

The Charter for The Town of Greater Pine Island

This act, together with any future amendments thereto, shall be known and may be cited as The Town of Pine Island Charter, hereinafter referred to as “Charter.”

Preamble

We the people of the Villages of Pine Island comprising of Matlacha Isles, Matlacha, St. James City, Pine Island Center, Pineland, and Bokeelia, located on Pine Island, Lee County, Florida, wish to govern ourselves under the municipal name of the Town of Pine Island, under the constitution and laws of the State of Florida, in order to secure the benefits of local self-government and to provide for an honest and accountable Council-Manager government and to preserve our unique community quality of life and character, land use, and clean water and do hereby adopt this Charter and confer upon the Village the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation, and regional cooperation. We the citizens are committed to support a small government fully accountable to and controlled by its citizens with the goals of keeping taxes low and maintaining our rural environment pursuant to the will of our citizens.

ARTICLE I – CORPORATE NAME; CREATION/PURPOSE OF THE CHARTER; CREATION AND ESTABLISHMENT OF THE VILLAGE OF MATLACHA-PINE ISLAND.

Section 1.01. Corporate Name.

The municipality described herein, located within the Pine Island Community Planning Area of Lee County, Florida, and hereby established shall be known as “The Town of Pine Island.” It may also be referred to herein as the “Town.”

Section 1.02. Creation; Purposes of the Charter.

a. Creation — This Act, together with any future amendments thereto, may be known as the “Charter of The Town of Pine Island” (the “Charter”).

b. Purposes — It is in the best interests of the public health, safety, and welfare of the residents of the Town of Pine Island area to form a separate municipality for the Pine Island areas with all the powers and authority necessary to provide adequate and efficient municipal services to its residents.

It is intended that this Charter and the incorporation of the Town will serve to preserve and protect the character, natural resources, and quality of life of the community and to maintain the vision established by the Pine Island Community Plan as adopted by the Lee County Commission in January 2002 and as amended March 2016 with an effective date of April 5, 2016.

Section 1.03. Creation and Establishment of The Villages of Pine Island.

This Act will govern upon approval of a majority vote of those qualified electors residing within the corporate limits of the proposed Town as described in Article III of this Charter, voting in a referendum election to be called by the Lee County Commission to be held on the first Tuesday of November 2021 (Nov. 2, 2021), in accordance with the provisions of law relating to elections then in force, except that this section shall take effect upon becoming a law.

For the purpose of compliance with Section 200.066, Fla. Stats., relating to assessment and collection of ad valorem taxes, if approved by electors, the Town is hereby created and established effective December 31, 2021.

ARTICLE II – POWERS OF THE VILLAGE; FORM OF GOVERNMENT.

Section 2.01. Powers of the Town.

The Town shall have all available governmental, corporate, and proprietary powers possible for a Town to have under the State Constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter, and may exercise them, except where prohibited by law. Through the adoption of this Charter, it is the intent of the electors of the Town that the municipal government established herein shall have the broadest exercise of home rule powers permitted under the State Constitution and laws of the state.

Section 2.02. Construction.

The powers of the Town under this Charter shall be construed liberally in favor of the Town, and the specific mention of particular powers in the Charter shall not be construed as limiting the general powers granted in this Charter in any way.

Section 2.03. Form of Government.

The form of government established by this Charter shall be a Council-Manager form, with the Council to consist of seven Council (“Council”) members of which five members (“District members”) shall be elected from five single member Districts and shall reside within the District for which they stand for election, and two members (“At-Large” members) shall be elected Town-wide by all the electors and who must reside within the boundaries of the Village. All Council members shall be elected by receiving the majority of votes from those voting in their election. Each Council member shall have the same voting authority as that of every other Council member. The Council will constitute the governing body of the Town, with the duties and responsibilities hereinafter provided.

Section 2.04. Intergovernmental Relations.

The Town may participate by contract or otherwise with any governmental entity or governmentally authorized entity of this state or any other state or states or the United States in the performance of any activity which one or more such entities have the authority to undertake.

ARTICLE III – CORPORATE BOUNDARIES.

Description:

All that Part of Pine Island, Township 44 South Range 22 East Sections 28, 29, 32, 33, 34, and Township 45 South Range 22 East Sections 2- 5, together with All that parts laying on Little Pine Island, West Island, Matlacha, and Mainland, Township 44 South Range 22 East Sections 14-16, 21-27, 34-36, Township 44 South Range 23 East Sections 18 and 19, Township 45 South Range 22 East Sections 1,2 ,and 3, together with that Area laying southerly of the City of Cape Coral Territorial Limit, More Specifically Matlacha Shores Subdivision-Plat Book 10, Page 29-, Matlacha Shores First Addition -Plat Book 10 page 42-, and Matlacha Isles – Plat Book 16, Page 133, Together with the unplatted area lying southerly of the above referenced subdivisions, together with Government Lot 4 of Section 32 Township 44 South Range 22 East (Called Demere Key).

Less and except Following 3 Parts;

- 1- All of that part of unit 58, Plat Book 23, Pages 128 through 147, Cape Coral, lying in Section 18, Township 44 South, Range 23 East, and all of that part of unit 59, Plat Book 19, Pages 140 through 153, Cape Coral, also lying in Section 18, Township 44 South, Range 23 East.
- 2- The West half of the east half of the northeast quarter of the Northeast quarter (W 1/2 E1/2 NE 1/4 NE 1/4) of Section 19 Township 44 South, Range 23 East,
- 3- Lot 18 of Tract 2, of recorded map, being the west half of the east half of the east half of the northeast quarter of the northeast quarter (W 1/2 E1/2 E1/2 NE 1/4 NE 1/4) of Section 19, Township 44 South, Range 23 East.

And

All Land Laying in Pine Island and, Bokeelia/Bocilla Islands (2 Island by Shell Cut/Shell Pass), Township 43 South Range 22 East, Township 44 South Range 22 East; Southerly Limited to the South Line of Section 21, Township 44 South, Range 22 East, Easterly and Northerly to the Pine Island Boundary, and Westerly and North Westerly in 2 Course Limited to; 1- Stringfellow Road Center Line, From intersection of Southerly Line of Section 21 Township 44 South to the Intersection With East Line of Section 25 Township 43 South Range 21 East and, 2- along the East section Line, From Intersection of Stringfellow Road Center line with east Line of Section 25, Township 43 South Range 21 East, to The Point of intersecting with Pine Island Boundary.

And

All Land Laying in Pine Island, Bokeelia/Bocilla Islands, and Burgess Island/Little Bocilla Island Township 43 South Range 21 East, Township 43 South Range 22 East, Township 44 South Range 21 East, and Township 44 South Range 22 East; Southerly Limited to the South Line of Section 20 and 21, Township 44 South, Range 22 East, Westerly and Northerly to the Pine Island Boundary, and Easterly and North Easterly in 2 Course Limited to; 1- Stringfellow Road Center Line, From intersection of Southerly Line of Section 21 Township 44 South to the Intersection With East Line of Section 25 Township 43 South Range 21 East and, 2- along the East section Line, From Intersection of Stringfellow Road Center line with east Line of Section 25, Township 43 South Range 21 East, to The Point of intersecting with Pine Island Boundary.

And

All Land Laying in Pine Island, Township 45 South Range 22 East, Township 46 South Range 22 East; Northerly Limited to the North Line of Section 9 and 10, Township 45 South, Range 22 East, Westerly and Southerly to the Pine Island Boundary, and Easterly and North Easterly Limited to Stringfellow Road Center Line. Together with all land within the Perimeter boundaries of Galt Island Subdivision, as Described In Plat Book 51, Pages 33-36, Located on Galt Island in Pine Island Sound in Lee County, Sections 27, 28, 33, and 34, Township 45 South, Range 22 East.

And

All Land Laying in Pine Island, Township 45 South Range 22 East, Township 46 South Range 22 East, Township 46 South Range 22 East; Northerly Limited to the North Line of Section 10 and 11 Township 44 South, Range 22 East, Easterly and Southerly to the Pine Island Boundary, and Westerly and North Westerly Limited to Stringfellow Road Center Line.

ARTICLE IV – TOWN COUNCIL.

Section 4.01. General Powers and Duties.

All powers of the Village shall be vested in the Council, except as otherwise provided by law or this “Charter” and the Council shall provide for the exercise thereof and for the performance of all duties and obligations permitted by or imposed on the Village by law. Eminent Domain can only be used by the Town after a majority of registered voters have approved its use in a referendum. The Council will seek to participate in the Federal Emergency Management Administration’s Community Rating System.

Section 4.02. Eligibility; Terms.

1. Eligibility.

- a. Each candidate for the office of Town Council Member shall be a qualified elector of the Town;
- b. Each candidate for a District Council seat shall have been a resident of the Town and the District for which they are running for a minimum period of one year prior to qualifying for office;
- c. Each District Council Member must be a resident in the District represented for the duration of his or her term.
- d. Each At-Large Council member shall have been a resident of the Town for a minimum period of one year prior to qualifying for office.

3. Terms.

a. Initial terms. The initial term in all elections of office for all Council Members shall be as follows: the three (3) Council members receiving the most votes from the Five Districts and the Member receiving the highest number of votes from one of the two At-large Council Districts shall be elected to four year terms and the other three Council members shall be elected to the initial two year terms.

b. Successive terms. After the initial terms, Council members shall be elected to four-year terms. Terms may be extended to comply with state or federal election requirements.

c. Term limits. No Council member shall serve more than two consecutive terms and none can change seats in order to extend their term over the two term limit. After one year out of office, a former Council Member may re-qualify for a seat on the Council. For purposes of calculating term limits as provided herein, partial terms in the event of a member being appointed to fulfill another person's term shall not be counted toward term limits. However, Council members elected to the initial two-year term may serve, if re-elected, one additional four-year term, for a total of six consecutive years.

Section 4.03. Mayor; Vice-Mayor.

1. Mayor.

At the first regularly scheduled meeting following the Town's regular election, the Council, by a majority vote, shall elect from its membership a Mayor. The Mayor shall serve as chairperson during the meetings of the Council and shall serve as the head of municipal government for the purpose of the execution of legal documents as required by ordinance and as the public voice of the Council. The Mayor shall also serve as the ceremonial head of the Town. The term of the Mayor shall be for one year unless re-elected for an additional term at the Council's annual reorganizational meeting

2. Vice-Mayor.

At the first regularly scheduled meeting following the Town's regular election, the Council, by a majority vote, shall elect from its membership a Vice-Mayor who shall serve as Mayor, having all of the powers of the Mayor, during the absence or disability of the Mayor and, if a vacancy of the Mayor occurs, shall become interim Mayor until the next regularly scheduled election. The term of the Vice-Mayor shall be for one year unless re-elected for an additional term at the Council reorganization meeting.

Section 4.04. Compensation.

The salary of each Council member, except for the Mayor, shall be \$6,000 per year, payable in equal monthly installments. The salary of the Mayor shall be \$9,000 per year, payable in equal monthly installments. An ordinance increasing or decreasing compensation of the Council may be adopted at any time; however, if the Council takes action to change the level of compensation, it shall not be adjusted until after the first day following the next regular municipal election. The Council may provide for reimbursement of actual expenses and the Council shall identify reimbursable expenses to set financial limits incurred by its members, including the Mayor, while performing their official duties.

Section 4.05. Council Meetings.

1. The Council shall meet at least once a month for a minimum of twelve regular meetings each year. Council may determine not to hold a regular meeting during one of the summer months, if there is no emergency, or if it is determined that there is a lack of business. Special meetings may be held at the call of the Mayor or a majority of the Council members. Special Meetings shall require at least a 72-hour notice to each Council member and to the public. Except as authorized by law, all regular meetings shall be open to the public and shall be advertised seven days before the meeting in newspaper of general circulation in the Town.
2. Four members of the Town Council shall constitute a quorum for the conduct of business. Unless a quorum is present no action may be taken except to adjourn.
3. All Council members present shall vote on all matters before the Town Council except on those matters on which a Council member has a conflict of interest, appearance of a conflict or grounds for recusal under Ch. 286 and Ch. 113 part III, Florida Statutes.

Section 4.06. Prohibitions.

1. Neither the Council, nor any individual member of the Council, shall in any manner attempt to dictate the employment or removal of any employee other than the Town Manager and Town Attorney. Council is free to make inquiries of Town employees, but no individual member of the Council shall give orders to any officer or employee of the Town. Recommendations for improvements in Town government operations shall come through the Manager, but each member of the Council shall be free to discuss or recommend improvements to the Manager, and the Council is free to direct the Town Manager to implement specific recommendations for improvement in Town government operations. The Town is an equal opportunity employer and shall not discriminate in our employment on the basis of race, creed, color, national origin, gender, identity, religion, disability, age, or any other protected class. All personnel hired by Town, including attorneys, managers, and all employees shall be subject to and benefited by this provision.
2. No elected Town official shall hold any compensated appointive office or employment with the Town until one year after leaving office.

Section 4.07. Vacancies; Forfeiture of Office; Filling of Vacancies.

1. Vacancies.

A vacancy in the office of Council, including Mayor or Vice-Mayor shall occur upon the death of the incumbent, inability to fulfill the duties of the office, movement of residence outside the District, resignation, appointment to another public office, judicially determined incompetence, or removal or forfeiture of office as described in this Article.

2. Forfeiture of Office.

A member of the Council may forfeit the office, if the member:

- a. Lacks at any time during the term of office any qualification for the office prescribed by this Charter or by law;
- b. Violates any express prohibition of this Charter;

- c. Is convicted of a felony, or a misdemeanor that involves or relates to the office of Town Council;
- d. Is found to have violated any standard of conduct or code of ethics established by law for public officials or has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or
- e. Misses three consecutive regularly scheduled Council meetings unless excused by the Council. Council must have adopted reasonable standards for what qualifies as an excused absence. Removal shall be decided by vote of a majority of Council Members.

If any of these events should occur, a hearing shall be conducted at the next regularly scheduled Council meeting, and the member may be declared to have forfeited office.

3. Filling of Vacancies.

A vacancy on the Council, except for the position of Mayor, shall be filled as follows:

- a. If a vacancy occurs and the remainder of the unexpired term is 28 months or less, the remaining Council Members shall, within 60 days following the occurrence of such vacancy, by majority vote of the remaining Council Members, appoint a person from the same district to fill the vacancy for the remainder of the unexpired term. If the vacancy is that of an At-Large member, the appointment may be of any resident of the Town.
- b. If the remainder of the unexpired term exceeds 28 months, the remaining Council members shall, within 60 days following the occurrence of such vacancy, by majority vote of the remaining Council members, appoint a person from the same district to fill the vacancy until the next regularly scheduled Town election at which time the balance of the term for the seat shall be filled pursuant to Article IX of this charter.

- c. If three or more Council vacancies occur at one time, the remaining Council Members shall, within 60 days following the occurrence of such vacancies, by a majority vote, appoint a person from the same District to fill such vacancies until the next regularly scheduled Town election at which time the balance of the term for the seats shall be filled pursuant to Article IX of this Charter. If the vacancy is that of an At-Large member, the appointment may be of any resident of the Town.

Section 4.08. Judge of Qualifications.

The Council shall be the judge of the qualifications of its members and shall hear all questions relating to forfeiture of a Council Member's office. The Council shall have the power to set additional written standards of conduct for its members beyond those specified in this charter and may provide for such penalties as it deems appropriate, including forfeiture of office. In order to exercise these powers, the Council shall have power to subpoena witnesses, administer oaths, and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the Town at least 7 days in advance of the hearing.

The burden of establishing good cause for absences shall be on the Council Member in question; however, any Council Member may, at any time during duly held meeting, move to establish good cause for his or her absence.

Section 4.09. Investigations.

The Council may undertake investigations into the affairs of the Town and the conduct of any Town department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Failure or refusal to obey a lawful order issued in the exercise of these powers by the Council shall be a misdemeanor punishable by fines or imprisonment, or both as outlined in Chapter 838, Fla. Stats.

The Council shall act on any such findings as it may determine to be in the best interest of the Town.

ARTICLE V. ADMINISTRATION.

Section 5.01. Town Manager.

1. Appointment and Qualifications.

The Council shall appoint a Town Manager for a set compensation. The Manager shall be appointed primarily on the basis of executive and administrative qualifications.

2. Suspension and Removal.

The Manager may be suspended by a resolution approved by a majority vote of the Council, which shall set forth the reasons for suspension and for removal, proposed. A copy of such resolution shall immediately be served upon the Town Manager. The Town Manager shall have 5 days to reply in writing, and upon request shall be afforded a public hearing, which shall occur not earlier than 5 days or later than 30 days after such hearing is requested, unless waived by Council and the Manager. After the public hearing, if one is requested, and after full consideration, the Council, by a majority vote of its membership, may adopt a final resolution of removal. The Manager will continue to receive full salary and compensation until the effective date of a final resolution of removal.

3. Residency.

The Town Manager shall be a resident of the Village within ninety days of the effective date of appointment and may not reside outside the Town while in office.

4. Powers and Duties of the Town Manager.

The Town Manager shall have the power and duty to:

- a. Appoint, suspend, demote, or dismiss or otherwise discipline, any Town employee under the Town Manager's jurisdiction in accordance with law, and may authorize any department head to exercise these powers with respect to subordinates in that department;

- b. Direct and supervise the administration of all departments of the Town except the office of the Town Attorney;
- c. Attend all Town Council meetings unless excused by Council, and shall have the right to take part in discussions, but not vote;
- d. See that all laws, Charter provisions, ordinances, resolutions, and other acts of the Council subject to enforcement are faithfully executed, and perform such other duties as are specified in this Charter and City Code;
- e. Submit the annual budget, budget message, and capital program to the Council and shall keep the Council fully advised as to the financial condition and future needs of the Town, and shall make such recommendations to the Council concerning the affairs of the Town as the Town Manager deems appropriate. The Town Manager shall promptly communicate with the Council his/her reasonable expectation of any significant deviations from an expenditure identified within the annual budget. The definition of “significant deviations” shall be determined by Council;
- f. Designate the Assistant Town Manager or another department head to exercise the powers and perform the duties of Town Manager during any temporary absence or incapacity of the Town Manager. The Council may revoke such designation at any time and appoint another qualified person, other than a currently seated Council Member, to serve as acting Town Manager until the Town Manager returns or the absence or incapacity shall cease;
- g. With the consent of Council, hire an employee to serve as Assistant Town Manager and also hire or contract with a person to serve as Town Clerk.
- h. All staff will be hired by City Manager and none shall be elected.
- i. Conducting and periodically updating a risk assessment for emergencies and contingencies and recommending a dollar

amount to the City Council for funding an emergency and contingency reserve.

Section 5.02. Village Attorney.

There shall be a Town Attorney, who shall be a member of the Florida Bar in good standing, appointed by the Council and who shall serve as per the terms of a contract to be negotiated and approved by majority of Council Members and as the chief legal advisor to the Council and Town administrators, departments and agencies. The Town Attorney may be an employee or independent contractor. The Town Attorney shall attend all Council meetings unless excused by Council and shall perform such professional duties as may be required by law or by the Council in the furtherance of law. The Council may remove the Town Attorney for any reason by a majority vote of its members.

Section 5.03. Town Clerk.

There shall be a Town Clerk who shall be hired by or contracted with the Town Manager with the consent of the Council. The Town Clerk shall serve at the pleasure of the Village Manager and shall:

- a. Give notice of Council or committee meetings to its members and the public;
- b. Keep the journal and minutes of the proceedings of the Council and its committees, which shall be public records;
- c. Authenticate by signature and record all minutes, and all ordinances and resolutions passed by Council;
- d. Be the custodian of the Town seal and custodian of the public records;
- e. Have the power to administer oaths;
- f. Perform such other duties as may be assigned by the Town Manager.
- g. Present the Council with an agenda for each meeting.

- h. Be responsible for all financial record-keeping unless assigned by the Town Manager to a financial officer.

ARTICLE VI – DEPARTMENTS; PERSONNEL; PLANNING.

Section 6.01. Committees; Boards; Departments.

The Council may establish, terminate or change duties of such committees, boards, commissions, or departments, as it determines necessary for the efficient administrative operation of the Town; such committees, boards, commissions, or departments, shall be created, terminated or the duties changed, by ordinance. Members on all committees, boards or commissions shall serve without compensation.

Section 6.02. Personnel.

Consistent with all applicable state and federal laws, the Council shall provide by ordinance for the establishment, regulation, and maintenance of a system governing personnel policies necessary for the effective administration of the Town's committees, boards, or commissions and employees of departments.

Section 6.03. Planning.

Consistent with all applicable state and federal laws with respect to land use, development and environmental protection, the Town Council shall:

- a. Designate an agency or agencies to execute the planning functions with such decision making responsibilities as may be specified by ordinance or Florida Statutes and as set forth below in Section 12.07;
- b. Adopt zoning and land development regulations, to be specified by ordinance, to implement the plan.

ARTICLE VII – ORDINANCES AND RESOLUTIONS.

Section 7.01. Ordinances and Resolutions.

The procedure for adoption of ordinances and resolutions shall be as provided by Section 166.041, Fla. Stats.

ARTICLE VIII – FINANCIAL MANAGEMENT.

Section 8.01. Fiscal Year.

The fiscal year of the Town shall begin on the first day of October and end on the last day of September of each year.

Section 8.02. Submission of the Budget and the Budget Message.

The method of budgeting, including annual budgeting, shall be as set out in general law and state regulations.

Section 8.03. Independent Audit.

The Council shall provide for an annual independent audit of all Town accounts and pursuant to Florida Statutes may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or a firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the Town government or in any of its officers. Residency in the Town shall not be construed as a prohibited interest.

ARTICLE IX – NOMINATIONS AND ELECTIONS.

Section 9.01. Nonpartisan Elections; Electors; Qualifying.

1. Nonpartisan Elections.

All elections shall be conducted on a nonpartisan basis without any designation of political party affiliation.

2. Qualifying.

- a. Each candidate for Town Council shall be a qualified elector of the Town and must be registered in the District for which they are standing for election that they wish to represent for at least one year preceding the election for which the person seeks to qualify.
- b. Any elector of the Town who wishes to become a candidate for Town Council shall qualify with the Lee County Supervisor of Elections for the initial election; thereafter, candidates shall qualify with the Town Clerk by providing proof of voter registration, current address, and one-year residency.
- c. Qualifying period for candidates for Town Council shall begin at noon on the second Monday in January of odd numbered years and end at noon on the Friday immediately following.

Section 9.02. Elections.

1. Adoption of Florida Election Code.

All elections required under any article or section of this Charter shall be conducted in accordance with the provisions of the Florida Election Code, Chapters 97-107, Fla. Stats., in its entirety and as it is subsequently amended, except as otherwise provided in this Charter.

The Council, by ordinance, may adopt such election procedures, including amendment to qualifying periods and election dates as are necessary and as provided by the Florida Election Code, Chapters 97-107, Fla. Stats.

2. Elections.

- a. The regular election of Council Members beginning in 202X will be the first Tuesday in March on each odd numbered year.
- b. Electors certified by Lee County Supervisor of Elections may vote for one candidate per their designated District for District One to District Five. The candidate receiving the highest number of votes in each District shall be elected to such seat.

- c. The four year term of office for an elected Council member shall begin on the second Tuesday following the Council election, and end on the Monday immediately preceding commencement of the following term. The two year term of office for an elected Council member shall begin on the second Tuesday following the Council election, and end on the Monday immediately preceding commencement of the following term.

3. Town Canvassing Board

The canvassing board shall consist of the Mayor or Council Member designated by the Mayor, the Town Clerk, and a Lee County resident designated by the Council who shall canvass the results.

Section 9.03. Council Districts; Redistricting.

1. There will be Five Village Council Districts and Two At-Large Village Council Districts. The Districts One to District Five shall be as roughly equal permanent population as practicable, according to the population figures available from the most recent relevant data.

Legal Descriptions for Five (5) Village Council Districts are as follows:

Legal Descriptions for Five (5) Town Council Districts and Two (Two) At-Large Council Districts located within the boundary of The Town of Pine Island. Population figures are from 2010 US Census using census block level data and the number of registered voters is from the Lee County Elections Office. The Bearings and distances are based on “The State Plane Coordinates System” Florida Zone West NAD 83 (CORS).

DISTRICT 1-LEGAL DESCRIPTION

All Land Laying in Part of Pine Island, Township 44 South Range 22 East Sections 28, 29, 32, 33, 34, and Township 45 South Range 22 East Sections 2- 5, together with All Land laying in Little Pine Island, West Island, Matlacha, and Mainland, Township 44 South Range 22 East Sections 14-16, 21-27, 34-36, Township 44 South Range 23 East Sections 18 and 19, Township 45 South Range 22 East Sections 1-3, together with that Area laying southerly of the City of Cape Coral Territorial Limit, More Specifically Matlacha Shores Subdivision-Plat Book 10, Page 29-, Matlacha Shores First Addition -Plat Book 10 page 42-, and Matlacha Isles – Plat

Book 16, Page 133, Together with the unplatted area lying southerly of the above referenced subdivisions.

Less and except;

- 4- All of that part of unit 58, Plat Book 23, Pages 128 through 147, Cape Coral, lying in Section 18, Township 44 South, Range 23 East, and all of that part of unit 59, Plat Book 19, Pages 140 through 153, Cape Coral, also lying in Section 18, Township 44 South, Range 23 East.
- 5- The West half of the east half of the northeast quarter of the Northeast quarter (W 1/2 E1/2 NE 1/4 NE 1/4) of Section 19 Township 44 South, Range 23 East.
- 6- Lot 18 of Tract 2, of recorded map, being the west half of the east half of the east half of the northeast quarter of the northeast quarter (W 1/2 E1/2 E1/2 NE 1/4 NE 1/4) of Section 19, Township 44 South, Range 23 East.

DISTRICT 2-LEGAL DESCRIPTION

All Land Laying in Pine Island and, Bokeelia/Bocilla Islands (2 Island by Shell Cut/Shell Pass), Township 43 South Range 22 East, Township 44 South Range 22 East; Southerly Limited to the South Line of Section 21, Township 44 South, Range 22 East, Easterly and Northerly to the Pine Island Boundary, and Westerly and North Westerly in 2 Course Limited to; 1- Stringfellow Road Center Line, From intersection of Southerly Line of Section 21 Township 44 South to the Intersection With East Line of Section 25 Township 43 South Range 21 East and, 2- along the East section Line, From Intersection of Stringfellow Road Center line with east Line of Section 25, Township 43 South Range 21 East, to The Point of intersecting with Pine Island Boundary.

DISTRICT 3-LEGAL DESCRIPTION

All Land Laying in Pine Island, Bokeelia/Bocilla Islands, and Burgess Island/Little Bocilla Island Township 43 South Range 21 East, Township 43 South Range 22 East, Township 44 South Range 21 East, and Township 44 South Range 22 East; Southerly Limited to the South Line of Section 20 and 21, Township 44 South, Range 22 East, Westerly and Northerly to the Pine Island Boundary, and Easterly and North Easterly in 2 Course Limited to; 1- Stringfellow Road Center Line, From intersection of Southerly Line of Section 21 Township 44 South to the Intersection With East Line of Section 25 Township 43 South Range 21 East and, 2- along the East section Line, From Intersection of Stringfellow Road Center line with east Line of Section 25, Township 43 South Range 21 East, to The Point of intersecting with Pine Island Boundary.

DISTRICT 4-LEGAL DESCRIPTION

All Land Laying in Pine Island, Township 45 South Range 22 East, Township 46 South Range 22 East; Northerly Limited to the North Line of Section 9 and 10, Township 45 South, Range 22 East, Westerly and Southerly to the Pine Island Boundary, and Easterly and North Easterly Limited to Stringfellow Road Center Line.

DISTRICT 5-LEGAL DESCRIPTION

All Land Laying in Pine Island, Township 45 South Range 22 East, Township 46 South Range 22 East, Township 46 South Range 22 East; Northerly Limited to the North Line of Section 10 and 11 Township 44 South, Range 22 East, Easterly and Southerly to the Pine Island Boundary, and Westerly and North Westerly Limited to Stringfellow Road Center Line.

2. In the year 202X, and in odd-numbered years after each decennial United States census thereafter, and at any time required by law, the Council may redivide the Town into Five Districts as roughly equal in permanent population as practical.

TWO AT LARGE COUNCIL MEMBERS DISTRICT LEGAL DESCRIPTION

Same legal description for the Town boundary.

Section 9.04. Recall.

The power of recall is hereby reserved to the qualified electors of the Town. The provisions of the election laws of the state, as they currently exist or may hereafter be amended or superseded, shall govern the exercise of the powers of recall under this charter.

ARTICLE X – INITIATIVE AND REFERENDUM.

Section 10.01. Power to Initiate and Reconsider Ordinances.

The powers of initiative and referendum are hereby reserved to the qualified electors of the Town. The provisions of the election laws of the state, as they currently exist or may hereafter be amended or superseded, shall govern the exercise of the powers of initiative and referendum under this charter.

ARTICLE XI – GENERAL PROVISIONS.

Section 11.01. Code of Ethics.

It is essential to the proper conduct and operation of the Town that the officers and employees of the Town be independent and impartial and for their office not to be used for private gain other than the remuneration provided by law or by ordinances. It is declared to be the policy of the Town that its officers and employees are agents of the people and hold their position for the benefit of the public. Therefore, all Town officers and employees shall adhere to the Standards of Conduct as set forth under Chapter 112, Part III, Fla. Stats., as amended from time to time.

Section 11.02 Amendments to Charter.

1. Amendments

The charter may be amended in accordance with the provisions for charter amendments as specified in the Municipal Home Rules Powers Act, Chapter 166, Fla. Stats., or as otherwise may be provided by general law.

Section 11.03. Severability as to this Charter.

If any provisions of this Charter, or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Charter which can be given effect without the invalid provisions or application, and to this end the provisions of this Charter are declared severable.