

Section 1.04 Construction.

The powers of the town shall be construed liberally in favor of the town, limited only by the constitution and general and special law of the State of Florida and specific limitations in this Charter.

Article II. Town Council

2.01 Composition of Town Council.

The government and corporate authority of said town shall be vested in a Mayor and five council members (the town council).

Section 2.02. Election and terms.

(a) The regular election of the mayor and town council shall be held in the manner now provided by laws and ordinances for holding municipal elections or as may be hereafter provided for by law or ordinance for a term of four years. All elections shall be for a four-year term of office, except as provided in section 2.02(c) of this Charter.

(b). The town council seats are hereby designated as Groups one, two, three, four and five. The present members of the town council elected to serve on the town council shall serve as the town council until expiration of their current terms.

(c). Council members holding seats designated as Group one, two, and three shall extend their term until an election can be held in November, 2008, and said election every four years thereafter shall be held as is now or may be hereafter provided by law or ordinance; thus maintaining a five-member town council and mayor; three town council members being elected at one time and a mayor and two town council members at another time.

The Mayor and Council members holding seats designated herein as seats Mayor, group four and five, whose terms expires in April, 2008, will face election in November 2010. Thereafter, the mayor and town council will hold office for four year terms.

When there is only one candidate qualified for an available seat, the name of the candidate shall not be printed on the election ballot, and such candidate shall be declared elected to the group.

Office	Term Began	Term Ends
Mayor	1 st Tuesday in April 2006	1 st Tuesday in January 1, 2010
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Section 2.03. Council President

The Town Council shall elect from among its members a president of the council. Election of the president shall be done annually at the first (1st) regular Council meeting in January of each year. In the absences or disability of the mayor he/she shall act in his/her place until such absence or disability is removed.

Section 2.04 Mayor

The mayor shall preside at meetings of the Town Council, shall have the right to take part in discussion, but shall have no vote except to break a tie vote and the right to veto, shall be recognized as head of city government for all ceremonial purposes, by the Governor for purposes of military law, for service of process, execution of contracts, deeds and other documents, and as the City official designated to represent the City in all agreements with other governmental entities or certifications to other governmental entities, but shall have no administrative duties except as required to carry out the responsibilities herein.

Section 2.05 General Powers of Town Council

All powers of the town shall be vested in the town council except those powers specifically reserved by this Charter to the electors of the town.

Section 2.06 Council-employee relationship

No town council member shall in any manner dictate the appointment or removal of any city employee, nor shall a town council member give orders to any employee other than orders by action of the town council to the town attorney. Nothing herein shall be construed to deny a town council member access to records or information maintained by town employees.

Section 2.07 Filling of Vacancies

(a) Vacancies. The offices of mayor and town council member shall become vacant in accordance with general law or by absence from four consecutive regular town council meetings without being excused by the town council prior to the fourth consecutive absence.

(b) Filling of Vacancies. In case of a vacancy in the office of mayor the council shall appoint a suitable person to fill the unexpired term. In the case of a vacancy in the office of a council person, the council shall appoint a suitable person to fill the unexpired term. Vacancies which occur in the position of councilperson or mayor by resignation or removal, may be filled at the next regular meeting, but in no event shall the vacancy remain unfilled for a period of forty-five (45) days; provided that if such vacancy is not filled within forty-five (45) days after it shall have occurred, appointment to fill the existing vacancy shall be made by the Governor of the State of Florida. All officers duly installed shall hold their respective offices until their successor are duly qualified.

Section 2.08 Town Council meetings;

(a) Time and Place. The town council shall meet regularly at such times and places as the town council may prescribe by rule. Special meetings may be held at the call of the

mayor, or, in the mayor's absence at the call of the council president or at the request of the town manager; and, whenever practicable, shall provide for not less than 12 hours notice to the public.

(b) Quorum. A majority of the town council shall constitute a quorum. No action of the town council shall be valid unless adopted by the affirmative vote of a majority of the town council present and voting.

(c) Rules. The town council shall determine its own rules and order of business.

Article III – Town Manager

Section 3.01. Town Manager; Qualifications

The Town Manager shall be chosen by the Town Council solely on the basis of his/her executive and administrative qualification with special reference to his/her actual experience in, or his/her knowledge of accepted practice in respect to the duties of the Town Managers office as hereinafter set forth.

Section 3.02. Town Manager

There shall be a Town Manager who shall be the Chief Administrative Officer of the Town.

Section 3.03 Appointment,; Removal; Compensation.

(a) Appointment. The Town Council shall appoint a Town Manager for an indefinite term by the majority vote of the Council.

(b) Removal. The Town Council may remove the Town Manager by a majority vote of the Council members.

(c) Compensation. The compensation of the Town Manager shall be fixed by the Town Council.

(d) Evaluation. The Town Council shall evaluate the performance of the Town Manager every twelve (12) months and shall cause a written report of the Town Council's findings to be placed in the Town Manager's personnel file and record.

Section 3.04 Powers and Duties of the Town Manager

The Town Manager shall:

(a) Appoint, and when he/she deems it necessary for the good of the Town, suspend or remove all Town employees and appointive administrative officers, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this charter.

(b) Attend all Town Council meetings and shall have the right to take part in discussion, but shall have no vote. In the event of the temporary absence of the Town Manager, The Town Manager's designee shall attend such meeting.

- (c) See that all laws, provisions of this Charter and acts of the Town Council, subject enforcement by him/her or by officers subject to his/her direction and supervision, are faithfully executed.
- (d) Prepare and submit the annual budget, budget message, and capital program to the Town Council
- (e) Submit to the Town Council and make available to the public a complete report on the finances and administrative activities of the Town as of the end of each fiscal year.
- (f) Make such other reports as requested by the Town Council concerning the operations of the City Departments, Offices and Agencies, subject to his/her direction and supervision.
- (g) Keep the Town Council advised as to the financial condition and future needs of the Town and make recommendations to the Town Council concerning the affairs of the Town.
- (h) Sign contracts on behalf of the Town pursuant to authority of the Town Council.
- (i) Perform such other duties as are specified in this Charter, the laws of the State of Florida, or required by the Town Council.
- (j) The Town Manager shall manage and control all Town owned public utilities operated and managed by the Town, and the office of the Town Manager shall be charged with the management and operation of all public works, finance, charitable and agencies of the Town, subject to regulations prescribed by ordinance; shall enforce all Laws, Ordinances, and Regulations relative to the preservation and promotion of public health; shall manage or inspect water, lighting, heating, power and transportation maintenance facilities of the Town, including parks, play grounds and public gymnasiums, and social centers. The Town Manager shall manage and supervise all public improvements, works and undertakings of the Town except as otherwise provided in this Charter.

Section IV. General Provisions

Section 4.01 Charter amendments.

This Charter may be amended pursuant to the home rule powers in the Municipal Home Rule Powers Act, Florida Statute Chapter 166, or its successor and/or pursuant to the home rule powers granted under the Constitution of the State of Florida.

Section 4.02 Oath of officers

After election or appointment and before taking office the mayor and each councilmember of the town shall swear or affirm:

"I do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified

to hold office under same, and that I faithfully discharge the duties of the office upon which I am about to enter to the best of my ability -- so help me God”.

Section 4.03 Budget Adoption

The town council shall adopt an annual budget for the city by ordinance or resolution before October 1st of each year in accordance with Florida law. An ordinance or resolution adopting an annual budget shall constitute appropriations of the amounts specified as expenditures.

Section 4.04 Sale of Commodities

Council shall have power to regulate the keeping and sale of vegetables; provided no one shall have exclusive right to the sale of such commodities; provided further that no license shall be required of persons for the sale of such commodities, unless it involves resale.

Section 4.05 Bond Requirements

The Council shall require bond to be given by the Town Manager, Administrative Assistant and the Mayor in such sum as they deem necessary to insure the faithful performance of duties and the safe keeping of funds

Section 4.06 Finances

The Town Manager shall keep such moneys as are paid into the treasury subject to the order of the Council; and no money shall be paid out of the treasury except in consequence of appropriations previously made, and for the particular purpose for which it was appropriated. All assessments under the act of this charter shall create a lien on the property assessed, which may be sold to satisfy such lien, and cost adjudged against any person for any liability shall create a lien on the estate of such person, and sufficiency of the same may be sold to satisfy such costs.

Section 4.07 Ordinances and Resolutions

When any ordinance or resolution shall be passed by the Council, it shall be submitted to the Mayor for his/her approval. The Mayor may veto said ordinance, otherwise it shall become law. By four-fifths votes any ordinance or resolution of the Council may become law notwithstanding the mayor's objections.

Section 4.08 Recording of Records

The Mayor and Town Council shall keep record of all their proceedings. The Town Manager shall keep and have custody of the records of the Town Council and the corporate seal

Section 4.09 Sanitation Requirements

The council shall have power to require all residents to keep their premises clean and to prevent the accumulation of filth and noxious weeds thereon, and to provide by ordinance such penalties as are just for the failure thereof.

Section 4.10 Condemnation

The Council may by ordinance provide for the condemnation of lands and for the acquisition of the same by the municipality, under the power of eminent domain, whenever the same is necessary to the execution of any right conferred by this act, and the proceedings of such cases shall be the same as provided by general law for condemnation of lands for public purposes, the Court.

Section 4.11 Appropriation of Property

The right to appropriate property for the improvement of streets or for any other purpose shall be regulated by the general law of the state. If any person is aggrieved by the action of the Council in respect of such rights, it shall be the duty of the council where complaint is made to endeavor to have such matters settled, by arbitration and without legal process; but the Council shall have full power to enforce such ordinance if not inconsistent with the general Law of the State.

Section 4.12 Omissions

In case anything is omitted from the provisions of this act that may be found necessary to the enforcement of the same according to the intent and meaning thereof, the council is hereby empowered to make any ordinances or orders so found necessary, if in conformity to the general usage of municipal bodies and not in conflict with the laws of the State.

Section 4.13 Annual audit.

The town shall have an annual audit in accordance with Florida law.

Article V. Transition Schedule

Section 5.01 If there should be a municipal recall in the Town of Lee, Florida, and Chapter 100.361, Florida Statutes, is hereby adopted as the procedure to be followed in the event of a recall. All provisions of Chapter 100.361 (1) through (9) are hereby adopted as if specifically set forth herein with the exception that Paragraph (1) is amended to require upon adoption of an amendment to the charter by a majority of the electors voting in a referendum upon such amendment and 6 (g) to require two thirds signatures of the registered electors of the last preceding municipal general election, submit to the electors of said municipality a proposed amendment to its charter.

Section 5.02 Should any provisions of this Ordinance be held by a court of competent jurisdiction to be unconstitutional, invalid or unenforceable such decision shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional, invalid or unenforceable.

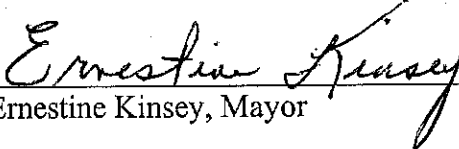
Section 5.03 All Ordinances or parts of Ordinances in conflict with this Ordinance are to the extent of such conflict hereby repealed.


This Ordinance shall take affect as of January 1, 2007.

PASSED AND ADOPTED by the Town Council, Lee Florida on this 5th day of December, A.D. 2006, at a regularly scheduled meeting at Lee, Florida.

Whereas the Town of Lee held a general election on November 7, 2006 and,
Whereas, the residents of the Town of Lee voted to change the charter with more than two-thirds of the votes,
Therefore, said Charter shall be

ADOPTED by the Town Council of the Town of Lee, Florida on this 5th day of December, A.D. 2006.


Ernestine Kinsey, Mayor

Attested:

Cheryl Archambault, Town Manager

ORDINANCE NO. 2006-07

AN ORDINANCE OF THE TOWN OF LEE, FLORIDA AMENDING CHAPTER 6067 AS AMENDED BY ORDINANCE 2000-01 EFFECTIVE DATE JANUARY 1, 2007, BEING THE CHARTER OF THE TOWN OF LEE, MADISON COUNTY, FLORIDA, ENTITLED "AN ACT TO PROVIDE FOR A MUNICIPAL GOVERNMENT FOR THE TOWN OF LEE, IN MADISON COUNTY, FLORIDA" AMENDING ALL SECTIONS DELETING INAPPLICABLE PROVISIONS AS CHANGED BY LAWS.

BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF LEE, FLORIDA:

Article I. Articles of Incorporation

Section 1.01 Corporate name, corporate existence, form of government and Charter:

That Chapter 6067. Laws of Florida, 1909 as amended, entitled " An act to provide a municipal government for the Town of Lee, in Madison County, Florida:" is hereby amended as follows:

The municipality hereby established shall be known as the Town of Lee Florida, (the town). The Town of Lee in Madison County, Florida, which was created by general law shall continue as a municipal corporation with a council-manager form of government and with this document as the Charter for the town (the "Charter").

Section 1.02. Corporate Boundary

The corporate limits of the town shall consist of the boundaries of the town as established by preceding Charter and Laws of Florida, Ch. 73-4032, or as enlarged or contracted pursuant to law, including but not limited to, procedure to be followed in annexation or contraction of property as set forth in Florida Statutes chapter 171, as it now exists or as it may be renumbered or amended.

All ordinances of annexation of the town heretofore adopted and as may be adopted prior to the effective date of this Charter are hereby incorporated herein and the lands described in such ordinances, together with the boundaries of the town as described in Laws of Florida, Chapter 73-402, are hereby declared to be the corporate limits of the town.

Section 1.03. General Powers of Town

The town shall have all governmental, corporate, and proprietary powers possible for a town to have under the constitution and laws of the State of Florida as though they were specifically enumerated in this Charter to enable it to conduct municipal government, perform municipal functions and render municipal services, and the city may exercise any power for municipal purposes except as expressly prohibited by law or this Charter.

Section 1.04 Construction.

The powers of the town shall be construed liberally in favor of the town, limited only by the constitution and general and special law of the State of Florida and specific limitations in this Charter.

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(b) Attend all Town Council meetings and shall have the right to take part in discussion, but shall have no vote. In the event of the temporary absence of the Town Manager, The Town Manager's designee shall attend such meeting.

(c) See that all laws, provisions of this Charter and acts of the Town Council, subject enforcement by him/her or by officers subject to his/her direction and supervision, are faithfully executed.

(d) Prepare and submit the annual budget, budget message, and capital program to the Town Council

(e) Submit to the Town Council and make available to the public a complete report on the finances and administrative activities of the Town as of the end of each fiscal year.

(f) Make such other reports as requested by the Town Council concerning the operations of the City Departments, Offices and Agencies, subject to his/her direction and supervision.

(g) Keep the Town Council advised as to the financial condition and future needs of the Town and make recommendations to the Town Council concerning the affairs of the Town.

(h) Sign contracts on behalf of the Town pursuant to authority of the Town Council.

(i) Perform such other duties as are specified in this Charter, the laws of the State of Florida, or required by the Town Council.

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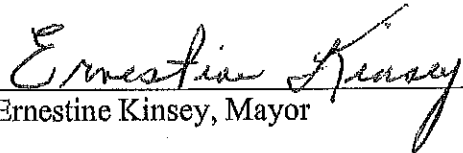
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Ernestine Kinsey, Mayor

Attested:

Cheryl Archambault, Town Manager