT OF PROPOSED CHARTER AMENDMENTS ON THE BALLOT AT THE NEXT REGULAR MUNICIPAL ELECTION; PROVIDING AN EXPLANATORY SUMMARY AND FORM OF BALLOT; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

The Public may inspect the proposed ordinance at the Town Hall in the Town of Ocean Breeze Park, Florida. Interested persons may appear at the meeting and be heard with respect to the proposed ordinance.

William F. Cray, II
Town Attorney

Pub.: September 24, 2001

Subscribed and sworn to me before this date:

09/24/2001

Mary T. Byrne

Catherine Hudson

Notary Public CATHERINE HUDSON

Notary Public, State of Florida

My comm. exp. Apr. 19, 2004

Comm. No. CC927458

ORDINANCE No. 113

AN ORDINANCE OF THE TOWN OF OCEAN BREEZE PARK, FLORIDA PROPOSING AMENDMENTS TO THE TOWN CHARTER TO DELETE PROVISIONS WHICH PERMIT MAYOR TO BE COUNTED TO OBTAIN A QUORUM ; AND TO DELETE PROVISIONS GRANTING THE MAYOR THE POWER TO VOTE ON MATTERS SUBMITTED FOR VOTE BEFORE THE TOWN COUNCIL; PROVIDING THE TEXT OF THE PROPOSED AMENDMENTS; PROVIDING FOR PLACEMENT OF PROPOSED CHARTER AMENDMENTS ON THE BALLOT AT THE NEXT REGULAR MUNICIPAL ELECTION; PROVIDING AN EXPLANATORY SUMMARY AND FORM OF BALLOT; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Whereas, the Mayor of Ocean Breeze Park, Florida presently has very limited rights to vote at Town Council meetings, and

Whereas, Florida's Sunshine Law nevertheless prevents the Mayor from being able to privately meet with Town Council members, because of the Mayor's limited rights to vote , and

Whereas, the Town Council believes it is necessary and desirable to the administration of government to permit the Mayor to meet privately with Town Council members,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN OF OCEAN BREEZE PARK, FLORIDA, that the proposed amendments set forth herein be submitted to the electors of the Town of Ocean Breeze Park, Florida, for approval or disapproval by and through the ballot shown on Exhibit "A" attached hereto at the next regular municipal election which is presently scheduled for December 16, 2003.

SECTION ONE. PROPOSED AMENDMENTS

The proposed amendments to be submitted to the voters for approval or disapproval are as follows:

Amendment # 1: If the voters so approve, Article II Sec. 2.03 A 9) shall be deleted in its entirety and sections 2.03 A 10), 11),12), and 13) shall be appropriately renumbered. The said deletion is as follows:

~~9) Vote on matters submitted for vote before the Town Council, in the event of a tie, or in the event the Mayor's presence is counted to obtain a quorum.~~

Amendment # 2: If the voters so approve, Article II. Sec. 2.05 B) of the Charter of the Town of Ocean Breeze shall be amended to read:

Sec. 205... B) Quorum and Rules. A majority of the Town Council shall constitute a quorum; ~~however, in the event only three members of the Town Council are present at a meeting, the Mayor shall be considered to be a fourth voting member of the Town Council for the purpose of establishing a quorum and conducting business at such meeting.~~

SECTION TWO. ELECTION.

The proposed amendments referenced above shall be submitted to the electors of the Town of Ocean Breeze Park, Florida for a vote at the next regular municipal election, which is currently scheduled to be held on December 16, 2003.

SECTION THREE. BALLOT.

The ballot shall contain the explanatory statements set forth on the form of ballot attached hereto as Exhibit "A", and the form of ballot shall otherwise be as set forth on the said Exhibit "A", or shall be substantially similar thereto. Changes to the present language of the charter shall be stressed with strike-out. Absentee ballots may be counted on paper.

SECTION FOUR. SEVERABILITY.

If any section, sentence, clause, phrase or word of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding of invalidity shall not affect the remaining portions of this ordinance, and it shall be construed to have been the intent of the Town Council to adopt this ordinance without such unconstitutional, invalid, or inoperative part therein, and the remainder of this ordinance after the exclusion of such part or parts, shall be deemed and held to be valid as if such part or parts had not been included herein. If this ordinance or any provision thereof shall be held to be inapplicable to any person, groups of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not affect its applicability to any other person, property, or circumstance.

SECTION FIVE. EFFECTIVE DATE.

This ordinance shall take effect immediately upon the date of its final adoption. The said amendments to the charter shall take effect immediately upon their approval by the electors of the Town of Ocean Breeze.

Passed on the first reading at a duly called meeting of the Town Council of the Town of Ocean Breeze Park, Florida, held on the 8th day of September, 2003.

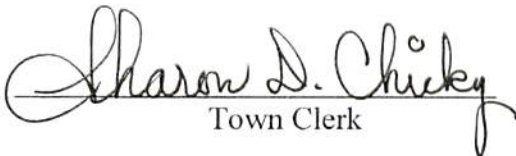
Passed and ADOPTED on second reading at a duly called meeting of the Town Council of the Town of Ocean Breeze Park, Florida on the 13th day of October, 2003.

TOWN COUNCIL OF THE TOWN
OF OCEAN BREEZE PARK, FLORIDA

By: 

President

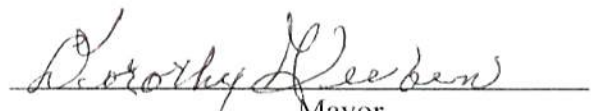
ATTEST:


Town Clerk

Approved as to Form:


Town Attorney

Approved:


Mayor

ORDINANCE No. 114

AN ORDINANCE OF THE TOWN OF OCEAN BREEZE PARK, FLORIDA PROPOSING AMENDMENTS TO THE TOWN CHARTER TO INCREASE THE TIME IN WHICH CANDIDATES MUST QUALIFY PRIOR TO ELECTIONS FROM SEVEN TO THIRTY DAYS; DELETING TEXT OF QUALIFYING FORM; PROVIDING THE TEXT OF THE PROPOSED AMENDMENT; PROVIDING FOR PLACEMENT OF PROPOSED CHARTER AMENDMENT ON THE BALLOT AT THE NEXT REGULAR MUNICIPAL ELECTION; PROVIDING AN EXPLANATORY SUMMARY AND FORM OF BALLOT; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Whereas, the Supervisor of Elections for Martin County, Florida has informed the Town that her office requires a greater lead time for placing candidates on the ballot than that set forth in the Town's Charter, and

Whereas, the Town Council believes that increasing the time in which candidates must qualify prior to elections from seven (7) days to thirty (30) days will meet the needs of the Supervisor of Elections, and

Whereas, the Town Council has, pursuant to ordinance, previously provided the for taking and subscribing to an oath or affirmation, and wishes to be able to amend that form from time to time without the necessity of a Charter amendment.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN OF OCEAN BREEZE PARK, FLORIDA, that the proposed amendments set forth herein be submitted to the electors of the Town of Ocean Breeze Park, Florida, for approval or disapproval by and through the ballot shown on Exhibit "A" attached hereto at the next regular municipal election which is presently scheduled for December 16, 2003.

SECTION ONE. PROPOSED AMENDMENT

The proposed amendment to be submitted to the voters for approval or disapproval is as follows:

Amendment # 3: If the voters so approve, Article IV. Sec. 4.03 of the Charter of the Town of Ocean Breeze shall be amended to read:

Sec. 4.03) Qualifying. No less than ~~seven (7)~~ thirty (30) days before the election, candidates for the offices of Mayor or Town Councilman shall qualify by filing a written notice of candidacy with the Town Clerk, taking and subscribing to an oath or affirmations substantially in the following form: required by ordinance.

~~State of Florida)~~

~~County of Martin:~~

~~Before me, an officer authorized to administer oaths, personally appears (please print name as you wish it to appear on the ballot), to me well known, who, being sworn, says that he is a candidate for the office of _____; that he is a qualified elector of Martin County, Florida; that he is qualified under the Constitution and the laws of Florida to hold the office to which he desires to be nominated or elected; that he has taken the oath required by ss. 876.05-876.10, Florida Statutes; that he has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he seeks; and that he has resigned from any office from which he is required to resign pursuant to s. 99.012, Florida Statutes (signature of candidate):~~

~~Sworn to and subscribed before me this _____ day of _____
19____, at Martin County, Florida.~~

SECTION TWO. ELECTION.

The proposed amendment referenced above shall be submitted to the electors of the Town

of Ocean Breeze Park, Florida for a vote at the next regular municipal election, which is currently scheduled to be held on December 16, 2003.

SECTION THREE. BALLOT.

The ballot shall contain the explanatory statements set forth on the form of ballot attached hereto as Exhibit "A", and the form of ballot shall otherwise be as set forth on the said Exhibit "A", or shall be substantially similar thereto. Changes to the present language of the charter shall be stressed with strike-out and underlining designations. Absentee ballots may be counted on paper.

SECTION FOUR. SEVERABILITY.

If any section, sentence, clause, phrase or word of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding of invalidity shall not affect the remaining portions of this ordinance, and it shall be construed to have been the intent of the Town Council to adopt this ordinance without such unconstitutional, invalid, or inoperative part therein, and the remainder of this ordinance after the exclusion of such part or parts, shall be deemed and held to be valid as if such part or parts had not been included herein. If this ordinance or any provision thereof shall be held to be inapplicable to any person, groups of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not affect its applicability to any other person, property, or circumstance.

SECTION FIVE. EFFECTIVE DATE.

This ordinance shall take effect immediately upon the date of its final adoption. The said amendments to the charter shall take effect immediately upon their approval by the electors of the Town of Ocean Breeze.

Passed on the first reading at a duly called meeting of the Town Council of the Town of Ocean Breeze Park, Florida, held on the 8th day of September, 2003.

Passed and ADOPTED on second reading at a duly called meeting of the Town Council of the Town of Ocean Breeze Park, Florida on the 13th day of October, 2003.

TOWN COUNCIL OF THE TOWN
OF OCEAN BREEZE PARK, FLORIDA

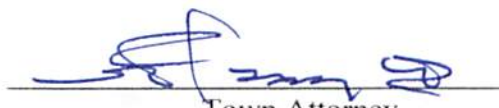
By: 

President

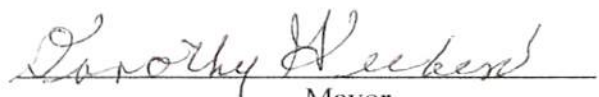
ATTEST:


Town Clerk

Approved as to Form:


Town Attorney

Approved:


Mayor

FORM OF BALLOT

Amendment # 3

Explanatory Statement:

The seven-day period which the Charter provides for candidates to qualify for election is not enough time for the Martin County Supervisor of Elections to prepare the ballot. The amendment extends the time for qualifying to thirty days. It also deletes the qualifying form. The qualifying form will be as set forth by ordinance.

Shall Article IV Sec. 4.03 of the Charter of the Town of Ocean Breeze be amended to read:

Sec. 4.03) Qualifying. No less than seven ~~(7)~~ thirty (30) days before the election, candidates for the offices of Mayor or Town Councilman shall qualify by filing a written notice of candidacy with the Town Clerk, taking and subscribing to an oath or affirmations substantially in the ~~following~~ form: required by ordinance.

~~State of Florida)~~

~~County of Martin:~~

~~Before me, an officer authorized to administer oaths, personally appears (please print name as you wish it to appear on the ballot), to me well known, who, being sworn, says that he is a candidate for the office of _____; that he is a qualified elector of Martin County, Florida; that he is qualified under the Constitution and the laws of Florida to hold the office to which he desires to be nominated or elected; that he has taken the oath required by ss. 876.05-876.10, Florida Statutes; that he has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he seeks; and that he has resigned from any office from which he is required to resign pursuant to s. 99.012, Florida Statutes (signature of candidate):~~

~~Sworn to and subscribed before me this _____ day of _____
19____, at Martin County, Florida:~~

Yes _____

No _____

BEFORE THE TOWN COUNCIL OF
THE TOWN OF OCEAN BREEZE PARK, FLORIDA

ORDINANCE NO. 197

AN ORDINANCE OF THE TOWN OF OCEAN BREEZE PARK, FLORIDA
PROPOSING AN AMENDMENT TO THE TOWN CHARTER TO CHANGE THE
NAME OF THE TOWN FROM OCEAN BREEZE PARK TO OCEAN BREEZE;
PROVIDING FOR PLACEMENT OF THE PROPOSED CHARTER
AMENDMENT ON THE BALLOT AT THE NEXT GENERAL ELECTION
HELD WITHIN THE TOWN; PROVIDING FOR APPROPRIATE WRITTEN
REVISIONS TO THE TOWN CHARTER IF THE PROPOSED AMENDMENT IS
APPROVED BY THE VOTERS; PROVIDING FOR SEVERABILITY AND
APPLICABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas, Florida Statutes Section 166.031 provides that the governing body of a
municipality may, by ordinance submit to the electors of the municipality a proposed amendment
to its charter, and,

Whereas, the Town Council believes that over the years many members of the public
have confused the Town with a private entity that bears the same name as the Town, and

Whereas, the Town Council believes that by eliminating the word "Park" from the name
of the Town, members of the public will be less likely to confuse the public municipality with
the private mobile home park of the same name.

NOW, THEREFORE, be it ordained by the Town Council of Ocean Breeze Park, Florida
that:

SECTION ONE: PROPOSED AMENDMENT: The governing body of the Town proposes to
change the name of the Town from Ocean Breeze Park to Ocean Breeze.

SECTION TWO: ELECTION AND BALLOT: The governing body of the Town shall place the
following proposed amendment to a vote of the electors at the next general election held within
the municipality on December ___, 2012, using a ballot substantially similar to the following:

CHARTER AMENDMENT CHANGING THE NAME OF THE TOWN:

Shall the Town Charter be amended to change the name of the Town from Ocean Breeze Park to
Ocean Breeze?

___ YES, for approval.

___ NO, against approval.

SECTION THREE: REVISIONS TO CHARTER: Upon approval by a majority of the electors of the Town, the Town shall thereafter be known as Ocean Breeze, and the Town Charter shall be so revised in writing to appropriately change all references to reflect the new name, and the revised Charter shall be appropriately filed with the Department of State in Tallahassee. In any event, after approval by a majority of the electors of the Town, except for the Town Charter, which shall be revised in writing as set forth in this Section Three, any and all prior ordinances, laws, regulations, maps, charts, permits or other documents of the Town whatsoever, which make reference to the Town of Ocean Breeze Park, shall immediately and thereafter be deemed automatically to reference the Town of Ocean Breeze without requiring that the same be readopted, restated, ratified, confirmed, reissued or otherwise amended or revised in writing or in any other physical form.

SECTION FOUR: SEVERABILITY: If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any persons, property, or circumstances, such holding shall not affect its applicability to any other person, property, or circumstance.

SECTION FOUR: EFFECTIVE DATE: This Ordinance shall become effective immediately upon the date of its final adoption. The said amendment to the Town Charter shall take effect immediately upon its approval by the electors of the Town.

FIRST READING WAS MADE ON THIS 9th DAY OF July, 2012.

DULY PASSED AND ADOPTED ON SECOND READING THIS 13th DAY OF August, 2012.

TOWN COUNCIL
TOWN OF OCEAN BREEZE PARK

By: James L. Walker
President, James Walker

ATTEST:

Pam Orr
Pam Orr, Town Clerk

APPROVED:

David W. Myers
Mayor, David Myers

Approved as to form:

William F. Crary II
William F. Crary II, Town Attorney

CERTIFICATE OF RESULTS

STATE OF FLORIDA

COUNTY OF MARTIN

We, the undersigned, do hereby certify that the votes cast in the TOWN OF OCEAN BREEZE PARK REGULAR ELECTION held in said Town on the 18th day of December 2012 as shown by the results on file in the office of the Town Clerk and the Martin County Supervisor of Elections, respectively, are as follows:


The total number of votes cast in the Regular Election was:

49 machine + 3 absentee of which number 52


EARLENE N. CAIRNS	received	<u>46</u> votes
FRANK DORT	received	<u>13</u> votes
CAMDEN GRIFFIN	received	<u>46</u> votes
PATRICIA RUGE	received	<u>50</u> votes

TOWN CHARTER AMENDMENT TO CHANGE THE NAME OF THE TOWN FROM OCEAN BREEZE PARK TO OCEAN BREEZE

YES for Approval	received	<u>38</u> votes
NO for Rejection	received	<u>16</u> votes


Jim Walker, President


Ann Kagdis, Vice President


Kim Stanton, for
Pam Orr, Town Clerk



BEFORE THE TOWN COUNCIL
OF THE TOWN OF OCEAN BREEZE, FLORIDA

ORDINANCE NO. 245-2016

AN ORDINANCE OF THE TOWN OF OCEAN BREEZE, FLORIDA PROPOSING AN AMENDMENT TO THE TOWN CHARTER TO REVISE SECTION 2.07 B) TO PROVIDE THAT ANY PERSON APPOINTED BY THE TOWN COUNCIL TO FILL A VACANCY ON THE TOWN COUNCIL SHALL HOLD OFFICE FOR THE DURATION OF THE REMAINDER OF THE UNEXPIRED TERM OF THE OFFICE BEING FILLED; PROVIDING THE TEXT OF THE PROPOSED AMENDMENT; PROVIDING FOR PLACEMENT OF THE PROPOSED CHARTER AMENDMENT ON THE BALLOT AT THE NEXT REGULAR MUNICIPAL ELECTION; PROVIDING AN EXPLANATORY SUMMARY AND FORM OF BALLOT; PROVIDING FOR FILING; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Section 166.031 provides that the governing body of a municipality may, by ordinance submit to the electors of the municipality a proposed amendment to its charter, and

WHEREAS, the Town Council believes that the efficiency and good order of government would be better served if Council members appointed to fill vacancies in office were to serve for the remainder of the unexpired term of the office which they were appointed to fill.

NOW, THEREFORE, be it ordained by the Town Council of Ocean Breeze, Florida that:

SECTION ONE. PROPOSED AMENDMENT:

The proposed amendment to the Town Charter to be submitted to the voters for approval or disapproval is as follows”

Amendment: If the voters so approve, Article II, Section 2.07 B) of the Charter of the Town of Ocean Breeze shall be amended to read:

Section 2.07 Vacancies, Filling of Vacancies...

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

(Strike-outs and underlining as set forth above are included herein solely for the purpose of highlighting the proposed change).

INSTR # 2603591 OR BK 2888 PG 1563 RECD 11/03/2016 02:21:51 PM
(3 Pgs)
CAROLYN TIMMANN MARTIN COUNTY CLERK
DEED DOC \$0.00, MTG DOC \$0.00, INTANGIBLE \$0.00

SECTION TWO. ELECTION:

The proposed amendment referenced above shall be submitted to the electors of the Town of Ocean Breeze, Florida for a vote at the next regular municipal election, which is currently scheduled to be held December 20, 2016.

SECTION THREE. BALLOT:

The ballot shall contain the explanatory statement set forth on the form of ballot attached hereto as Exhibit "A," and the form of ballot shall otherwise be as set forth on the said Exhibit "A," or shall be substantially similar thereto.

SECTION FOUR. REVISIONS TO CHARTER:

Upon approval by a majority of the electors of the Town, The Town Charter shall be so revised, and the revised Charter shall be appropriately filed with the Department of State in Tallahassee.

SECTION FIVE. SEVERABILITY:

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any persons, property, or circumstances, such holding shall not affect its applicability to any other person, property, or circumstance.

SECTION SIX. EFFECTIVE DATE:

This Ordinance shall become effective immediately upon the date of its final adoption. The said amendment to the Town Charter shall take effect immediately upon its approval by the electors of the Town.

FIRST READING WAS MADE ON THIS 12th DAY OF September, 2016.

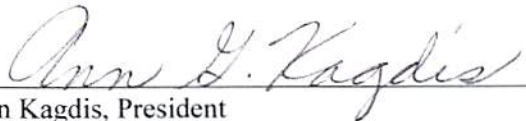
DULY PASSED AND ADOPTED ON SECOND READING THIS 31st DAY OF October, 2016.

ATTEST:

TOWN COUNCIL, TOWN OF OCEAN BREEZE



Pam Orr, Town Clerk



Ann Kagdis, President

Approved as to form:

APPROVED



William F. Crary II, Town Attorney



David Myers, Mayor

EXHIBIT "A"

FORM OF BALLOT

AMENDMENT TO TOWN CHARTER:

Explanatory Statement:

As the charter now stands, Council members appointed to fill a vacancy in office only serve until the next election, instead of serving for the remainder of the office term which has been vacated. This sometimes results in an otherwise unnecessary election to fill the second year of the term which has been vacated. The amendment would allow the appointee to hold office for the entire term being filled.

Shall Article II, Section 2.07 B be amended as follows?

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

YES _____

NO _____

CERTIFICATE OF RESULTS

STATE OF FLORIDA

COUNTY OF MARTIN

We, the undersigned, do hereby certify that the votes cast in the TOWN OF OCEAN BREEZE REGULAR ELECTION held in said Town on the 20th day of December 2016 as shown by the results on file in the office of the Town Clerk and the Martin County Supervisor of Elections, respectively, are as follows:

AMENDMENT TO THE TOWN CHARTER

Shall Article II, Section 2.07 B be amended as follows?

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

The total number of votes cast in the Regular Election was:

YES	<u>29</u>	machine +	<u>7</u>	absentee of which TOTAL	<u>36</u>
NO	<u>1</u>	machine +	<u> </u>	absentee of which TOTAL	<u>1</u>

Dated this 21st day of December, 2016.


Ann Kagdis, President


Ken De Angeles, Vice President


Pam Orr, Town Clerk



ORDINANCE NUMBER 273-2017

AN EMERGENCY ORDINANCE OF THE TOWN OF OCEAN BREEZE, FLORIDA, CONFIRMING THE TIME WHEN NEWLY ELECTED COUNCIL MEMBERS TAKE OFFICE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT, SEVERABILITY, APPLICABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it has been the custom and practice of the Town of Ocean Breeze for newly elected members of the Town Council to assume the duties of office as of the first regular meeting of the Town Council following the date of their election; and

WHEREAS, the Town Council wishes to confirm and ratify that practice, and

WHEREAS, because of the timing of the upcoming election the Town Council has determined it is necessary to take emergency action with regard to the subject matter of this ordinance,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN OF OCEAN BREEZE, FLORIDA:

SECTION ONE: Newly elected members of the Town Council shall assume the duties of office as of the first regular meeting of the Town Council following the date of their election; provided however, in the event a duly noticed special meeting of the Town Council takes place prior thereto, then in that event, newly elected members of the Town Council shall assume the duties of office at such special meeting.


SECTION TWO: All provisions of any resolutions or ordinances in conflict herewith are hereby repealed.

SECTION THREE: If any section, sentence, clause, phrase, or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding or invalidity shall not affect the remaining portions of this Ordinance.

SECTION FOUR: This Ordinance is hereby declared to be an emergency measure upon the urgent need to provide clarity as to when newly elected members of the Town Council assume their duties. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED THIS 11th DAY OF December, 2017.


Karen M. Ostrand, Mayor


Ann G. Kagdis, President

APPROVED AS TO FORM:


William F. Crary, II, Town Attorney

ATTEST:


Pam Orr, Town Clerk



**BEFORE THE TOWN COUNCIL
OF THE TOWN OF OCEAN BREEZE, FLORIDA
ORDINANCE NO. 275-2018**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA, PURSUANT TO TOWN CHARTER SECTION 2.03., CONCERNING THE POWERS OF THE MAYOR, REQUIRING THAT ANY ACTIONS TAKEN BY THE MAYOR UNDER PARAGRAPHS 5), 6) AND 7) OF SAID SECTION WITH REGARD TO BOARD APPOINTMENTS, THE HIRING AND FIRING OF EMPLOYEES AND INDEPENDENT CONTRACTORS, ETC., SHALL BE SUBJECT TO CONFIRMATION BY VOTE OF THE TOWN COUNCIL; PROVIDING FOR A CONFLICTS CLAUSE; A SEVERABILITY CLAUSE; AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, Section 2.03 of the Town of Ocean Breeze Charter sets forth the powers of the Mayor, and

WHEREAS, paragraphs 5, 6 and 7 of Section 2.03 state that, among his or her other duties, the Mayor shall make or rescind appointments to boards and commissions, hire or fire the Town Clerk and other employees, negotiate and execute employee contracts, including contracts with independent contractors, and has the power to dismiss or remove anyone so engaged, and

WHEREAS, paragraphs 5, 6 and 7 of section 2.03 also state that actions taken by the Mayor pursuant to said paragraphs may require confirmation by the Town Council, if so required by ordinance, and

WHEREAS, the Town Council of the Town of Ocean Breeze, Florida deems in the Public's best interest that actions taken by the Mayor under paragraphs 5, 6 and 7 of Section 2.03 of the Town Charter shall first require confirmation by vote of the Town Council.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA THAT:

SECTION 1. CONFIRMATION BY VOTE OF THE TOWN COUNCIL REQUIRED

From and after the date of adoption of this ordinance, any actions taken by the Mayor under paragraphs 5, 6 and 7 of Section 2.30 of the Town Charter shall require subsequent confirmation by vote of the Town Council, except in instances where the Mayor has sought and obtained the Town Council's prior approval for such action(s).

SECTION 2. SEVERABILITY

If any section, sentence, clause, phrase or word of this ordinance is for any reason declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance and the remaining portions shall be deemed and held to be valid.

SECTION 3: EFFECTIVE DATE

This ordinance shall become effective upon its adoption by the Town Council.

PASSED on First Reading this 12th day of March, 2018.


Council Member Wagner offered the foregoing ordinance and moved its adoption. The motion was seconded by Council Member Gerold and upon being put to a roll call vote, the vote was as follows:

KEN DE ANGELES, PRESIDENT
ANN G. KAGDIS, VICE-PRESIDENT
RICHARD GEROLD, COUNCIL MEMBER
MARY JO GEYER, COUNCIL MEMBER
DAVID J. WAGNER, COUNCIL MEMBER
TERRY LOCATIS, COUNCIL MEMBER

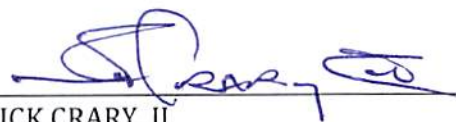
YES	NO	ABSENT	ABSTAIN
X			
X			
X			
X			
X			
		X	

ADOPTED on second and final reading this 9th day of April, 2018.



KAREN M. OSTRAND
MAYOR


KEN DE ANGELES
PRESIDENT

APPROVED AS TO FORM:


RICK CRARY, II
TOWN ATTORNEY

ATTEST:


PAM ORR
TOWN CLERK



**BEFORE THE TOWN COUNCIL
OF THE TOWN OF OCEAN BREEZE, FLORIDA**

ORDINANCE NUMBER 276-2018

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA PRESCRIBING THE DATE OF REGULAR MUNICIPAL ELECTIONS; ESTABLISHING THE QUALIFYING PERIOD FOR CANDIDATES; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY FOR THE TOWN TO PARTICIPATE IN THE MARTIN COUNTY SUPERVISOR OF ELECTIONS' "VOTE BY MAIL" PROGRAM AND OTHERWISE OBTAIN SERVICES AND OVERSIGHT OF TOWN ELECTIONS BY THE MARTIN COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, Section 4.04 of the Charter of the Town of Ocean Breeze allows for prescribing the date of regular municipal elections by ordinance, and

WHEREAS, the Town wishes to participate in the Martin County Supervisor of Elections' "Vote by Mail" Program; and

WHEREAS, in order for the Town to participate in the said "Vote by Mail" Program it is necessary for the Town's regular elections to coincide with the general election, and

WHEREAS, the said "Vote by Mail" Program requires that ballots for members of the military be mailed at least 45 days prior to an election, it is therefore necessary to establish a corresponding qualifying period for candidates which is not less than the period set forth in Section 4.03 of the Town Charter, and

WHEREAS, the Town wishes to contract for such other services and oversight of Town elections as the Martin County Supervisor of Elections agrees to provide; and

WHEREAS, the Ocean Breeze Town Council has held duly advertised public hearings to consider the matters set forth herein.

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA
ordains, as follows:

SECTION 1. Date of Regular Municipal Elections: Regular municipal elections shall coincide with general elections held in Martin County, which are normally set for the first Tuesday after the first Monday in November of each even-numbered year. In those years when a general election does not take place, regular municipal elections shall also be held on the first Tuesday after the first Monday in November, except in the event of a state of emergency or impending emergency, in which case a delayed municipal election shall be rescheduled pursuant to emergency ordinance. Said elections shall be held at such location(s) and times as shall be designated by the Martin County Supervisor of Elections, but in the absence of such designation, the Mayor shall decide.

SECTION 2. Candidate Qualification Period: Candidates for the offices of Mayor or Town Councilman/Councilwoman shall qualify by filing a written notice of candidacy with the Town Clerk, taking and subscribing to an oath or affirmation substantially in the form required by ordinance. The period for said qualification shall commence on the first weekday in August and shall end twenty-one days thereafter. (In the event such commencement or ending date falls on a legal holiday or during a state of emergency, the closest following weekday shall be used).

SECTION 3. Authorization of Mayor to Contract with Supervisor of Elections: The Mayor is authorized to execute all documents necessary for the Town to participate in the Martin County Supervisor of Elections' "Vote by Mail" Program, and all such documents as may allow the Martin County Supervisor of Elections to provide such other services and oversight of Town Elections as may be available.

SECTION 4. Conflicts Clause: All ordinances or parts of ordinances in conflict herewith shall be repealed.

SECTION 5. Severability Clause: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this ordinance.

SECTION 6. Effective Date: This Ordinance shall become effective immediately upon adoption.

Passed on first reading this day of April 9, 2018.

Council Member Kagdis offered the foregoing ordinance and moved approval on the second reading. The motion was seconded by Council Member Wagner and upon being put to a roll call vote, the vote was as follows:


KENNETH DE ANGELES, PRESIDENT
 ANN KAGDIS, VICE-PRESIDENT
 RICHARD GEROLD, COUNCIL MEMBER
 MARY JO GEYER, COUNCIL MEMBER
 DAVID J. WAGNER, COUNCIL MEMBER
 TERRY LOCATIS, COUNCIL MEMBER

YES	NO	ABSENT	ABSTAIN
X			
X			
X			
X			
X			
X			

Adopted on second reading this 14th day of May, 2018.


ATTEST:


 PAM ORR
 TOWN CLERK


 KAREN M. OSTRAND
 MAYOR


 KEN DE ANGELES
 COUNCIL PRESIDENT

APPROVED AS TO FORM:


 WM F. CRARY II
 TOWN ATTORNEY



ORDINANCE NUMBER NO. 289-2019

AN EMERGENCY ORDINANCE OF THE TOWN OF OCEAN BREEZE, FLORIDA, REVISING MEMBERSHIP ON THE TOWN'S ZONING BOARD (ALSO KNOWN AS THE LOCAL PLANNING AGENCY) AND REAFFIRMING THAT TOWN COUNCIL MEMBERS, AS A REQUIREMENT OF HOLDING OFFICE, MUST ALSO SERVE AS MEMBERS OF THE TOWN'S ZONING BOARD; AFFIRMING THE LIMITED ADVISORY ROLE OF THE ZONING BOARD; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor's membership on the Zoning Board, (also known as the Local Planning Agency) has the effect of prohibiting the Mayor from making otherwise lawful communications with Town Council members regarding any subject matter which may come before the Zoning Board; and

WHEREAS, the Town Council deems it vital to the efficient exercise of the Mayor's duties as contemplated under the Charter and Ordinances of the Town that the Mayor's ability to communicate directly with Town Council members should not be hindered or prohibited, except as may be otherwise provided by law; and

WHEREAS, historically it has never been possible to find a sufficient number of the Town's residents to serve on a separate advisory board; and

WHEREAS, Florida Statutes Section 163.3174 allows for the governing body of a municipality to designate itself as the "local planning agency" or other equivalent agency which first reviews rezoning and comprehensive plan amendments; and

WHEREAS, the Zoning Board does not exercise decision-making authority, but only exists for the sole purpose providing advice to the Town Council, in essence advising itself, in order to comply with such procedural formalities as may be required pursuant to Florida law; and

WHEREAS, the Town Council has determined it is necessary to take emergency action to allow the Mayor to have the immediate ability to address issues presented to the Zoning Board.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN OF OCEAN BREEZE, FLORIDA:

SECTION ONE: The membership of the Town's Zoning Board, which may also be known from time to time as the Local Planning Agency, or referred to as the Town of Ocean Breeze, Florida Planning Advisory Board, or the "LPA" or other such similar names, shall consist of all six members of the Town Council, *ex officio*, plus a non-voting member appointed by the Martin County School Board to the extent as required by statute.

SECTION TWO: All ordinances or parts of ordinances in conflict with this ordinance or any part thereof are hereby repealed.

SECTION THREE: If any section, sentence, clause, phrase, or word of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to have been the intent of the Town Council to adopt this Ordinance without such unconstitutional, invalid, or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts, shall be deemed and held to be valid as if such part or parts had not been included herein.

SECTION FOUR: This Ordinance is hereby declared to be an emergency measure upon the urgent need for the Mayor to have the immediate ability to more fully perform such duties as may be prescribed by the Town Charter, ordinances, and other applicable law. This Ordinance shall take effect immediately upon its passage and adoption.

KENNETH DE ANGELES, PRESIDENT
ANN KAGDIS, VICE-PRESIDENT
RICHARD GEROLD, COUNCIL MEMBER
KEVIN DOCHERTY, COUNCIL MEMBER
DAVID J. WAGNER, COUNCIL MEMBER
TERRY LOCATIS, COUNCIL MEMBER

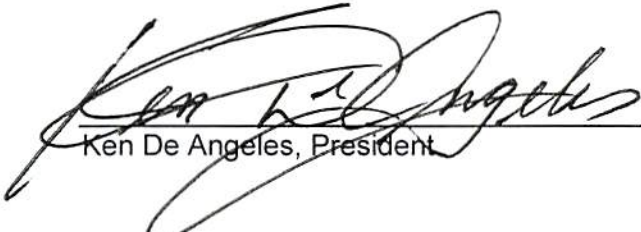
YES	NO	ABSENT	ABSTAIN
X			
X			
X			
X			
X			
X			

PASSED, APPROVED AND ADOPTED THIS 11th DAY OF MARCH, 2019.


ATTEST:


Pam Orr, Town Clerk

TOWN COUNCIL OF THE TOWN OF
OCEAN BREEZE, FLORIDA


Ken De Angeles, President

APPROVED AS TO FORM:


William F. Crary, II, Town Attorney


Karen M. Ostrand, Mayor



ORDINANCE NUMBER 304-2020

AN EMERGENCY ORDINANCE OF THE TOWN OF OCEAN BREEZE, FLORIDA, REVISING AND AMENDING SECTION 2 OF ORDINANCE NUMBER 276-2018 CLARIFYING THE COMMENCEMENT AND ENDING DATES OF THE CANDIDATE QUALIFICATION PERIOD AS SET FORTH THEREIN; PROVIDING FOR SEVERABILITY, APPLICABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance 276-2018 of the Town of Ocean Breeze, Florida was adopted on May 14, 2018 prescribing the date of regular municipal elections in order for the Town to participate in the Martin County Supervisor of Elections' "Vote by Mail" Program; and

WHEREAS, Section 2 of the said ordinance defining the candidate qualification period neglected to clearly specify what happens when such period commences or ends on a weekend or during a continuing state of emergency, and the Town Council wishes to revise and amend language in the last sentence of said Section 2 in order to provide clarification with regard to such occurrences; and

WHEREAS, with regard to revisions and amendments of ordinances, Florida Statutes Section 166.041(2) states: "Ordinances to revise or amend shall set out in full the revised or amended act or section or paragraph of a section or subsection."; and

WHEREAS, the Town Council has determined that due to time constraints with regard to the upcoming election it is necessary to take emergency action to provided clarification regarding commencement and ending dates for candidate qualification periods as prescribed in Section 2 of Ordinance 276-2018,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN OF OCEAN BREEZE, FLORIDA:

SECTION ONE: Section 2 of Ordinance Number 276-2018 is hereby revised and amended to read as follows:

SECTION 2. Candidate Qualification Period: Candidates for the offices of Mayor or Town Councilman/Councilwoman shall qualify by filing a written notice of candidacy with the Town Clerk, taking and subscribing to an oath or affirmation substantially in the form required by ordinance. The period for said qualification shall commence on the first weekday in August and shall end twenty-one days thereafter. (In the event such a commencement or ending date falls on a weekend, legal holiday, or on a day when the Town Office is closed due to a state of emergency, the closest following weekday shall be used.)

SECTION TWO: Except as specifically revised and amended in this Ordinance Number 304-2020, the provisions set forth in Ordinance Number 276-2018 shall remain in full force and effect.

SECTION THREE: If any section, sentence, clause, phrase, or word of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to have been the intent of the Town Council to adopt this Ordinance without such unconstitutional, invalid, or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts, shall be deemed and held to be valid as if such part or parts had not been included herein.

SECTION FOUR: This Ordinance is hereby declared to be an emergency measure upon the urgent need to prepare for the upcoming elections. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED THIS 13th DAY OF JULY, 2020.

Council Member Gerold offered the foregoing ordinance and moved approval. The motion was seconded by Council Member Arnold and upon being put to a roll call vote, the vote was as follows:

KENNETH DE ANGELES, PRESIDENT
RICHARD GEROLD, VICE-PRESIDENT
BILL ARNOLD, COUNCIL MEMBER
KEVIN DOCHERTY, COUNCIL MEMBER
DAVID J. WAGNER, COUNCIL MEMBER
TERRY LOCATIS, COUNCIL MEMBER

YES	NO	ABSENT
X		
X		
X		
X		
X		
		X

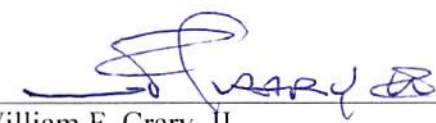
TOWN COUNCIL OF THE TOWN OF
OCEAN BREEZE, FLORIDA

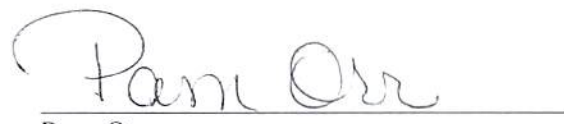

Karen M. Ostrand
Mayor


Kenneth J. De Angeles
President

APPROVED AS TO FORM:

ATTEST:


William F. Crary, II
Town Attorney


Pam Orr
Town Clerk



ORDINANCE No. 336 -2023

AN ORDINANCE OF THE TOWN OF OCEAN BREEZE, FLORIDA, AMENDING SECTION ONE OF ORDINANCE NO. 273-2017 THEREBY CHANGING THE DATE UPON WHICH NEWLY ELECTED TOWN OFFICIALS ARE SWORN INTO OFFICE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT, SEVERABILITY, APPLICABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, under Ordinance No. 273-2017 newly elected Town Officials are currently sworn into office at the first regular meeting of the Town Council following the date of their election; and

WHEREAS, to allow for more time to coordinate canvassing and other election certification activities with the Martin County Supervisor of Elections Office, the Ocean Breeze Town Council deems it in the Public's best interest to change the date for swearing in newly elected Town Officials to the second regular meeting following the date of their election.

NOW, THEREFORE, BE IT ORDAINED BY THE OCEAN BREEZE TOWN COUNCIL THAT:

SECTION ONE: Section One of Ordinance No. 273-2017 is hereby amended as follows:

SECTION ONE: Newly elected members of the Town Council, and any newly elected Mayor, shall assume the duties of office as of the ~~first~~ second regular meeting ~~of the Town Council~~ following the date of their election; provided however, in the event a duly noticed special meeting of the Town Council takes place prior ~~thereto~~, to the said second regular meeting following the date of their election, then in that event, newly elected members of the Town Council and any newly elected Mayor shall assume the duties of office at such special meeting.

SECTION TWO: Except as specifically amended in this Ordinance No. 336-2023, the provisions set forth in Ordinance No. 273-2017 shall remain in full force and effect.

SECTION THREE: All provisions of any resolutions or ordinances in conflict herewith are hereby repealed.

SECTION FOUR: If any section, sentence, clause, phrase, or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding or invalidity

shall not affect the remaining portions of this Ordinance and the remaining portions shall be deemed and held to be valid.

SECTION FIVE: This Ordinance shall become effective upon its adoption by the Town Council.

PASSED on first reading this 10th day of April, 2023.

Council Member Arnold offered the forgoing ordinance and moved its approval on first reading. The motion was seconded by Council Member Kent and upon being put to a roll call vote, the vote was approved 6 to 0.

ADOPTED on second and final reading this 8th day of May, 2023

KEN DE ANGELES, PRESIDENT

BILL ARNOLD, VICE-PRESIDENT

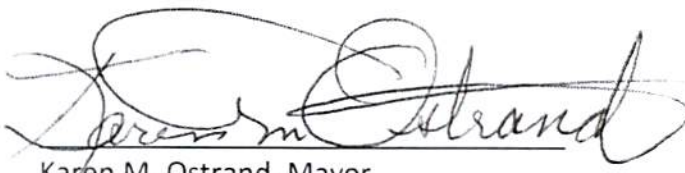
KEVIN DOCHERTY, COUNCIL MEMBER

SANDRA KEHLBECK-KELLEY, COUNCIL MEMBER

GINA KENT, COUNCIL MEMBER

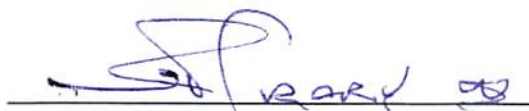
ELIZABETH REESE, COUNCIL MEMBER

YES	NO	ABSENT	ABSTAIN
X			
X			
X			
X			
X			
		X	


Karen M. Ostrand, Mayor


Ken De Angeles, President

APPROVED AS TO FORM:


William F. Crary, II, Town Attorney

ATTEST:


Kim Stanton, Town Clerk