

TOWN OF DAVIE  
CHARTER REVIEW BOARD 2019/20

6591 Orange Drive  
Davie, FL 33314  
Telephone: 954-797-1011  
www.davie-fl.gov

Charter Review Board (CRB) Meeting Agenda

**Date:** Tuesday, January 21, 2020

**Time:** 6:30 pm

**Location:** Council Chambers, Town Hall  
Orange Drive, FL 33314

**(Please be advise that two or more members of the town council may be in attendance)**  
(If time permits, the Board may review other sections of the Town Charter to ensure compliance with deadline.)

**1. PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

**3. REPORTS/ACTION ITEMS**

3.1 Approval of Meeting Minutes, January 7, 2020

3.2 Sections 6 - *Administrative Department*, revised language includes oath of office

3.3 Section 13 - *Elections*, revised language includes qualifying via petition

3.4 Section 16 - *Gender Neutral References*, revised language includes catch all phrase

3.5 Charter Review Spreadsheet with Changes

**4. OLD BUSINESS**

**5. NEW BUSINESS**

5.1 Charter Review Committee Report

**6. ITEMS FOR NEXT AGENDA**

**7. SCHEDULING OF NEXT MEETING**

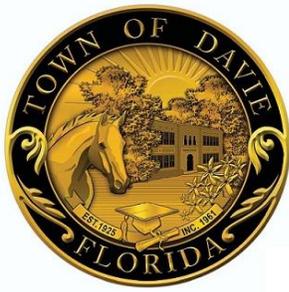
**February 2020**

1. Tuesday, February 4, 2020 at 6:30 pm
2. Tuesday, February 18, 2020 at 6:30 pm

**March 2020**

3. Tuesday, March 3, 2020 - CRB \*Report Due on this date

Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk at 954-797-1023 at least five business days prior to the meeting to request such accommodation. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8770 (voice) or 1-800-955-8771 (TDD).



## TOWN OF DAVIE CHARTER REVIEW BOARD 2019/20

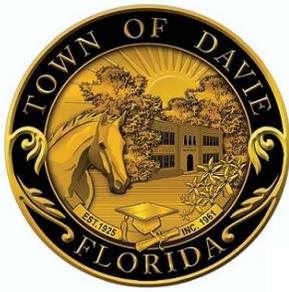
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\*(Report is due one hundred and twenty (120) days from the first meeting at which a quorum is established.)

### **8. COMMENTS AND/OR SUGGESTIONS**

### **9. ADJOURNMENT**

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# TOWN OF DAVIE CHARTER REVIEW BOARD 2019/20

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## Charter Review Board Meeting Minutes December 17, 2019

### 1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30 p.m.

### 2. ROLL CALL

Board members present were Chair Donna Evans, Vice Chair Ken DeArmas, Adrienne Kaltman, Lynn Contreras, Ellen Christopher, Sidney Calloway, Aimee Zadak, and David Donzella.

Also, in attendance were Town Administrator Richard J. Lemack, Deputy Town Administrator Macciano K. Lewis, Assistant Town Administrator Phillip R. Holste, Town Attorney Elizabeth LoConte, Town Clerk Evelyn Roig, Planning and Zoning Manager David Quigley, and Assistant Town Clerk Gillian Brewster recording the meeting.

### 3. REPORTS/ACTION ITEMS

#### 3.1 Approval of December 17, 2019 Meeting Minutes

Ellen Christopher corrected language on the last page of the December 17, 2019 meeting minutes under David Donzella's discussion. Ms. Christopher advised the language should read "were not required."

**Motion:** Sidney Calloway made a motion, seconded by Ken DeArmas to approve the minutes as amended. All voted in favor.

#### 3.2 Review Approved Changes to Sections 7 - 12

Town Clerk Roig advised that the presentation only included the Sections that contained substantial changes.

##### Section 7. The Town Council, Mayor, and Legislation.

*(J) Salary for Councilmembers and Mayor:* Town Clerk Roig advised the change was made to the salary amount to \$30,000 and the cost of living language was removed as previously approved. The Board concurred with all changes.

Section 9. Town Planning and Development.

Town Clerk Roig advised a memo from Mr. David Quigley was provided for Section 9. Vice Chair DeArmas requested David Quigley Planning and Zoning Manager, to explain the memo contents. Mr. Quigley advised the memo outlined the changes to Section 9 *Town Planning and Development*. He advised the memo was a summary of the history of the Planning and Zoning Board and Site Plan Committee. The Board concurred with all changes.

Section 10. Police Department

David Donzella asked if there was a reason the County was not mentioned. Town Clerk Roig advised that as discussed by Chief of Police Dale Engle, the Section was amended to reflect Florida State Statute. The Board concurred with all changes.

Section 11. Fire Department

Town Clerk Roig advised she worked with Chief Downey on the changes to this Section. The changes proposed were incorporated and terminology used was also incorporated. The Board concurred with all changes.

3.3 Review of Section 13-17

Town Clerk Roig advised Section 17 was created at the end of all of the sections. This Section incorporated the *District Boundaries*. The Section was added at the end of the Charter and would be moved if deemed necessary.

Section 13. Elections.

Town Clerk Roig explained the changes to the Section which outlined the general election process.

Town Clerk Roig provided an overview of the subsections:

A. *General Election*. Section outlined that elections shall be determined in accordance with State of Florida law and by the Supervisor of Elections.

B. Section stated that the Councilmembers and the Mayor are elected on the first Tuesday in November every four (4) years.

C. *Residency and state requirements*. Town Clerk Roig explained that she researched the difference between a qualified elector and a registered voter. Town Clerk Roig explained a person may be qualified but may not necessarily be registered in the books to vote.

D. This section established that The Town Clerk of the Town of Davie shall be the official representative of the Town of Davie in all transactions with the Supervisor of Elections of Broward County, Florida in matters related to the Town elections.

E. This section discussed jurisdiction and the power that Broward County has in holding or conducting a municipal election in the Town of Davie, acknowledging that State law superseded.

F. *Procedure for Candidates to Qualify for Office and Payment of the Municipal Qualifying Fee.* Town Clerk Roig explained when a candidate qualified for office there was an assessment fee made up of 3% which goes to the State of Florida and 1% which goes to the Town. She stated that language was added to this Section for the reimbursement process in the event a candidate drops out of the race. The State will not reimburse the candidate, however, the State gives authority to local jurisdictions to decide whether they want to return the 1% fee or not.

Sidney Calloway inquired if there were any conversations regarding qualifying by petition.

Town Clerk Roig advised qualifying by petition was governed by Florida Statute. The Town had no jurisdiction over qualifying by petition. Town Clerk Roig advised the language can be added how the Statute is written.

Sidney Calloway inquired as to whether it was clear that the Town can only allow qualifying by paying the qualifying fee.

Town Clerk Roig explained if you qualify by petition, that fee was waived.

Sidney Calloway asked if State Statute trumped the Charter.

Town Clerk Roig advised Florida Statute had to be followed for this procedure. Town Clerk Roig explained the petition process was set by State Statute which could be referenced in the Charter.

J. *Form of Ballots.* This Section discussed the ballots and how the Town can have certain language for ballots but there was a Statute that governs the form. This would also apply if the Town wanted to have a local election.

K. *Conduction Elections.* This Section outlined the process of conducting elections in accordance with State Statute. Town Clerk Roig advised the Town also worked in conjunction with Broward County Supervisor of Elections.

L. *Initiating Referendums.* This Section outlined the process of initiating referendums. The section was formerly under Section 7 *Town Council, Mayor, and Legislation.*

The Board concurred with all changes.

Section 14 - Fees of Offices; Nuisances; Sanitation.

Town Clerk Roig advised this Section was cleaned for grammatical errors and reworded to clarify the language. The Board concurred with all changes.

Section 15. - Severability.

Town Clerk Roig advised there were no changes to this section. The Board concurred with all changes.

Section 16. - Gender Neutral References.

Town Clerk Roig advised that this Section was amended to refer to specific titles and other titles mentioned in the Charter would be added.

David Donzella asked if there was a need for other department heads to be mentioned.

Town Clerk Roig advised that only those mentioned in the Charter needed to be listed. Chair Evans stated that the Board wanted to include language that included whenever a specific title was used throughout the Charter, it would be referred as gender neutral. The Board concurred with all changes.

Section 17 - District Boundaries

Town Clerk Roig advised that this was a Section which was removed from Section 7 *Town Council, Mayor, and Legislation* and placed under a new stand-alone section. Town Clerk Roig went over the changes to this section which included grammatical corrections and clarifying the language to reflect one of the district boundaries review triggers to take place at the completion of each decennial U.S. Census. The Board concurred with all changes.

Section 11 Fire Department

**Motion:** Motion by David Donzella, seconded by Ellen Christopher to approve Section 11 *Fire Department* as amended. All voted in favor.

Section 13. - Elections.

**Motion:** Motion by Ellen Christopher, seconded by Aimee Zadak to approve Section 13 *Elections* as amended to include the language of qualifying via petition. All voted in favor.

Section 14. - Fees of Offices; Nuisances; Sanitation.

David Donzella asked how the Town defined the word nuisances. Town Clerk Roig advised it might relate to code enforcement. Ken DeArmas stated that any public nuisance would go through the special magistrate.

**Motion:** Motion by Ken DeArmas, seconded by Adrienne Kaltman to approve Section 14 *Fees of offices; nuisances; sanitation* as amended. All voted in favor.

Section 15.- Severability.

**Motion:** Motion by Ken DeArmas, seconded by Sidney Calloway to approve Section 15 *Severability*. All voted in favor.

Section 16. - Gender Neutral References.

**Motion:** Motion by Ken DeArmas, seconded by David Donzella to approve Section 16 *Gender Neutral References*. All voted in favor.

Town Clerk Roig advised the section could be reworded to state that any title for any position would be used in a gender-neutral basis instead of listing the titles. Wherever in which the Charter contained terms that addressed position titles, they would be referred to as gender neutral. The board agreed.

**Motion:** Ellen Christopher made a motion, seconded by Ken DeArmas to withdraw the motion made to approve Section 16 *Gender Neutral References*. All voted in favor.

**Motion:** Motion by Ellen Cristopher, seconded by Ken DeArmas to approve Section 16 *Gender Neutral References* to state that it will be by title only as appropriate. All voted in favor.

Section 17 - District Boundaries

Town Clerk advised there was an additional correction for Section 17 *District Boundaries*. In subsection (2)(b) there should be an “or” at the end. In subsection (2)(c) there should be a period at the end of the sentence.

**Motion:** Motion by Ellen Christopher, seconded by Aimee Zadak to approve Section 17 *District Boundaries* with corrections. All voted in favor.

**3. OLD BUSINESS**

**4. NEW BUSINESS**

**4.1 Oath of Office, David Donzella**

David Donzella advised his intention was to memorialize the oath of office process within the Charter in order to guarantee the oath would be conducted to appointed staff. Donna Evans asked if he just wanted it for the Town Council.

David Donzella stated he wanted the oath memorialized for department heads and Town Council.

Ellen Christopher stated he noted Pembroke Pines did this and she conducted research which reflected that most cities did not include specific language in their Charter. Pembroke Pines included the language which stated “Every officer of the City, whether elected or appointed under the provisions of this Charter, or under any ordinance of the City, shall, before assuming the duties of his office, take and subscribe, before some judicial officer, duly qualified elected official or notary of this State, the following oath.”

Town Clerk Roig advised which positions completed an oath which included the Police Chief, Fire Chief, Town Council and board/committee members. She also advised that elected officials must take the oath as part of their official capacity.

Donna Evans inquired if the Board wanted to memorialize this in the language.

David Donzella restated his intention for elected and appointed officials to take an oath and have it memorialized in the Charter. He did not oppose the rank and file for the Police Department and the Fire Department taking a paper oath.

Town Attorney LoConte advised there were four considerations to keep in mind:

1. It could not infringe on First or Fourteenth Amendment rights.
2. Employment may not be conditioned on an oath that one has not engaged in, or will not engage in, protected speech activities.
3. Employment may not be conditioned on an oath denying past or abjuring future associational activities protected by the Constitution.
4. An oath must not be so vague that persons of ordinary intelligence must guess at its meaning.

Donna Evans asked if Mr. Donzella wanted a new section to be created for this language.

Ellen Christopher asked if everyone who was elected had a specific oath.

Town Clerk Roig advised they submit an oath of office to the Broward Supervisor of Elections and take an oath in front of the Town Council when they are elected.

David Donzella advised he had a note to have the language regarding elected or appointed officials take an oath of office in front of a judicial officer be added in a section which was most appropriate.

Town Clerk Roig recommended the language be added to Section 6 *Administrative Department* at the end. Town Clerk Roig advised she can come up with basic language with the Town Attorney and introduce the language at the next meeting.

Ellen Christopher inquired to which positions this applied to.

Donna Evans advised anyone appointed or elected had to receive an oath either written or verbal.

Town Clerk Roig stated the Board was referring to certain staff members not the elected officials because that language is already included in their section.

David Donzella asked if the Town Clerk administered oaths to staff.

The Town Clerk advised she did not administer oaths to staff.

Donna Evans confirmed that a section would be added at the end of Section 6 *Administrative Department* which stated oath of office was mandated.

**5. ITEMS FOR NEXT AGENDA**

Town Clerk Roig advised she would email the excel spreadsheet with the sections discussed this evening and it would be reviewed at the next meeting.

Chair Evans confirmed the next meeting was scheduled for January 21, 2020.

There being no further business to discuss, the meeting was adjourned at 7:20 p.m.

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Date Approved

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Chair/Vice Chair

**Sec. 6. - Administrative ~~department~~Department.**

A. (a)—~~Town Administrator.~~ The administrative duties of the ~~town~~Town shall be conducted by a "town administrator," ~~which, whose~~ duties shall include the following, to wit:

1. (1)— Supervision over the administrative activities of each Town department and division, and provide ~~for the~~ coordination of such activities.
2. (2)— Powers granted to the ~~town administrator~~Town Administrator in this Charter and the laws of the State of Florida concerning appointment and removal of administrative employees and commissions, as herein provided.
3. (3)— Annual submission to the ~~council~~Town Council for its consideration of an operating budget and a capital improvements program.
4. (4)— Exercise of the right to attend all ~~council~~Town Council meetings and the authority to present ~~messages,~~ reports, recommendations, updates, and other communications to the ~~council~~Town Council, as ~~hereinafter~~herein provided.
5. (5)— Unless otherwise provided herein, appointing and discharging Exclusive authority ~~to appoint and discharge~~ all employees of the Town of Davie ~~or,~~ its various departments ~~and divisions, other than as set forth in Section 6 (D).~~
6. (6)— Exercise of such other powers and performances of such other duties as may be prescribed by this Charter, ~~town~~Town ordinances or resolutions, or by applicable laws of the State of Florida.

B. (b)—*Reserved.*

C. (c)—*Reserved.*

D. (d)—*The Town Attorney.* The ~~town attorney~~Town Attorney shall be a practicing attorney and a member of the Florida Bar. The ~~town attorney~~Town Attorney shall be retained by the ~~town council~~Town Council and shall act as the legal advisor to and counselor for the ~~town~~Town and all of its officers in matters relating to their official duties; provide written legal opinions on official matters when requested to do so by ~~council members and/or town administrator~~Council members and/or Town Administrator or department directors; draft or review ordinances, contracts, franchises and other instruments; perform such other professional duties as may be assigned ~~to him~~ by the ~~council and~~Town Council, Town Administrator or ~~town administrator.~~ ~~For his services, the town attorney~~department directors. The Town Attorney shall be compensated for services provided to the Town as determined by the ~~town council~~Town Council. Notwithstanding anything contained herein to the contrary, the ~~town council~~Town Council may, at its sole discretion, retain a full-time town attorney and/or retain an independent attorney/law firm to act as town attorney.

E. (e)—*Town Clerk's Office:*

1. (1)— The ~~town administrator~~Town Administrator shall appoint a town clerk to perform ~~such clerical work~~duties as prescribed by this Charter and ~~duties as and may be as-~~ assigned ~~to by~~ the ~~town clerk by the town administrator~~Town Administrator.
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2. ~~(2)~~—The ~~town clerk~~Town Clerk shall:

- a) ~~Attend Town Council meetings and~~ be responsible for the ~~keeping of minutes of council meetings and advisory boards~~recording and maintaining records of all the proceedings of the Town Council in all matters voted upon by the Town Council;
- b) ~~Maintain separate records of Town's vital records, including but not limited to, ordinances, resolutions, all minutes, property deeds, and contracts;~~
- c) ~~Authenticate by signature all ordinances and resolutions;~~
- d) ~~Maintain annexed property and land acquisition files; ordinance advertisement requirement posted or published in accordance with this Charter. All said records shall be properly indexed and open to public hearings, and file as a public record~~inspection;
- e) ~~Maintain separate records of all written contracts;~~
- f) ~~Be the annual audit report; and, in custodian of the administration~~seal of the ~~town functions,~~Town and serve as the corporate secretary;
- g) ~~Administer oaths or affirmations and take affidavits pertaining to the affairs and business of the Town;~~
- h) ~~Certify copies of official records;~~
- i) ~~Certify and post all official actions by Town Council;~~
- j) ~~Serve as the official representative of the Town in all transactions with the Supervisor of Elections;~~
- k) ~~Accept claims and service of other legal documents;~~
- l) ~~Archive and preserve historical records;~~
- m) ~~Keep full and accurate records of Town Council proceedings, including boards and committees, and Town Council proceedings;~~
- n) ~~Perform such other duties as may be prescribed by the Town Administrator and comply with the provisions of this Charter, ordinances adopted hereunder, and the general laws of the State of Florida;~~ and
- o) ~~Serve as the official custodian of records for the Town.~~

F. ~~(f)~~—*Annual Town Audit.* The ~~town council~~Town Council shall ~~have authority by majority to vote to require~~conduct a Town audit on an annual basis. An outside independent audit

firm shall be retained for this purpose pursuant to a written agreement. The independent auditor shall have expertise in municipal audits, follow government auditing standards and shall review the internal audit functions of the ~~town~~Town, business practices, internal controls and procurement practices. A written report shall be submitted to the ~~town council~~Town Council with findings and recommendations regarding compliance with law and efficiency of the Town of Davie, its departments, divisions, and programs.

~~(g) — Creation of Departments. The council may by ordinances assign to existing departments any new functions or programs to be undertaken by the town, but to the extent that this is not practicable, the council may create additional departments which shall in all respects be subject to the provisions of this Charter.~~

#### G. Reserved

H. (h) — Advisory Committees. The ~~council~~Town Council may appoint advisory committees whose function shall include counsel and advice to the ~~town council~~Town Council. Standing committees and special committees may be created by resolution. The length of service of each committee and terms of office shall be designated in the enacting resolution.

I. (i) — Reserved.

J. (j) — Reserved.

K. (k) — Sale of Town Property. — Reserved.

~~(1) — Sale of Personal Property. All confiscated, unclaimed or abandoned personal property coming into the possession of the town, or any personal property owned by the town which has become obsolete, or which has outlived its usefulness, or which has become inadequate for the public purposes for which it was intended, shall be disposed of by public auction, open competitive bidding, direct sale, trade or gift at least annually on a date set by the manager. In the event of public auction or open competitive bidding, there shall be notice of such public sale published in a daily newspaper with the publication to be at least thirty (30) days prior to the public sale. This section shall not apply to property obtained by the town pursuant to contraband forfeiture statutes. Contraband shall be disposed of in accordance with Florida Statutes.~~

~~(2) — Sale of Real Property. All confiscated real property coming into the ownership of the town or any real property owned by the town which has outlived its usefulness or which has become inadequate or is not needed for public purpose, may be disposed of by the town. The disposition of the aforementioned property shall be accomplished by open competitive bidding or may be sold by direct sale, trade or gift, if it is deemed by the town council to be in the best interest of the Town of Davie. In the event of open competitive bidding, direct sale, trade or gift, there shall be notice of such disposition of town real property in a daily newspaper of general circulation at least thirty (30) days prior to the disposition of such real property. The publication shall include notice that the approximate value of the real property, as determined by the town or its agents, will be available at Town Hall thirty (30) days prior to the scheduled sale. This section shall not~~

~~apply to property obtained by the town pursuant to contraband forfeiture statutes. Contraband shall be disposed of in accordance with Florida Statutes.~~

~~(3) — *Purchase of Real Property.* Real estate appraisals shall be required prior to the purchase of real property by the town and published on the town's website.~~

~~L. (l) — *Restriction of Employment of Relatives:*~~

~~(1) — A public official may not employ, promote, advance or advocate any individuals who are members of his or her immediate family to a position or other employment in this town over which the official exercises jurisdiction or control.~~

~~(2) — No family member may be employed or appointed to a position that is under line authority of another immediate family member. Employees who marry while employed by the town are required to comply with these provisions.~~

~~(3) — "Immediate family member" shall include: mother, father, son, daughter, sister, half-sister, brother, half-brother, uncle, aunt, first cousin, nephew, niece, spouse, domestic partner as defined by Broward County ordinance, father in law, son in law, mother in law, daughter in law, sister in law, brother in law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister or any legally recognized ward.~~

1) Officers and employees of ~~the~~ the Town of Davie, as such terms are defined in Section 112.3135(1)(c), Florida Statutes shall be in compliance with Florida Statute 112.3135 and Town of Davie personnel policy regarding employment of relatives.

2) In accordance with Section 112.3135 (2)(a), Florida Statutes, public officials and public employees may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the Town in which the public official is serving or over which the official exercises jurisdiction or control, any individual who is a relative of the public official.

3) Public officials working for the Town of Davie who marry during the course of employment with the Town must comply with statutory provisions and Town of Davie Standard Operating Procedure.

~~M. (m) — *Reserved*~~

~~N. (n) — *Definitions:*~~

1) "Public official" means an officer, including a member of the Legislature, the Governor, and a member of the Cabinet, or an employee of an agency in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in an agency, including the authority as a member of a collegial body to vote on the appointment, employment, promotion, or advancement of individuals.

2) “Relative,” for purposes of this section only, with respect to a public official, means an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

O. *Oath of Office.* All public officials as defined under Chapter 112 of Florida Statutes and Section N. *Definitions* of this Charter, appointed to a department director position, shall take an oath of office.

### **Sec. 13. Elections and Qualifying for Office**

Elections in the Town of Davie shall be held in a manner and time as specified and required by prevailing state statutes as same now exist or may hereafter be amended.

The Town Council shall be divided into four (4) districts and one (1) Councilmember voted as Mayor serving at-large. The district Town Councilmembers are voted by the electors within the district. The Mayor is elected Town wide, at large.

#### *A. General Elections.*

The qualifying period for the Town of Davie general municipal elections shall be determined in accordance with State of Florida law by the Supervisor of Elections inasmuch as the Town's general municipal elections coincide with the State and County elections in November, and every four (4) years thereafter. For November general municipal elections, Chapter 75-350, Laws of Florida (as modified by Chapters 76-336, 77-507, 81-349, 2004-443, 2005-318, and 2012-253, Laws of Florida), currently requires that the qualifying period be the same as that for county offices as provided in Section 99.061(2), Florida Statutes or as may be directed by Florida Statute.

- B. Councilmembers/Mayor are elected on the first Tuesday in November every four (4) years.
- C. To entitle a resident of the Town of Davie to vote in the Town elections, the resident shall possess the qualifications of an elector and register in the registration books and records of the Supervisor of Elections of Broward County, Florida, in the manner and at such time and place as provided by law for registering of electors to vote in State and County elections. The Town of Davie, in municipal elections, shall use the same voting precincts, or parts thereof, lying within the corporate limits of the Town of Davie, as are now or may hereafter be designated for use in Broward County, State of Florida, elections.
- D. The Town Clerk of the Town of Davie shall be the official representative of the Town of Davie in all transactions with the Supervisor of Elections of Broward County, Florida; in relation to matters pertaining to the use of the registration books and records herein mentioned for holding such municipal elections.
- E. Nothing contained in this Charter shall be construed to confer any jurisdiction, power or authority in the Board of County Commissioners of Broward County over the holding and conducting of any municipal election of the Town of Davie, Florida. All present Charter provisions of the Town of Davie, Florida, pertaining to electors and elections not in conflict herewith shall remain in full force and effect.
- F. *Procedure for Candidates to Qualify for Office and Payment of the Municipal Qualifying Fee.*
  - 1. The name of the qualified candidate of the Town of Davie shall be submitted by the Town Clerk to the Supervisor of Elections to be printed upon the ballot after:

- a) Candidates seeking to qualify for Councilmember in a geographical district must reside in the geographical district where they intend to seek office for a minimum of one (1) year preceding the first day of the qualifying period.
  - b) Candidates qualifying for mayoral office, must reside within the geographical boundaries of the Town of Davie for a minimum of one (1) year preceding the first day of the qualifying period.
  - c) Candidates qualifying for office shall provide a valid Florida identification listing the residency.
  - d) The qualified elector must provide proof of residency in the Town for a minimum of one (1) year prior to the opening of the qualifying period in the form of a residency affidavit;
  - e) Has paid to the Town Clerk a qualifying fee, which shall be non-refundable at the end of the qualifying period;
  - f) Has paid the State of Florida election assessment and all other State fees and assessments as may be provided by law (which may or may not be refundable by the Town or State after the Town remits such funds to the State); and
  - g) Has filed with the Town Clerk his or her written acceptance of such candidacy, which acceptance shall state that, if elected, the elector will qualify and serve in such office during the term for which candidate is elected.
2. It shall be the duty of the Town Clerk to pay the qualifying fee, State assessments and any other applicable fees, submission of residency affidavit to the State of Florida and the statement of candidate to the Broward Supervisor of Elections.
  3. The payment of said qualifying fee, State election assessments and fees, and the filing of such residency affidavit and acceptance (together with any other oaths or forms then required of municipal candidates by State law) for general and special elections must be done during the applicable qualifying period. If a candidate pays a fee and assessment by check before the end of the qualifying period and the check is returned for any reason, then in the absence of an applicable controlling statutory provision, the Town Clerk shall immediately notify the candidate and the candidate shall have until the end of the qualifying period notwithstanding, forty-eight (48) hours from the time notification is received to pay the required sum with a cashier's check purchased from funds of the campaign account. Failure to pay the required amounts as provided in this paragraph shall disqualify the candidate.
  4. Pursuant to 99.095, Florida Statutes, a person seeking to qualify for nomination to any office may qualify to have their name placed on the ballot by means of the petitioning process.
- G. Whenever at the end of a general municipal election qualifying period for an elected municipal office only one qualified candidate (unopposed) has filed for such elected office, such candidate shall be declared the winner of such election to such office.
- H. In the event a Court of competent jurisdiction should determine in a final adjudication that a candidate was not a resident of the Town for a period of one year prior to the opening of the qualifying period, then:

1. In the event the candidate was elected unopposed, the candidate's elective office shall be deemed vacated as of the date of the final adjudication; or
2. The Town Clerk shall request the Supervisor of Elections to remove the candidate's name from the ballot (if such final adjudication occurs after the qualifying period closes but before the election and there were more than three (3) candidates for the elective office before such final adjudication); or,
3. The Town Clerk shall request the Supervisor of Elections to cancel the election (if such final adjudication occurs after the qualifying period closes but before the election and there were only two (2) candidates for the elective office before such final adjudication), and the remaining candidate shall be deemed to be elected unopposed.
4. In the event the Court should order relief different than one of the above, the Town shall comply with same.

- I. Should the amount of the qualifying fee be judicially declared invalid in the future as being in conflict with or preempted by State law pertaining to candidates for elective offices in municipalities as such may be amended, then the qualifying fee for such elective municipal offices shall be those qualifying fees set forth in such conflicting or preemptive State law.

J. *Form of Ballots.*

All ballots used in any general election held under authority of this Charter, shall be without party mark or designation and without any insignia or mark of any association or organization thereon, and shall be substantially in the same form as the election ballots used in all general elections.

K. *Conducting Elections.*

The Town Council shall have the power to pass ordinances prescribing the form of ballot to be used and the manner of calling, conducting, holding, canvassing, and marking returns of said elections; and where not prescribed herein, the general election laws of the State of Florida shall prevail.

L. *Initiating Referendums.*

Proposed ordinances or proposed amendments to existing ordinances may be submitted to the Town Council by a petition signed by registered electors of the Town of Davie equal in number to at least ten (10) percent of the registered voters. An initiative measure which requires the expenditure of funds must provide therein for the additional revenues which will be required to carry out the ordinance. Initiative petitions shall be uniform in character and shall contain the proposed ordinance in full, shall set forth the address of each person signing, shall be in the form prescribed by the Town Clerk, and shall be filed with the Town Clerk. The Clerk shall, on the next working day after filing, transmit to the Broward County Supervisor of Elections, who shall, within the ensuing twenty (20) days, verify the sufficiency of the signatures thereto. The Broward County Supervisor of Elections shall then certify to the Town Clerk the sufficiency of the signatures of Town

electors and, if found sufficient, transmit the petition to the Town Council, which shall proceed with the proposal in the regular manner herein provided. The Town Council shall either enact the ordinance without amendment in substance or reject it within thirty (30) days.

In the event the Town Council shall fail to enact such ordinance or amendment, the Town Council shall, at the next regular election held within the Town, submit the same to a vote of the people. The Town Clerk shall issue a proclamation notifying the electors at least thirty (30) days prior to such election and shall cause to be published a notice that the ordinance will be voted on at the next general election and a copy of the proposed ordinance in a daily newspaper in general circulation within the Town. Such publication shall be not more than twenty (20) nor less than ten (10) days before the election. All initiated ordinances shall have the title which shall state, in a general way, the purpose and intent of such ordinance. The form of ballot used for such referendum shall be prepared by the Town Attorney and shall contain a title of such ordinance. A majority of the electors voting shall be required to enact an ordinance of an initiated referendum.

**Sec. 16. - Gender Nneutral References.**

~~Whenever this Charter contains the terms "he," "him" or "his" they shall be read as gender neutral descriptions so as to include "she," "her" or "hers."~~

Whenever position title is referenced in this Charter, it shall be read as gender neutral description.