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**CHARTER\***

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- Sec. 5.01. Definitions and rules of construction.

**\*Editor's note**—Printed herein is the Charter of the Town of Haverhill, Florida, as adopted by Ordinance Number 377 on January 22, 2009, and referendum on March 10, 2009. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

**State law reference**—Municipal home rule powers, F.S. ch. 166.

## **ARTICLE I. CORPORATE EXISTENCE, FORM OF GOVERNMENT, BOUNDARY AND POWER**

### **Sec. 1.01. Corporate existence; form of government; charter.**

The Town of Haverhill in Palm Beach County, Florida, which was created by a special act of the Florida Legislature and became law on June 12, 1959, shall continue as a municipal corporation with a Council-Administrator form of government as provided herein and with this document as the Charter for the Town. The Town shall have perpetual existence and perpetual succession.

### **Sec. 1.02. Description of corporate boundary.**

The area described in Appendix A of this Charter shall constitute the corporate boundary of the Town of Haverhill.

**Editor's note**—Appendix A is not printed in the Charter, but is on file in the Town Clerk's office.

### **Sec. 1.03. General powers of the Town.**

The Town shall have all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as expressly prohibited by law or this Charter. The powers of the Town shall be construed liberally in favor of the Town, limited only by the constitution, general and special law, and specific limitations in the Charter. Future special acts pertaining to the jurisdiction and exercise of powers by this Town shall be considered amendments to this Charter, and, pursuant to the provisions adopted for incorporation of other charter amendments, shall be incorporated as official amendments to the Charter.

## **ARTICLE II. TOWN COUNCIL**

### **Sec. 2.01. Composition; establishment of seats; qualifications.**

The Town Council shall consist and be composed of five (5) members who are each elected at large on a nonpartisan basis to a different "seat." Each Councilmember shall be a qualified elector and resident of the Town. The seats shall be designated "1"; "2"; "3"; "4"; and "5." The two (2) Council seats whose terms expire in March, 1996, shall be designated "1" and "2" and candidates at the time of qualifying for said seats shall designate their candidacy for either seat "1" or "2." The three (3) Council seats whose terms expire in March, 1997, shall be designated "3"; "4" and "5" and candidates qualifying for said seats shall designate their candidacy for either seat "3"; "4" or "5."

**Sec. 2.05. Term and compensation.**

The term of office for members of the Town Council shall be two (2) years. The annual salaries of the members of the Town Council, and all other public officers and employees shall be fixed by resolution of the Town Council and shall be reviewed during the Town's annual budget process.

**Sec. 2.06. Induction and meetings.**

At the first Town Council meeting after each Town election, the Town Council shall meet and the newly elected members shall assume office as provided hereby. At such meeting the Town Council shall first elect one (1) of their own to serve as Mayor of the Town and then elect one (1) to serve as Vice-Mayor. The Mayor and Vice-Mayor shall continue to serve as Council members.

The Mayor shall preside at all meetings of the Town Council and, in the absence or disability of the Mayor, the Vice-Mayor shall preside at Town Council meetings. In the absence or disability of both the Mayor and Vice-Mayor, the Town Council shall designate one of their members to chair the meeting.

Upon the temporary absence or disability of the Mayor, the Vice-Mayor shall become the acting Mayor.

The Town Council shall fix the times and dates of all its regular meetings and shall hold special meetings at the call of the Mayor, or any other two (2) members of the Town Council. All official meetings shall be held at the Town Hall and shall be open to the public.

The Town Council shall adopt its own rules of procedure not inconsistent herewith and shall maintain in its journal a record of the vote of each member on each matter submitted to a vote unless it involves such member's official conduct or financial interest.

**Sec. 2.07. Investigations.**

In the exercise of its legislative powers, the Town Council shall have the power to conduct such investigations and hold such hearings as the Town Council shall deem necessary, expedient, and proper and shall have the power to subpoena witnesses, administer oaths, take testimony, and require the production of evidence. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the Town Council shall apply to the appropriate court. The findings shall be reported to the Town Council and to the public by the Mayor.

**ARTICLE III. ADMINISTRATIVE ORGANIZATION****Sec. 3.01. The Mayor.**

The Mayor shall be appointed as set forth in Section 2.06 above.

interview and recommend candidates for employment, process citizens' complaints, make recommendations to the Council on various matters affecting the Town and perform such other duties as may be required by the Town Council.

**Sec. 3.04. The Town Treasurer.**

The Town Treasurer shall be appointed by the Town Council and shall make monthly reports of the Town Treasury to the Mayor and Town Council, and of all disbursements and receipts, and condition of major accounts, and shall perform such other duties as herein provided or as shall be consistent with the position as prescribed by the Town Council from time to time. The Town Treasurer shall be the chief financial officer of the Town. The duties of the Town Treasurer may be performed by the Town Clerk or the Town Administrator.

**Sec. 3.05. Appointment, removal, compensation; filling of vacancies.**

The Town Administrator, Town Clerk, and Town Treasurer shall be appointed by a majority vote of the full Town Council and shall serve at the pleasure of the Council, subject to budgetary constraints. Any one of the foregoing officers may be removed from office by a majority vote of the full Council, provided, however, that such officer may demand and receive a public hearing prior to such removal. The compensation of the officers shall be fixed by resolution of the Town Council. The Town Council shall begin the process of filling any vacancy in any one of the foregoing offices with ninety (90) days of the vacancy, or by resolution, elect not to fill the vacancy because of budget constraints. The Town Administrator, Clerk and/or Treasurer shall not be a candidate for Town Council while holding the office position.

**Sec. 3.06. Approval of ordinances.**

All ordinances and resolutions must be passed and approved by a majority of the membership of the Town Council in attendance at the meeting at which such ordinance or resolution is voted upon, except as otherwise provided herein or by law. the Mayor shall sign the same, whereupon it shall become a law.

## ARTICLE IV. ELECTIONS

**Sec. 4.01. Electors.**

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

**State law reference**—Electors of the municipality, F.S. §§ 98.041, 166.032.

**Sec. 4.02. Nonpartisan elections.**

All elections for the office of Town Council shall be conducted on a nonpartisan basis without any designation or political party affiliation.

**State law reference**—State election code, F.S. chs. 97—106.

- (7) The term "person" includes a natural person of either sex and any legally recognized type of artificial person, including a firm, corporation, partnership, syndicate, or other association.
- (8) The term "law" includes the Constitution, the general statutes, the special or local laws relating to the Town, and the applicable judicial decisions and administrative regulations.
- (9) The term "regulation" includes a rule.
- (10) The terms "resident" or "residing in" refer to domicile or permanent legal residence as distinct from temporary residence and from physical presence at any given time.
- (11) The term "State" means State of Florida.
- (12) The term "Town" means Town of Haverhill, Florida.
- (13) The term "officer" when used with reference to the Town, includes each member of the Town Council, the Town Clerk, the Town Treasurer, the Town Administrator, and any other Town employee designated as such by law or by directive of the Town Administrator or Town Council. Members of appointive boards and commissions shall not be considered officers of the Town, as the term "officer" is used generally herein, unless specifically so designated by ordinance or resolution of the Town Council or by law.
- (14) The term "of the membership" when used with reference to a vote by a Town board or council includes all members of that board or council holding office as voting members of it at the time the vote is taken.
- (15) The term "majority" without qualification means a majority of a quorum; the term "quorum" in turn means a majority of the membership as defined above; and a majority of a quorum may take valid action, and shall be the lowest number that may take valid action, in all instances in which no numerical or percentage requirement for action is specified herein or by law; provided, fewer than a majority may adjourn from time to time and compel the attendance of absent members.
- (16) The term "vote of the electors" means the vote of the majority of those Town electors actually voting on the matter in question in an election, general or special, and "elector" means a resident of the Town possessing the qualifications prescribed herein and registered in accordance herewith.

## ARTICLE VI. SCHEDULE

### Sec. 6.01. Effective date.

This Charter became effective on April 1, 1995, as approved by a majority vote of the electors of the Town of Haverhill voting on the question of the approval or disapproval of this Charter in and at the regular Town of Haverhill municipal election held in the Town of Haverhill on the 14th day of March, 1995.