

ORDINANCE NO. 95

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF GOLF, FLORIDA, AMENDING THE VILLAGE CHARTER AT ARTICLES I. THROUGH VIII. AS FOLLOWS: BY REPEALING AND RE-ADOPTING ARTICLES I. THROUGH V.; BY REPEALING ARTICLES VI. AND VII. IN THEIR ENTIRETY; AND BY REPEALING ARTICLE VIII. AND READOPTING IT AS A NEWLY DESIGNATED ARTICLE VI. IN ORDER TO AMEND THE VILLAGE CHARTER TO CONFORM TO GENERAL LAW AND UPDATE ITS PROVISIONS TO REFLECT THE CURRENT LEGISLATIVE RIGHTS AND POWERS OF THE VILLAGE GOVERNMENT PURSUANT TO THE "MUNICIPAL HOME RULE POWERS ACT"; PROVIDING THAT THERE IS NO CHANGE TO EACH SECTION OR SUB-SECTION OF THE VILLAGE CHARTER THAT CONCERNS OR AFFECTS ENUMERATED AREAS SET FORTH AT SUB-SECTION 166.021(4), *FLORIDA STATUTES*, WHICH WOULD BE SUBJECT TO A REFERENDUM OF THE ELECTORS PURSUANT TO GENERAL LAW AND THAT SUCH SECTIONS OR SUB-SECTIONS SHALL REMAIN THE SAME AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Ordinance No. 92 was adopted by the Village Council of the Village of Golf on April 21, 2010, to memorialize in the Village Charter some previously adopted changes concerning municipal election dates and to conform to revisions in general elections law which have occurred since the enactment of the Village Charter; and

WHEREAS, Sub-section. 100.3605(2), *Florida Statutes*, of general state law now provides that "[T]he governing body of a municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes"; and

WHEREAS, Sub-section. 166.021(4), *Florida Statutes*, does not permit certain changes in a municipal charter without referendum approval which affect enumerated areas, but does allow for municipal charter revisions to all other charter provisions adopted prior to 1973 not affecting in any way the specifically enumerated areas set forth therein, since these non-enumerated areas were legislatively converted into simple ordinances by the adoption of the Municipal Home Rule Powers Act of 1973 as codified at Chapter 166, *Florida Statutes*, and

WHEREAS, the Village of Golf has not amended its Charter since its incorporation in 1957 except for revisions specifically permitted to be enacted by ordinances pursuant to local bill

or general law, as applicable, and

WHEREAS, the Village Council of the Village of Golf, Florida in accordance with the above-referenced sections and the general law of the State of Florida desires to enact an ordinance to update and memorialize in the Village Charter adopted changes to those sections and sub-sections which do not require a referendum pursuant to general law; and

WHEREAS, the Village Council of the Village of Golf, Florida, believes these revisions to its Village Charter to be in the best interests of the health, safety and welfare of the citizens of the Village of Golf.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF GOLF, FLORIDA, THAT:

Section 1: The Village Charter of the Village of Golf, Florida is hereby amended at Articles I. through VIII. as follows: by repealing Articles I. through V. and re-adopting them as amended; by repealing Articles VI. and VII in their entirety; and by repealing Article VIII. and readopting it as newly designated Article VI.; providing that the Village Charter shall hereafter read as set forth in Exhibit "A".

See Exhibit "A" attached hereto and incorporated herein

Section 2: Each and every other Section and Sub-section of Village Charter not permitted to be amended except by referendum pursuant to Sub-section 166.021(4), *Florida Statutes*, shall remain in full force and effect as previously enacted.

Section 3: All ordinances or parts of ordinances which are in conflict be and the same are hereby repealed.

Section 4: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 5: Specific authority is hereby granted to codify this Ordinance.

Section 6: This Ordinance shall take effect immediately upon adoption.


FIRST READING this 16th day of November, 2011.

SECOND AND FINAL READING this 18th day of January, 2012

VILLAGE OF GOLF

X
Aye

Nay


Mayor Thomas E. Lynch


Aye

Nay

Vice Mayor Erik E. Joh

✓
Aye

Nay


Councilmember Michael E. Botos

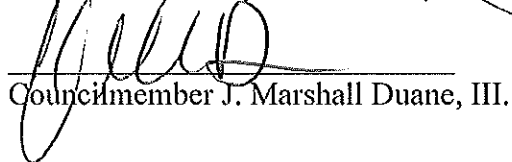
✓
Aye

Nay


Councilmember Cynthia Ottaway

✓
Aye

Nay

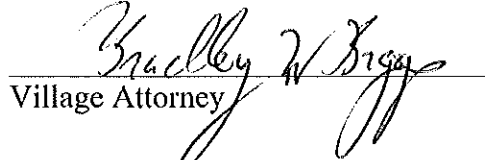

Councilmember J. Marshall Duane, III.

ATTEST:

(SEAL)


Carol Marciano, Village Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY.


Village Attorney

CHARTER

ARTICLE I. CORPORATE NAME

The municipality hereby established shall be known as the "VILLAGE OF GOLF."

ARTICLE II. TERRITORIAL BOUNDARIES

The territorial boundary of the Village of Golf is hereby defined as follows:

A parcel of land situate in Section 36, Township 45 South, Range 42 East and Section 31, Township 45 South, Range 43 East, Palm Beach County more particularly described as follows:

1) Chapter 57-1339 (House Bill No. 1377, Filed July 24, 1957)

The Southeast 1/4, (less the West 1/2 of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4); and

The East 190 feet of the Southwest 1/4; and

The East 190 feet of the South 250 feet of the Northwest 1/4; and

The South 250 feet of the Northeast 1/4,

All in Section 36, Township 45 South, Range 42 East, Palm Beach County, Florida; and

The South 250 feet of the Northwest 1/4; and

The South 250 feet of the Southwest 1/4 of the Southwest 1/4 of the Northeast 1/4; and

The North 3/4 of the West 1/4 of the Southeast 1/4; and

The Southwest 1/4,

All in Section 31, Township 45 South, Range 43 East, Palm Beach County, Florida

2) Together with Ordinance No. 3, adopted January 30, 1960

The Southwest Quarter of the Southwest Quarter of the Southeast Quarter of Section 31, Township 45 South, Range 43 East, Palm Beach County, Florida, containing 10 acres more or less.

3) Together with Ordinance No. 7, adopted January 18, 1961

West Half of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter, Section 36, Township 45 South, Range 42 East

4) Together with Ordinance No. 13, adopted May 16, 1969

East 1/2 of the East 1/4 of Southwest 1/4 of Section 36, Township 45 south, Range 42 East, Palm Beach County, Florida, and

The Northwest 1/4 of Section 36, Township 45 South, Range 42 East, Palm Beach County, Florida

5) Together with Ordinance No. 14, adopted May 10, 1971

The West three hundred and seventy-seven (377) feet of the Northeast Quarter (NE 1/4) less the North three hundred and eighty-three (383) feet of said West three hundred and seventy-seven (377) feet of said Northeast Quarter (NE 1/4) of Section 36, Township 45 South, Range 42 East, Palm Beach County

Less portion in Ordinance No. 14, adopted May 10, 1971

The North three hundred and eighty-three (383) feet of the Northwest Quarter (NW 1/4) of Section 36, Township 45 South, Range 42 East, Palm Beach County, Florida

6) Less Ordinance No. 21, adopted January 2, 1973

The West 377 feet of the Northeast Quarter (NE 1/4) of Section 36, Township 45 South, Range 42 East, Palm Beach County, Florida, LESS the North 330 feet thereof and LESS the South 250 feet thereof

And

A portion of the Northwest One-Quarter (NW 1/4) of Section 36, Township 45 South, Range 42 East, Palm Beach County, Florida described as follows:

Beginning at the Northeast corner of said Northwest Quarter (NW 1/4) of Section 36 thence run Westerly along the North line of Section 36 a distance of 1006.24 feet; thence run South 00°15'32" West a distance of 2246.64 feet to a point; thence run South 66°35'58" East a distance of 518.15 feet to a point; thence run South 00°35'28" East a distance of 225.0 feet to a point in the South line of said Northwest Quarter (NW 1/4) of Section 36; thence run East a distance of 534.22 feet to the center of said Section 36; thence run North 00°06'15" East along the East line of said Northwest Quarter (NW 1/4) of Section 36 a distance of 2670.36 feet to the Point of Beginning; excepting therefrom all portions thereof lying in the South 250 feet of said Northwest Quarter (NW 1/4) of Section 36, Township 45 South, Range 42 East, Palm Beach County, Florida.

7) Less Ordinance No. 26, adopted February 8, 1977

A parcel of land lying partly in Section 31, Township 45 South, Range 43 East, and partly in Section 36, Township 45 South, Range 42 East, Palm Beach County, Florida, said parcel being more particularly described as follows:

The North 75.0 feet of the South 250.0 feet of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of said Section 31, Township 45 South, Range 43 East.

Together with the North 75.0 feet of the South 250.0 feet of the Northwest Quarter (NW 1/4) of said Section 31, Township 45 South, Range 43 East.

Together with the North 75.0 feet of the South 250.0 feet of the Northeast Quarter (NE 1/4) of said Section 36, Township 45 South, Range 42 East.

Together with the following described parcel, being in the Northwest Quarter (NW 1/4) of said Section 36, Township 45 South, Range 42 East; Commence at the center of said Section 36; thence on an assumed bearing of N 00°03'15" W, along the North-South Quarter Section line of said Section 36, a distance of 175.0 feet to the Point of Beginning; thence continue N 00°03'15" W along the said North-South Quarter Section line, a distance of 75.0 feet; thence S 89°53'45" W, parallel with the East-West Quarter Section line of said Section 36, a distance of 190.0 feet; thence S 85°46'53" W, a distance of 347.86 feet; thence S 00°44'58" E, a distance of 50.0 feet; thence N 89°53'45" E, parallel with the said East-West Quarter Section line of Section 36, a distance of 536.74 feet to the Point of Beginning.

ARTICLE III. LEGISLATIVE

Section 1. Village council; powers and composition.

There shall be a Village Council with all legislative powers of the Village vested therein consisting of five members who shall be electors of the Village and who shall be elected by the electors of the Village.

Section 2. Eligibility.

No Person shall be eligible to any elective office of the said municipality unless that person shall be over twenty-one years of age, a resident of the Village and a citizen of the United States.

Section 3. Council offices; Office appointments.

The Village Council shall by resolution appoint one of its members to be Mayor and another of its members to be the Vice-Mayor; and shall also appoint a Village Treasurer from among the remaining Councilmembers and a Village Clerk (who shall be the registration officer of said Village), both of whom shall be subject to the control of the Village Council.

Section 4. Appointment terms.

The Mayor and Vice-Mayor appointed, as hereinabove provided, shall each hold office until a successor shall be elected in accordance with the provisions of this Article; and the person or persons appointed to hold the offices of Village Treasurer and Village Clerk shall hold their respective offices until their successors shall be appointed and shall serve at the pleasure of the Village Council.

Section 5. Election date

On the second Tuesday in March of each fourth year a general election shall be held to elect successors to the members of the Village Council whose terms of office shall then expire when their successors are elected and officially take office.

Section 6. Selection; Terms of office

(a) *Groups.* The selection of members of the Village Council shall be by groups to be known as Groups 1, 2, 3, 4 and 5. Councilmembers shall be elected to a four year term, and every four years thereafter, pursuant to this Article, Councilmembers shall be elected in said groups for a four year term. The term of office of Councilmembers shall commence on the date of the organizational meeting held pursuant to Section 8, hereinbelow and shall continue for four years thereafter or until their successors are elected and officially take office as provided in accordance with this Article.

(b) *Filing.* Any candidate seeking election as Councilmember shall file such papers as may be required by law with the Village Clerk along with a written notice to such effect during the qualifying period beginning no earlier than noon on the last Tuesday in January, nor ending later than noon on the second Tuesday in February in the year of the election, and shall pay such filing fee as shall be set by resolution. Such notice shall state the number of the group in which the candidate seeks to be elected, the candidate's place of residence, the candidate's age, and other data required by ordinance, or state law.

(c) *Vote Tabulation.* The candidate for each group receiving the highest vote cast for such office shall be deemed elected to such office. In the event of a tie vote between candidates receiving the highest number of votes cast for any office, the names of all such tied candidates

shall be placed on the ballot and be voted upon at an ensuing runoff election to be held on the fourth Tuesday in March of the calendar year. No notice need be given of such election or of any other election hereunder except as required by Village ordinance or the Florida Election Code. In the event such runoff election, there shall appear on the ballot, and be voted upon, only the names of the persons tied and receiving the highest vote cast for such offices and in the further event of a tie, one of the candidates shall be chosen by a majority of those elected.

Section 7. Oath

Each person appointed or elected as a member of the Village Council of said municipality, before entering upon the discharge of the duties of the office, shall take and subscribe the following oath before some officer authorized to administer oaths under the laws of the State of Florida;

"I, _____, a citizen of the State of Florida and of the United States of America, and being employed by or an officer of the Village of Golf do hereby solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Florida; and that I am entitled to hold office under Constitution and Laws of the State of Florida, and that I will faithfully perform all the duties of the office of Councilmember of the Village of Golf, Florida, upon which I am about to enter, so help me God."

This oath may be provided in the minutes of the Village Council.

Section 8. Organization meeting

(a) *Mayor and Vice Mayor.* The members of the Village Council elected pursuant to this Article, shall meet for organization at an organizational meeting which shall be called by the Mayor and set at any time so long as it is held no later than the last day in March following the date of their election; and at said meeting, and annually thereafter, the Village Council shall, by resolution, appoint one member a Mayor and another a Vice-Mayor of the Village, each of whom shall hold such office for a term of one year and until his successor shall be appointed and qualified at the next annual organizational meeting.

(b) *Other Officers.* At each such organization meeting the Village Council may also appoint a Village Treasurer from the remaining Councilmembers and a Village Clerk. The officer or officers so appointed shall hold office for a term of one (1) year or until their successors are appointed and qualified but subject to the pleasure of the Village Council.

(c) *Officer Oath.* Every appointive Village officer shall take and subscribe before an officer duly qualified to administer oaths, an oath or affirmation faithfully and impartially to execute the duties of his office according to the best of his ability and understanding, which may be filed with the Village Clerk and provided in the minutes of the Village Council.

Section 9. Filling of certain vacancies; Unopposed candidate

(a) *Council Vacancy.* If there shall be a vacancy caused by death, resignation or the removal of office in any elective office, the Village Council, or so much of it as shall remain, shall have power, by resolution, to fill such vacancy by the appointment of a suitable person to hold such office until the next general election and until a successor shall be elected and qualified. If by reason of absence or disability, any officer of the Village is unable to perform the duties of the office, the Village Council shall have the power, by resolution, to appoint some suitable person to hold such office for and during the absence or disability of such officer, and the person so appointed shall have, during such period of absence or disability, all the power and duties conferred by law upon the officer for whom he is appointed to act.

(b) *Candidate Withdrawal.* If the withdrawal of a qualified candidate following the end of the qualifying period results in only one (1) candidate remaining for that office, such candidate will be considered to be an unopposed candidate subject to regulations hereinbelow.

(c) *Candidate Death or Removal.* If the death or removal from the ballot of a qualified candidate following the end of the qualifying period results in only one (1) candidate remaining for the office, such candidate will be considered to be an unopposed candidate subject to regulations hereinbelow.

(d) *No Qualified Candidate.* If there are no qualified candidates for an elective office or if the death, withdrawal or removal from the ballot of a qualified candidate following the end of the qualifying period results in no candidates for an office, and more than twenty-seven (27) days remain prior to the date of the election, qualifying shall be reopened for five (5) days to allow candidates to qualify for the election in that office. If less than twenty-one (21) days remain to the election date and there is still either no qualified candidate or no candidate remains after the death, withdrawal or removal from the ballot of the lone qualified candidate, then within ninety (90) days of the scheduled election date, the Village Council shall appoint a qualified elector to be a Councilmember who shall serve for the entire remaining term.

(e) *Unopposed Candidate.* In the event not more than one (1) person either initially qualifies for a designated seat on the Village Council to be filled at an election or if only one (1) candidate remains after a death, removal or withdrawal of a candidate as set forth hereinabove, that seat shall not be listed on the regular election ballot. Unopposed candidates shall be deemed to have voted for themselves and thereafter shall be declared to be duly elected to such office.

Section 10. Councilmember recall; Forfeiture of office; turnover of documents.

(a) *Removal or Forfeiture.* Any member of the Village Council may be removed from office by the electors of the Village pursuant to the method provided by general law at Sec.100.361, *Florida Statutes*, as may be amended. In addition, Councilmembers shall automatically forfeit their office if they violate any standard of conduct or code of ethics established by law for public officials, such violation to be determined by the Florida Commission on Ethics or the Palm Beach County Commission on Ethics.

(b) *Document turnover.* It shall be the duty of every officer of the Village, within ten (10) days after the expiration of the term of office or of the member's removal therefrom, to deliver to his successor in office, or to such person as the Village Council may designate, all books, records, papers, vouchers and property of every kind in his possession or control belonging to the Village of Golf.

Section 11. Council appointed officials.

The Village Council shall have power to employ and retain any engineer and an attorney and to appoint or employ such additional officers, assistants and employees as the business of the municipality may require; and it shall have the power to fix and determine the authority, duties and compensation of all elected and appointed officers, assistants and employees, but the compensation of an elected officer which has been so fixed shall not be increased during his term of office.

Section 12. Procedure.

(a) *Rules and Special Meetings.* The Village Council shall be the judge of the election and qualification of its members, shall have the power to determine and establish the rules governing its own proceedings, and to determine the time and place for holding its meetings and the notice,

if any, of special meetings. Special meetings shall be held when called by the Mayor, or by any two members of the Village Council.

(b) *Public meetings and Clerk records.* All meetings of the Council shall be open to the public and the rules of the Council shall provide that the citizens of the Village shall have a reasonable opportunity to be heard at such meetings in regard to any matter pertaining to the Village. The Mayor, or in his absence the Vice-Mayor, shall preside at all meetings of the Council and the Village Clerk shall be present at all meetings of the Council and shall keep a record of the proceedings of the Council in a minute book to be provided and kept for that purpose. The Village Clerk shall preserve and maintain in an ordinance book to be provided and kept for that purpose, all ordinances. The Village Clerk shall preserve and maintain in a resolution book to be provided and kept for that purpose, all resolutions. The ordinance book and resolution book shall be deemed to be public records and each ordinance and resolution so recorded shall be signed by the Mayor and by the Village Clerk.

Section 13. Voting.

(a) *Quorum and voting.* A majority of the members of the Council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members present at any meeting shall be necessary to adopt any ordinance, resolution, order or vote.

(b) *Abstain from voting.* No member shall be excused from voting except when, with respect to any such member, there is, or appears to be, a possible conflict of interest under the provisions of general law or the Palm Beach County Code of Ethics.

(c) *Ordinances and Resolutions.* The enacting clause of all ordinances shall be: "Be It Ordained by the Village Council of the Village of Golf, Florida." Every ordinance shall be read by title on first and second reading in accordance with general law. Every ordinance, upon its adoption, shall be signed by the Mayor and by the Village Clerk and when so signed it shall become effective then, unless otherwise provided therein. Before introduction, all ordinances and resolutions shall be reduced to writing. Resolutions shall be signed by the Mayor and by the Village Clerk.

Section 14. Qualifications and Elections.

(a) *Registration and Conduct.* The Village Council shall, by ordinance, provide for and regulate the registration of voters and the conduct of elections.

(b) *Electors.* Any person who shall possess the qualifications of an elector under the general laws of the State of Florida governing elections and shall have resided within the territorial limits of the Village of Golf, Florida, for six (6) months preceding the election and shall have registered in accordance with the ordinances of said Village shall be entitled to vote at any municipal election of the said municipality, except in elections limited to qualified electors who are freeholders residing within the Village.

ARTICLE IV

VILLAGE OFFICERS

Section 1. Officers and Manager

(a) *Regular Officers.* The officers of the municipality shall be a Mayor and a Vice-Mayor. Additionally, the Council may appoint a Village Treasurer from among the remaining Councilmembers, a Village Clerk (who shall also be registration officer), and such other officers as may be provided for by law or by the Village Council pursuant to the authority conferred by this Charter. The Village Treasurer may accept the duties and responsibilities of Treasurer in addition to those of a Councilmember.

(b) *Village Manager.* The Village Council shall have the power and authority to employ or appoint some person as a Village Manager and to prescribe the powers and duties of the Manager. The Manager shall be the administration head of the municipal government but shall be subject to the direction and supervision of the Council. The Manager shall be chosen solely on the basis of any executive and administrative qualifications and the Manager need not be a resident of the Village. The Manager shall receive such compensation as shall be fixed by the Council and shall hold office at the pleasure of the Council.

Section 2. Mayor

The Mayor shall be the chief executive officer of the Village and it shall be the duty of the Mayor to attend to the proper and effective enforcement of the laws and ordinances of the Village, under the overall supervision of the Council, and with the aid of the Manager.

Section 3. Vice-Mayor

The Vice-Mayor, in the absence or during the disability of the Mayor, shall have all of the powers and duties of the Mayor.

Section 4. Village Clerk

The Village Clerk shall be the registration officer and shall, in addition to the duties which are or may be required by this Charter or by any law of the State or by any ordinance of the said municipality, have the custody of all the general records, books and documents of the Village.

Section 5. Village Treasurer

The Village Treasurer shall act as Council liaison to the Village Manager regarding the financial matters of the Village.

Section 6. Officer removal.

(a) *Removal.* The Village Treasurer, the Village Clerk or any other officer of the Village, except the Mayor or Vice-Mayor, may be removed from office, with or without cause, by the Council. In the event that any such officer shall be so removed, then and in that case the term of office shall expire and end when such removal becomes effective, anything herein contained to the contrary notwithstanding.

(b) *Suspension.* The Mayor shall have the power, for sufficient cause, to suspend any Village officer other than a Village Councilmember. In case of the suspension of any such officer, the Mayor shall, within fifteen (15) days thereafter, deliver to the Village Clerk a specification in writing of the charges preferred to the officer suspended; and it shall be the duty of the Clerk to present such charges to the Council at its next meeting following the receipt of such charges by

the Mayor; and thereafter the Council shall proceed to hear and determine the said charges; after reasonable notice of such hearing to the suspended officer, who shall be given an opportunity to be heard with his witnesses. If upon such hearing the charges preferred against such officer shall not be suspended by the Council, the officer shall be thereby immediately be restored to office unless the Council shall decide to terminate the services of such officer for other cause or without cause.

(c) *Appointment.* In the event that any Village officer shall be suspended by the Mayor as herein provided, the Mayor shall have the power to appoint some person or some other officer of the Village temporarily to perform the duties of the officer suspended, until the charges against such suspended officer be heard and determined by the Village Council.

ARTICLE V

MUNICIPAL POWERS

Section 1. Powers of the Village of Golf.

Subject only to express limitations on the exercise of any power or function by a municipal government in the Constitution or the laws of the United States, or of the Constitution and the laws of the State of Florida, it is the intention and the purpose of the electorate of the Village of Golf through this Charter to secure for themselves and their government all the powers, governmental, corporate, and proprietary, it is possible to secure, as fully and completely as though each such power was specifically and individually enumerated herein.

ARTICLE VI

MISCELLANEOUS PROVISIONS

Section 1. Severability.

In case of any one or more of the sections or provisions of this Charter or the application of such sections or provisions to any situation shall for any reason be held to be unconstitutional, such unconstitutionality shall not affect any other sections or provisions of this Charter or the application of such sections or provisions as to any other situation and it is intended that this Charter shall be construed and applied as if such unconstitutional section or provision had not been included herein.

Section 2. Fiscal year.

The fiscal year of the Village shall begin on October first of each year and shall end on September thirtieth of the following.

Section 3. Ordinances preserved.

All ordinances in effect upon the adoption of this Charter, to the extent not inconsistent with it, shall remain in force until repealed or changed as provided herein.

Section 4. Continuation of former Charter provisions.

All provisions of Chapter 57-1339, Laws of Florida (1957), being the former Charter, as

amended by special law or otherwise, which are not embraced herein and which are not inconsistent with this Charter, shall become ordinances of the Village subject to modification or repeal in the same manner as other ordinances of the Village in accordance with general law.

Section 5. Rights of officers and employees.

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of the persons who are Village officers or employees at the time of the adoption. Elected officers shall continue to hold their offices and discharge the duties thereof until the successors are elected.

CHARTER

ARTICLE I. CORPORATE NAME

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ARTICLE II. TERRITORIAL BOUNDARIES

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The East 190 feet of the Southwest 1/4; and

The East 190 feet of the South 250 feet of the Northwest 1/4; and

The South 250 feet of the Northeast 1/4,

All in Section 36, Township 45 South, Range 42 East, Palm Beach County, Florida; and

The South 250 feet of the Northwest 1/4; and

The South 250 feet of the Southwest 1/4 of the Southwest 1/4 of the Northeast 1/4; and

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Together with the North 75.0 feet of the South 250.0 feet of the Northwest Quarter (NW 1/4) of said Section 31, Township 45 South, Range 43 East.

Together with the North 75.0 feet of the South 250.0 feet of the Northeast Quarter (NE 1/4) of said Section 36, Township 45 South, Range 42 East.

Together with the following described parcel, being in the Northwest Quarter (NW 1/4) of said Section 36, Township 45 South, Range 42 East; Commence at the center of said Section 36; thence on an assumed bearing of N 00°03'15" W, along the North-South Quarter Section line of said Section 36, a distance of 175.0 feet to the Point of Beginning; thence continue N 00°03'15" W along the said North-South Quarter Section line, a distance of 75.0 feet; thence S 89°53'45" W, parallel with the East-West Quarter Section line of said Section 36, a distance of 190.0 feet; thence S 85°46'53" W, a distance of 347.86 feet; thence S 00°44'58" E, a distance of 50.0 feet; thence N 89°53'45" E, parallel with the said East-West Quarter Section line of Section 36, a distance of 536.74 feet to the Point of Beginning.

ARTICLE III. LEGISLATIVE

Section 1. Village council; powers and composition.

There shall be a Village Council with all legislative powers of the Village vested therein consisting of five members who shall be electors of the Village and who shall be elected by the electors of the Village.

Section 2. Eligibility.

No Person shall be eligible to any elective office of the said municipality unless that person shall be over twenty-one years of age, a resident of the Village and a citizen of the United States.

Section 3. Council offices; Office appointments.

The Village Council shall by resolution appoint one of its members to be Mayor and another of its members to be the Vice-Mayor; and shall also appoint a Village Treasurer from among the remaining Councilmembers and a Village Clerk (who shall be the registration officer of said Village), both of whom shall be subject to the control of the Village Council.

Section 4. Appointment terms.

The Mayor and Vice-Mayor appointed, as hereinabove provided, shall each hold office until a successor shall be elected in accordance with the provisions of this Article; and the person or persons appointed to hold the offices of Village Treasurer and Village Clerk shall hold their respective offices until their successors shall be appointed and shall serve at the pleasure of the Village Council.

Section 5. Election date

On the second Tuesday in March of each fourth year a general election shall be held to elect successors to the members of the Village Council whose terms of office shall then expire when their successors are elected and officially take office.

Section 6. Selection; Terms of office

(a) *Groups.* The selection of members of the Village Council shall be by groups to be known as Groups 1, 2, 3, 4 and 5. Councilmembers shall be elected to a four year term, and every four years thereafter, pursuant to this Article, Councilmembers shall be elected in said groups for a four year term. The term of office of Councilmembers shall commence on the date of the organizational meeting held pursuant to Section 8, hereinbelow and shall continue for four years thereafter or until their successors are elected and officially take office as provided in accordance with this Article.

(b) *Filing.* Any candidate seeking election as Councilmember shall file such papers as may be required by law with the Village Clerk along with a written notice to such effect during the qualifying period beginning no earlier than noon on the last Tuesday in January, nor ending later than noon on the second Tuesday in February in the year of the election, and shall pay such filing fee as shall be set by resolution. Such notice shall state the number of the group in which the candidate seeks to be elected, the candidate's place of residence, the candidate's age, and other data required by ordinance, or state law.

(c) *Vote Tabulation.* The candidate for each group receiving the highest vote cast for such office shall be deemed elected to such office. In the event of a tie vote between candidates receiving the highest number of votes cast for any office, the names of all such tied candidates

shall be placed on the ballot and be voted upon at an ensuing runoff election to be held on the fourth Tuesday in March of the calendar year. No notice need be given of such election or of any other election hereunder except as required by Village ordinance or the Florida Election Code. In the event such runoff election, there shall appear on the ballot, and be voted upon, only the names of the persons tied and receiving the highest vote cast for such offices and in the further event of a tie, one of the candidates shall be chosen by a majority of those elected.

Section 7. Oath

Each person appointed or elected as a member of the Village Council of said municipality, before entering upon the discharge of the duties of the office, shall take and subscribe the following oath before some officer authorized to administer oaths under the laws of the State of Florida;

"I, _____, a citizen of the State of Florida and of the United States of America, and being employed by or an officer of the Village of Golf do hereby solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Florida; and that I am entitled to hold office under Constitution and Laws of the State of Florida, and that I will faithfully perform all the duties of the office of Councilmember of the Village of Golf, Florida, upon which I am about to enter, so help me God."

This oath may be provided in the minutes of the Village Council.

Section 8. Organization meeting.

(a) *Mayor and Vice Mayor.* The members of the Village Council elected pursuant to this Article, shall meet for organization at an organizational meeting which shall be called by the Mayor and set at any time so long as it is held no later than the last day in March following the date of their election; and at said meeting, and annually thereafter, the Village Council shall, by resolution, appoint one member a Mayor and another a Vice-Mayor of the Village, each of whom shall hold such office for a term of one year and until his successor shall be appointed and qualified at the next annual organizational meeting.

(b) *Other Officers.* At each such organization meeting the Village Council may also appoint a Village Treasurer from the remaining Councilmembers and a Village Clerk. The officer or officers so appointed shall hold office for a term of one (1) year or until their successors are appointed and qualified but subject to the pleasure of the Village Council.

(c) *Officer Oath.* Every appointive Village officer shall take and subscribe before an officer duly qualified to administer oaths, an oath or affirmation faithfully and impartially to execute the duties of his office according to the best of his ability and understanding, which may be filed with the Village Clerk and provided in the minutes of the Village Council.

Section 9. Filling of certain vacancies; Unopposed candidate

(a) *Council Vacancy.* If there shall be a vacancy caused by death, resignation or the removal of office in any elective office, the Village Council, or so much of it as shall remain, shall have power, by resolution, to fill such vacancy by the appointment of a suitable person to hold such office until the next general election and until a successor shall be elected and qualified. If by reason of absence or disability, any officer of the Village is unable to perform the duties of the office, the Village Council shall have the power, by resolution, to appoint some suitable person to hold such office for and during the absence or disability of such officer, and the person so appointed shall have, during such period of absence or disability, all the power and duties conferred by law upon the officer for whom he is appointed to act.

(b) *Candidate Withdrawal.* If the withdrawal of a qualified candidate following the end of the qualifying period results in only one (1) candidate remaining for that office, such candidate will be considered to be an unopposed candidate subject to regulations hereinbelow.

(c) *Candidate Death or Removal.* If the death or removal from the ballot of a qualified candidate following the end of the qualifying period results in only one (1) candidate remaining for the office, such candidate will be considered to be an unopposed candidate subject to regulations hereinbelow.

(d) *No Qualified Candidate.* If there are no qualified candidates for an elective office or if the death, withdrawal or removal from the ballot of a qualified candidate following the end of the qualifying period results in no candidates for an office, and more than twenty-seven (27) days remain prior to the date of the election, qualifying shall be reopened for five (5) days to allow candidates to qualify for the election in that office. If less than twenty-one (21) days remain to the election date and there is still either no qualified candidate or no candidate remains after the death, withdrawal or removal from the ballot of the lone qualified candidate, then within ninety (90) days of the scheduled election date, the Village Council shall appoint a qualified elector to be a Councilmember who shall serve for the entire remaining term.

(e) *Unopposed Candidate.* In the event not more than one (1) person either initially qualifies for a designated seat on the Village Council to be filled at an election or if only one (1) candidate remains after a death, removal or withdrawal of a candidate as set forth hereinabove, that seat shall not be listed on the regular election ballot. Unopposed candidates shall be deemed to have voted for themselves and thereafter shall be declared to be duly elected to such office.

Section 10. Councilmember recall; Forfeiture of office; turnover of documents.

(a) *Removal or Forfeiture.* Any member of the Village Council may be removed from office by the electors of the Village pursuant to the method provided by general law at Sec.100.361, *Florida Statutes*, as may be amended. In addition, Councilmembers shall automatically forfeit their office if they violate any standard of conduct or code of ethics established by law for public officials, such violation to be determined by the Florida Commission on Ethics or the Palm Beach County Commission on Ethics.

(b) *Document turnover.* It shall be the duty of every officer of the Village, within ten (10) days after the expiration of the term of office or of the member's removal therefrom, to deliver to his successor in office, or to such person as the Village Council may designate, all books, records, papers, vouchers and property of every kind in his possession or control belonging to the Village of Golf.

Section 11. Council appointed officials.

The Village Council shall have power to employ and retain any engineer and an attorney and to appoint or employ such additional officers, assistants and employees as the business of the municipality may require; and it shall have the power to fix and determine the authority, duties and compensation of all elected and appointed officers, assistants and employees, but the compensation of an elected officer which has been so fixed shall not be increased during his term of office.

Section 12. Procedure.

(a) *Rules and Special Meetings.* The Village Council shall be the judge of the election and qualification of its members, shall have the power to determine and establish the rules governing its own proceedings, and to determine the time and place for holding its meetings and the notice,

if any, of special meetings. Special meetings shall be held when called by the Mayor, or by any two members of the Village Council.

(b) *Public meetings and Clerk records.* All meetings of the Council shall be open to the public and the rules of the Council shall provide that the citizens of the Village shall have a reasonable opportunity to be heard at such meetings in regard to any matter pertaining to the Village. The Mayor, or in his absence the Vice-Mayor, shall preside at all meetings of the Council and the Village Clerk shall be present at all meetings of the Council and shall keep a record of the proceedings of the Council in a minute book to be provided and kept for that purpose. The Village Clerk shall preserve and maintain in an ordinance book to be provided and kept for that purpose, all ordinances. The Village Clerk shall preserve and maintain in a resolution book to be provided and kept for that purpose, all resolutions. The ordinance book and resolution book shall be deemed to be public records and each ordinance and resolution so recorded shall be signed by the Mayor and by the Village Clerk.

Section 13. Voting.

(a) *Quorum and voting.* A majority of the members of the Council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members present at any meeting shall be necessary to adopt any ordinance, resolution, order or vote.

(b) *Abstain from voting.* No member shall be excused from voting except when, with respect to any such member, there is, or appears to be, a possible conflict of interest under the provisions of general law or the Palm Beach County Code of Ethics.

(c) *Ordinances and Resolutions.* The enacting clause of all ordinances shall be: "Be It Ordained by the Village Council of the Village of Golf, Florida." Every ordinance shall be read by title on first and second reading in accordance with general law. Every ordinance, upon its adoption, shall be signed by the Mayor and by the Village Clerk and when so signed it shall become effective then, unless otherwise provided therein. Before introduction, all ordinances and resolutions shall be reduced to writing. Resolutions shall be signed by the Mayor and by the Village Clerk.

Section 14. Qualifications and Elections.

(a) *Registration and Conduct.* The Village Council shall, by ordinance, provide for and regulate the registration of voters and the conduct of elections.

(b) *Electors.* Any person who shall possess the qualifications of an elector under the general laws of the State of Florida governing elections and shall have resided within the territorial limits of the Village of Golf, Florida, for six (6) months preceding the election and shall have registered in accordance with the ordinances of said Village shall be entitled to vote at any municipal election of the said municipality, except in elections limited to qualified electors who are freeholders residing within the Village.

ARTICLE IV

VILLAGE OFFICERS

Section 1. Officers and Manager

(a) *Regular Officers.* The officers of the municipality shall be a Mayor and a Vice-Mayor. Additionally, the Council may appoint a Village Treasurer from among the remaining Councilmembers, a Village Clerk (who shall also be registration officer), and such other officers as may be provided for by law or by the Village Council pursuant to the authority conferred by this Charter. The Village Treasurer may accept the duties and responsibilities of Treasurer in addition to those of a Councilmember.

(b) *Village Manager.* The Village Council shall have the power and authority to employ or appoint some person as a Village Manager and to prescribe the powers and duties of the Manager. The Manager shall be the administration head of the municipal government but shall be subject to the direction and supervision of the Council. The Manager shall be chosen solely on the basis of any executive and administrative qualifications and the Manager need not be a resident of the Village. The Manager shall receive such compensation as shall be fixed by the Council and shall hold office at the pleasure of the Council.

Section 2. Mayor

The Mayor shall be the chief executive officer of the Village and it shall be the duty of the Mayor to attend to the proper and effective enforcement of the laws and ordinances of the Village, under the overall supervision of the Council, and with the aid of the Manager.

Section 3. Vice-Mayor

The Vice-Mayor, in the absence or during the disability of the Mayor, shall have all of the powers and duties of the Mayor.

Section 4. Village Clerk

The Village Clerk shall be the registration officer and shall, in addition to the duties which are or may be required by this Charter or by any law of the State or by any ordinance of the said municipality, have the custody of all the general records, books and documents of the Village.

Section 5. Village Treasurer

The Village Treasurer shall act as Council liaison to the Village Manager regarding the financial matters of the Village.

Section 6. Officer removal.

(a) *Removal.* The Village Treasurer, the Village Clerk or any other officer of the Village, except the Mayor or Vice-Mayor, may be removed from office, with or without cause, by the Council. In the event that any such officer shall be so removed, then and in that case the term of office shall expire and end when such removal becomes effective, anything herein contained to the contrary notwithstanding.

(b) *Suspension.* The Mayor shall have the power, for sufficient cause, to suspend any Village officer other than a Village Councilmember. In case of the suspension of any such officer, the Mayor shall, within fifteen (15) days thereafter, deliver to the Village Clerk a specification in writing of the charges preferred to the officer suspended; and it shall be the duty of the Clerk to present such charges to the Council at its next meeting following the receipt of such charges by

the Mayor; and thereafter the Council shall proceed to hear and determine the said charges; after reasonable notice of such hearing to the suspended officer, who shall be given an opportunity to be heard with his witnesses. If upon such hearing the charges preferred against such officer shall not be suspended by the Council, the officer shall be thereby immediately be restored to office unless the Council shall decide to terminate the services of such officer for other cause or without cause.

(c) *Appointment.* In the event that any Village officer shall be suspended by the Mayor as herein provided, the Mayor shall have the power to appoint some person or some other officer of the Village temporarily to perform the duties of the officer suspended, until the charges against such suspended officer be heard and determined by the Village Council.

ARTICLE V

MUNICIPAL POWERS

Section 1. Powers of the Village of Golf.

Subject only to express limitations on the exercise of any power or function by a municipal government in the Constitution or the laws of the United States, or of the Constitution and the laws of the State of Florida, it is the intention and the purpose of the electorate of the Village of Golf through this Charter to secure for themselves and their government all the powers, governmental, corporate, and proprietary, it is possible to secure, as fully and completely as though each such power was specifically and individually enumerated herein.

ARTICLE VI

MISCELLANEOUS PROVISIONS

Section 1. Severability.

In case of any one or more of the sections or provisions of this Charter or the application of such sections or provisions to any situation shall for any reason be held to be unconstitutional, such unconstitutionality shall not affect any other sections or provisions of this Charter or the application of such sections or provisions as to any other situation and it is intended that this Charter shall be construed and applied as if such unconstitutional section or provision had not been included herein.

Section 2. Fiscal year.

The fiscal year of the Village shall begin on October first of each year and shall end on September thirtieth of the following.

Section 3. Ordinances preserved.

All ordinances in effect upon the adoption of this Charter, to the extent not inconsistent with it, shall remain in force until repealed or changed as provided herein.

Section 4. Continuation of former Charter provisions.

All provisions of Chapter 57-1339, Laws of Florida (1957), being the former Charter, as

amended by special law or otherwise, which are not embraced herein and which are not inconsistent with this Charter, shall become ordinances of the Village subject to modification or repeal in the same manner as other ordinances of the Village in accordance with general law.

Section 5. Rights of officers and employees.

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of the persons who are Village officers or employees at the time of the adoption. Elected officers shall continue to hold their offices and discharge the duties thereof until the successors are elected.

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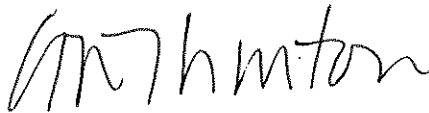
PROOF OF PUBLICATION


STATE OF FLORIDA
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared **Ellen Sanita**, who on oath says that she is **Call Center Revenue Manager** of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a Notice in the matter Ordinance 95 was published in said newspaper in the issues of January 10, 2012. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach 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/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Also published in Martin and St. Lucie Counties.



Sworn to and subscribed before 10th day of January, A.D. 2012.
Who is personally known to me.



NOTARY PUBLIC-STATE OF FLORIDA
 Karen M. McLinton
Commission #DD832672
Expires: NOV. 15, 2012
BONDED THRU ATLANTIC BONDING CO., INC.

NO. 6472800
LEGAL NOTICE

The Village Council of the Village of Golf will hold a Public Hearing to consider the following proposed Ordinance on second and final reading Wednesday, January 18, 2012, at 9:00 a.m. in Village Council Chambers, 21 Country Road, Village of Golf, Florida 33436.

ORDINANCE NO. 95

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF GOLF, FLORIDA, AMENDING THE VILLAGE CHARTER AT ARTICLES I. THROUGH VIII. AS FOLLOWS: BY REPEALING AND RE-ADOPTING ARTICLES I. THROUGH V.; BY REPEALING ARTICLES VI. AND VII. IN THEIR ENTIRETY; AND BY REPEALING ARTICLE VIII. AND READOPTING IT AS A NEWLY DESIGNATED ARTICLE VI. IN ORDER TO AMEND THE VILLAGE CHARTER TO CONFORM TO GENERAL LAW AND UPDATE ITS PROVISIONS TO REFLECT THE CURRENT LEGISLATIVE RIGHTS AND POWERS OF THE VILLAGE GOVERNMENT PURSUANT TO THE "MUNICIPAL HOME RULE POWERS ACT", PROVIDING THAT THERE IS NO CHANGE TO EACH SECTION OR SUB-SECTION OF THE VILLAGE CHARTER THAT CONCERNS OR AFFECTS ENUMERATED AREAS SET FORTH AT SUB-SECTION 166.021(4), FLORIDA STATUTES, WHICH WOULD BE SUBJECT TO A REFERENDUM OF THE ELECTORS PURSUANT TO GENERAL LAW AND THAT SUCH SECTIONS OR SUB-SECTIONS SHALL REMAIN THE SAME AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

All interested parties are invited to appear at the meeting as may be continued from time to time, and be heard with respect to the proposed ordinance. A copy of the proposed ordinance is on file at the Town Clerk's Office for inspection by the public. If a person decides to appeal any decision made by the Town Council with respect to any matter considered at subject meeting, he will need a record of the proceedings and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)
PUB: The Palm Beach Post
January 10, 2012

THE PALM BEACH POST
Published Daily and Sunday
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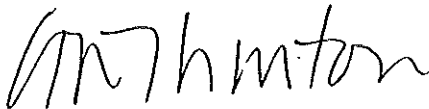
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Sworn to and subscribed before 10th day of January, A.D. 2012.
Who is personally known to me.



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PUB: The Palm Beach Post
January 10, 2012