



**AGENDA
CHARTER REVIEW COMMITTEE
REGULAR MEETING
NOVEMBER 26, 2019
3:00 PM
CITY COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034**

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

- 3.1 The minutes from the October 22, 2019, regular meeting, and November 4, 2019, public communication subcommittee meeting, are presented for approval.

4. OLD BUSINESS

5. NEW BUSINESS

- 5.1 **PRESENTATION** - *The Subcommittee for Citizen Engagement will present their proposal for community engagement.*

- 5.2 **DISCUSSION** - *Commission Workshop Agenda*

- 5.3 **ACTION ITEM** - *Divide up current charter into sections to discuss at upcoming meetings.*

- 5.4 **DISCUSSION** - *Sections 1-8 of the Charter*

6. PUBLIC COMMENT

7. NEXT MEETING DATE

- 7.1 Alternate meeting date- December 24, 2019

8. ADJOURNMENT

All members of the public are invited to be present and be heard. Persons with disabilities requiring accommodations in order to participate in this program or activity should contact the City Clerk at (904) 310-3115 or TTY/TDD 711 (for the hearing or speech impaired). All interested parties may appear at said meeting and be heard as to the advisability of any action, which may be considered with respect to such matter. For information regarding this matter, please contact the City Attorney.

1. **Call to Order**
2. **Roll Call/Determination of Quorum** – The meeting was called to order at 3:00 pm.

Council Members Present

Bradley Bean	Tammi Kosack
Richard Clark	Jon Lasserre
Margaret Davis	
Arlene Filkoff	

Council Members Absent

Kevin McCarthy

Others Present

Tammi Bach, Board Attorney
Katie Newton, Recording Secretary

3. **Approval of Minutes**

The minutes for October 1, 2019, were presented for approval. Member Davis requested amending the minutes at sections 5.4 and 8.

A motion was made by Member Lasserre, seconded by Vice Chair Clark, to approve the minutes as amended. The motion passed unanimously.

4. **Old Business**

There was no old business.

5. **New Business**

5.1 Presentation – Florida League of Cities. *Lynn Tipton and Shwanda Barnette of the FLC U will give a presentation on municipal charters.*

Chair Filkoff introduced Lynn Tipton and Shwanda Barnette. Ms. Tipton explained that they are the training arm of the Florida League of Cities. She presented a PowerPoint which is available in the agenda packet.

Member Davis asked about holding a speaker forum during the process or closer to turning in recommendations. Ms. Tipton suggested that the Committee wait until they have recommendations ready for the public. She stated that once the ballot with changes was ready, there should be another education piece. Vice Chair Clark asked what items would go to referendum to approve changes. Ms. Tipton stated that all substantive changes go to referendum, and that cities usually wait for the next general election because special elections can be expensive. Chair Filkoff asked if having the Commission or Council for a city deciding whether recommendations go to referendum was normal. Ms. Tipton replied that it was the case usually; and then changes must go to referendum. CA Bach cited Chapter 166 of the Florida Statutes, which lists some rare exceptions, mostly for scrivener's errors. Member Davis asked whether it was common to put a whole amended charter up for vote, or to do it in pieces. Ms. Tipton stated it was usually done by article, unless a municipality is incorporating. CA Bach explained that nothing in state law prevented the City from voting on the entire amended charter; however, best practice is to put up the separate articles. It has been that way in the past, with one question for the "housekeeping items", such as misspelled words.

Ms. Tipton went on to explain what is generally in charters versus items passed as ordinances. Elections qualifying is usually done in ordinance, not in charter. The trend to a council/commission-manager form of government is due to complexity in government and the need for a full-time position. Regular reviews of the charter are written into about half of charters.

Vice Chair Clark wanted to know about government transparency and Citizen's Bills of Rights being written into charters. Ms. Tipton stated that transparency and ethics were mostly by enacted through ordinance, not charter. She stated that some cities' preambles cover it as "poetry" not necessarily as process. Member Davis stated that Miami

might have one, but Ms. Tipton was not sure off the top of her head. Member Bean stated that Miami-Dade County has one. Vice Chair Clark asked for a copy of the Miami Dade charter.

Chair Filkoff asked about a Code of Ethics and Ms. Tipton stated that these are covered in Chapter 112 of the Florida statutes, but directed them to Dunedin and Pinellas who addressed it in charter. Chair Filkoff stated that community values fits more as a preamble, not as separate article.

CA Bach explained the difference between chartered and non-chartered counties. Non-chartered Nassau county can not a pass law that effects areas within city limits, which makes the town more autonomous. A county that is chartered can override municipal ordinances, per Chapters 166 and 125 of the Florida Statutes.

Chair Filkoff asked what would trigger a county to charter. Ms. Tipton explained the charter study process and referendum.

Member Davis asked about requirements for petition and recall. Ms. Tipton stated most cities default to state law, and if they incorporate it at all in the charter, it is by reference to state law.

Vice Chair Clark stated that a charter explains mission, vision, and structure. Ms. Tipton stated it was not a strategic plan.

Member Davis asked about term limits and Ms. Tipton explained that less than half of cities have term limits because at this voluntary level of local government, limits make it harder to find people to run.

Member Kosack wanted to know more about what caused cities to have charter reviews. Ms. Tipton said that it depends on how city defines charter review. Sometimes they form if the municipality is concerned with a certain issue they might want to change. Reviews that are on a 10 or 20 year cycle tend to be housekeeping. Member Kosack was concerned with getting public feedback, and Ms. Tipton explained that the members' appointments are supposed to be representative of citizens, and that these meeting are considered engagement.

Member Davis asked how long it would be until the latest information on trends would come out, and Ms. Tipton said it would be in February. Member Davis asked about methods for selecting commissioners, and Ms. Tipton explained that smaller cities are trending to eliminate runoff, but under heavy debate.

5.2 Presentation – 2007 Charter Review Members. *Members of the 2007 Charter Review Committee will be available to discuss the process and answer questions.*

Chair Filkoff introduced Jerry Greeson, Amy Bryan, and Suanne Thamm, who were members of the 2007 charter review committee.

Ms. Bryan said her experience was very informative and they had a lot of good debate.

Ms. Thamm had been on two previous committees. She felt that the committees put in a lot of thought and her frustration was that group ended up with unanimous vote, but the commission did not take all recommendations.

Mr. Greeson commended the committee members for their efforts. The previous committee had good debates and brought forth a consensus. Under a Charter, the people make choice to govern themselves. He feels all recommendations from the committee should be brought forth for the citizens to decide.

Member Lasserre thanked the three for their service. He wanted to know what they thought were the three most important items that were denied at the last review. Mr. Greeson stated did not remember offhand, but said that after the recommendations, it took a long time for the Commission to even take some items up. Ms. Bryan stated that the approval of changing the terms to coincide with county elections was a huge cost saver. Member Lasserre asked about the recommendations that the Mayor elected at large and runoffs be eliminated, and neither made the ballot.

Ms. Thamm said that at one point, they had come up with a plan to divide the city into districts, with two commissioners have to reside in each district; but the commission at time had no interest in that. She also stated that the Commission was not necessarily against the code of ethics, but thought they would get to it separately through ordinance.

Member Kosack asked if a rationale was given for not approving recommendations. The group responded that the Commission just didn't agree the changes were necessary. Ms. Bryan spoke to public input, saying that they tried to put it out all the time, but had no public involvement. Ms. Thamm stated she grappled with interference between commission and manager as to duties and to responsibilities. According to the Charter, Commissioners set policy, and the City Manager implements that policy, and she is not sure whether Commissioners know where the line is. She stated, as city manager, how do you tell your boss to back off?

Member Davis expressed her appreciation for how hard the committee worked after she read all the past minutes and final report. She thought many of their recommendations appear to be worth discussing again. She asked whether they had considered adding a citizens' petition provision to the charter. She asked for suggestions on how to get public involvement. Mr. Greeson stated that he had no inclination that when recommendations were made, they wouldn't be placed on ballot. They spent 10 months trying to find things worthy to go on the ballot. He thought it might be good to try for a special election so that these items can be focused on exclusively and the people have the chance to really study it.

Vice Chair Clark thanked the group for their idea of having a bill of rights. He inquired about the apparent disconnect between the committee's work and commission. Ms. Thamm explained that they had arranged meetings where they invited certain groups – charter officers, commissioners, supervisors of election to provide input. They were told when they started there was a budget for engagement, but it never materialized. She thinks there was some coverage in the Newsleader, but not much else. There was no website at the time.

Mayor Filkoff asked for the intent of having the charter review committee at this time. City Attorney Bach explained that she suggested it was time for a review. Mayor Filkoff asked what she wanted to see happen. City Attorney Bach stated she wanted to stay in good cycle of the reviewing charter, especially since so many changes in our community have happened in the past twelve years, that it seemed like a good time to bring it up. She did not want Fernandina to be like Tampa that went 60 years before reviewing.

Mr. Greeson would like to see a charter review every 5-7 years; and recommended a set time that it happens.

Ms. Thamm stated one of arguments when review completed about all the recommendation was a concern of voter fatigue by putting too much on ballot that voters won't care about down ballot. Mr. Greeson red special election for charter review. Ms. Thamm asked if this be a mail ballot so people can talk to their family and friends to discuss and get all the recommendations out there. City Attorney Bach replied that a mail ballot could be possible.

Vice Chair Clark stated that it was important that the committee has a process for Commission input and power of recommendation. City Attorney Bach suggested they could recommend items for the charter to resolve some of these issues.

Member Bean thanked the group and wanted to touch more on the ethics code. Were they suggested a code or establishing a committee to create one? Mr. Greeson stated they looked at it themselves and wanted to see it incorporated somewhere as an official document. Ms. Thamm stated they wanted it apply to not only the Commission, but to all employees of city government. The general public can see the Charter and helps government be responsive to governed. She asked about the example of nepotism. City Attorney Bach stated there are rules in the employee handbook, for example, staff cannot supervise direct relatives. Ms. Thamm asked about the Commissioner with his brother as a department head, can he vote on budget issues. She is concerned with these kinds of ethical considerations. Chair Filkoff thinks these things are what people mean when they want they want a Code of Ethics.

Member Bean followed up, asking about a process of enforcement and oversight for the ethics code. Ms. Bryan thought it needed to be pursued, but it up to Commission on how to achieve oversight. Ms. Thamm thought if they proposed a full ethics code and process they would get stuck in the weeds. Mr. Greeson thinks it needs to be an

ordinance so it is the law. Chair Filkoff thought it was interesting that some elected officials that say they don't need code. City Attorney Bach spoke to example of brothers, there are attorney general opinions that speak to that under the state code of ethics. We can adopt a code of ethics, but if it is not any stricter than the state's, it might not be worth it. She agrees if something is adopted, they will need to put in process to enforce. It's not a bill of rights, which is a statement as city of what we stand for. She discussed Section 10 of the current Charter, which discusses the division of work between elected officials and staff. Ms. Thamm reminded the group that Ms. Tipton said avoid being too wordy, but was concerned that if it is not spelled out, would it be effective. She thought perhaps there should be training for elected officials.

Member Kosack asked if should they should informally poll commissioners to where they stand on certain issues. Ms. Thamm and Mr. Greeson said no. Mr. Greeson stated it defeats the purpose if you get their permission to review certain things. Ms. Bryan understands that the committee may not want to spend a lot of time and energy on something that would not be supported by the Commission. Ms. Thamm was worried they could fall into the trap that is an advisory committee and this committee has different purpose. Mr. Greeson pointed out that county charter reviews have a whole separate commission and the county commission has no say so on what they do.

Chair Filkoff asked if it was within their purview to recommend what commission does with committee recommendations. City Attorney Bach replied yes.

Ms. Thamm asked the group that if they present quarterly reports to the Commission and if the commission says they don't support a particular proposal, how does it help the committee? Mr. Greeson stated that it is a citizens' charter, not commissioners' charter. They look at it from a different viewpoint.

Member Lasserre stated that the resolution to establish the charter review committee is broad, and leaves open for anything they want to address. He thinks they should consider a special election, because in a year, things could be a lot different, because of the 2020 election. This review is important and shouldn't get lost in the mix of national and state politics. He also thinks an ethics code needs teeth.

Vice Chair Clark commented on discussion reaching out to commission. The committee is going to gather information, then will format and make recommendations. He wants to gather information from commissioners and charter officers. He thinks it would be a mistake to wait until the very end to bring them in. City Attorney Bach suggested that the committee schedule a special meeting in evening to get public input. She stated that special elections cost about \$15,000 for a traditional election. Ms. Tipton had said it allows for addressing and making more changes at the same time, versus adding one or two questions a year on regular election takes a long time. This task will most likely not be finished with the current commission.

Member Kosack thought they had changed from special elections to have things coincide with major elections. City Attorney Bach explained that we can have special elections anytime, but the City had moved regular elections from March to November and to coincide with state elections. Member Kosack wants public input but doesn't love the idea of only have two people show up to speak. How do we have people show up? City Attorney Bach wanted to remind the committee that the Commission is not allowed to lobby for charter recommendations.

Member Lasserre stated that the committee's deadline is June 30, and requested to hold a workshop with Commissioners as soon as possible, at 4:00pm before Commission meeting. City Attorney Bach stated she was planning for the joint meeting on January 28. Member Lasserre would prefer sooner, and was hoping to have a 6:00pm meeting soon for the public. He asked if there was a budget. City Attorney Bach said no.

Member Davis asked about reaching out to the Chamber of Commerce. Member Lasserre stated there were several groups that might be interested in the charter. Secondly, she asked if the peer cities research was useful and Ms. Bryan said it was very helpful.

Vice Chair Clark wants a meeting with Commissioners sooner than January 28. City Attorney Bach wants joint meeting for notice/.

Ms. Thamm recommended to wait to involve the public until you have recommendations.

Chair Filkoff thanked Mr. Greeson, Ms. Bryan, and Ms. Thamm for their time. She went over her do list for actions, including a public meeting, a Commission meeting, and peer cities information. City Attorney Bach took the direction to provide the peer cities information.

Chair Filkoff was concerned that the vast majority of the public does not understand the charter and how the City's governing documents work together. Education to the public is important and asked for help from the press to communicate.

Vice Chair Clark thought it was worthwhile to have a smaller group to put together a plan. Members Kosack, Clark and Bean agreed to be part of this "cheerleader" subcommittee. Member Lasserre may fill in the subcommittee due to Member Kosack's travel schedule. The Sunshine laws apply to the subcommittee as well. Secretary Newton will email the subcommittee with dates and schedule the meeting.

Discussion on when to request the Commission workshop. The next available date to request appears to be December 3 at 4:00pm and Ms. Newton will work to confirm that.

6. Public Comment

Commissioner Chip Ross came to the podium to express his commitment to vote in favor of the Committee's recommendations because he wants them to go to voter referendum.

7. Next Meeting Date

The next meeting date will be November 26, 2019, at 3:00pm.

Items to be placed on the agenda are a discussion of the outreach plan, discussion of the Commission workshop agenda, and to look at charter and divide it up for the upcoming meetings; and to discuss sections 1-8 of the charter if time permits.

Vice Chair Clark discussed the bill of right idea, code of ethics, roles of charter officers and commissioners, term limits. It would be nice to identify areas we are interested in.

The subcommittee will present a plan at next meeting. Members should be prepared to have topics to narrow down for Commission discussion.

Chair Filkoff asked a final question regarding whether the last committee looked at other forms of government. They had looked at other forms of government and came to the consensus that the commission-mayor form of government was still in the best interest of the City.

8. Adjournment - There being no further business to come before the Charter Review Committee, the meeting was adjourned at 5:15 p.m.

Katie Newton, Recording Secretary

Arlene Filkoff, Chair

1. **Call to Order**
2. **Roll Call/Determination of Quorum** – The meeting was called to order at 3:30 pm.

Council Members Present

Bradley Bean

Richard Clark

Jon Lasserre

Others Present

Tammi Bach, Board Attorney

Katie Newton, Recording Secretary

Mary Hamburg, Digital Communications Specialist

3. **New Business**

3.1 Discussion of Publicity and Community Engagement.

Vice Chair Clark introduced the topic and invited the committee members to share their thoughts.

Member Bean wanted to utilize social media and the local newspapers to get information out about the Charter Review process. Member Lasserre agreed, and suggested using Twitter. Ms. Hamburg explained that the City has accounts on Facebook, Twitter, and Instagram. Member Lasserre asked about a City webpage, and Ms. Hamburg showed the page that was set up for the committee.

Member Bean stated that the downside of creating new social media accounts for the committee would mean that it would not have many followers and thinks using the City accounts, which are already established, is the best option. Member Lasserre suggested using a hashtag specific to the charter review, and all agreed this was a good idea.

Ms. Hamburg suggested that all communications go through one person for a consistent message, and she volunteered to help coordinate this. She asked what the committee's goals were for using social media.

Vice Chair Clark handed out a paper with some of his ideas. First was a press release to send to the media and post on social media, outlining the purpose of the charter review committee, giving the general schedule, and soliciting input from citizens.

His second bullet point was to make civic presentations at places like the Chamber of Commerce. He suggested members rotate and have a stock or standard presentation and talking points so there is a consistent message.

The third point is to hold public meetings to solicit feedback once the committee has outlined some preliminary recommendations. He suggested holding public forums at or after 5:00pm to solicit feedback from more citizens.

The discussion turned back to social media, as Vice Chair Clark expressed concerns that Facebook comments might solicit responses that were unproductive and mean, although he wants to have the forum for people to give feedback. Ms. Hamburg explained that as a public entity, no comments may be removed from posts, and posts cannot be locked down to prevent comments. Vice Chair Clark suggested linking to an email to garner productive responses. Ms. Hamburg stated that in general, the public's comments on City pages are pretty positive and suggested that the committee be specific when eliciting feedback rather than asking open-ended questions.

Ms. Hamburg suggested that one of the committee members work with her to have a video explaining the purpose of the charter review process for social media.

The committee discussed the charter review page on the City's website. Ms. Hamburg showed the current page, which lists the committee's purpose, members, and links to their emails. She stated that they can add items if they wanted. Member Lasserre suggested adding the resolution creating the current committee, a link to the current Charter, and a statement of goals from the members.

A citizen, Bryn Byron, suggested that most people don't use the City website so it was important that the committee try to get information out through multiple sources. The website is hard to navigate.

The committee expressed that they were happy that citizens were already taking interest.

Ms. Hamburg stated that the City is trying to make the website easily navigable, but that what is intuitive for some people is not for others. She suggested putting charter announcements like the press release on the home page might help. All communications should have a link to the committee page if they are putting information there.

Member Bean wanted to go over some of the action items that had been discussed. He is willing to put together a PowerPoint presentation for the outreach program. Member Lasserre will put together a list of organizations that would benefit from the presentation, including the Economic Development Board, Chamber of Commerce, and Rotary clubs, and Vice Chair Clark will draft a press release. They plan to present these to the full committee at the November 26 regular meeting.

Ms. Newton reminded the members that they cannot communicate with each other via email to discuss the drafts per Sunshine laws. It was suggested that an email address for the committee would go to a staff member so that it can be distributed as needed and have a consistent person checking the account. That way, if a group wants to schedule a meeting they can use that account rather than trying to email all the members and schedule that way. Ms. Hamburg will set up an account for that purpose, and also a link on the webpage to email all the members at once.

Member Lasserre stated that a long-term goal for the beginning of 2020 would be to put together dates for the public hearings, but that the committee was not ready for that at this point since it had not developed any recommendations. After the joint meeting with the Commission on December 3, the committee will appoint a representative to make monthly reports at Commission meetings.

Ms. Hamburg listed the tasks assigned to her, including the emails, adding information to the webpage, and shooting the video for the charter. The subcommittee agreed that Chair Filkoff would be the best person to be in the video.

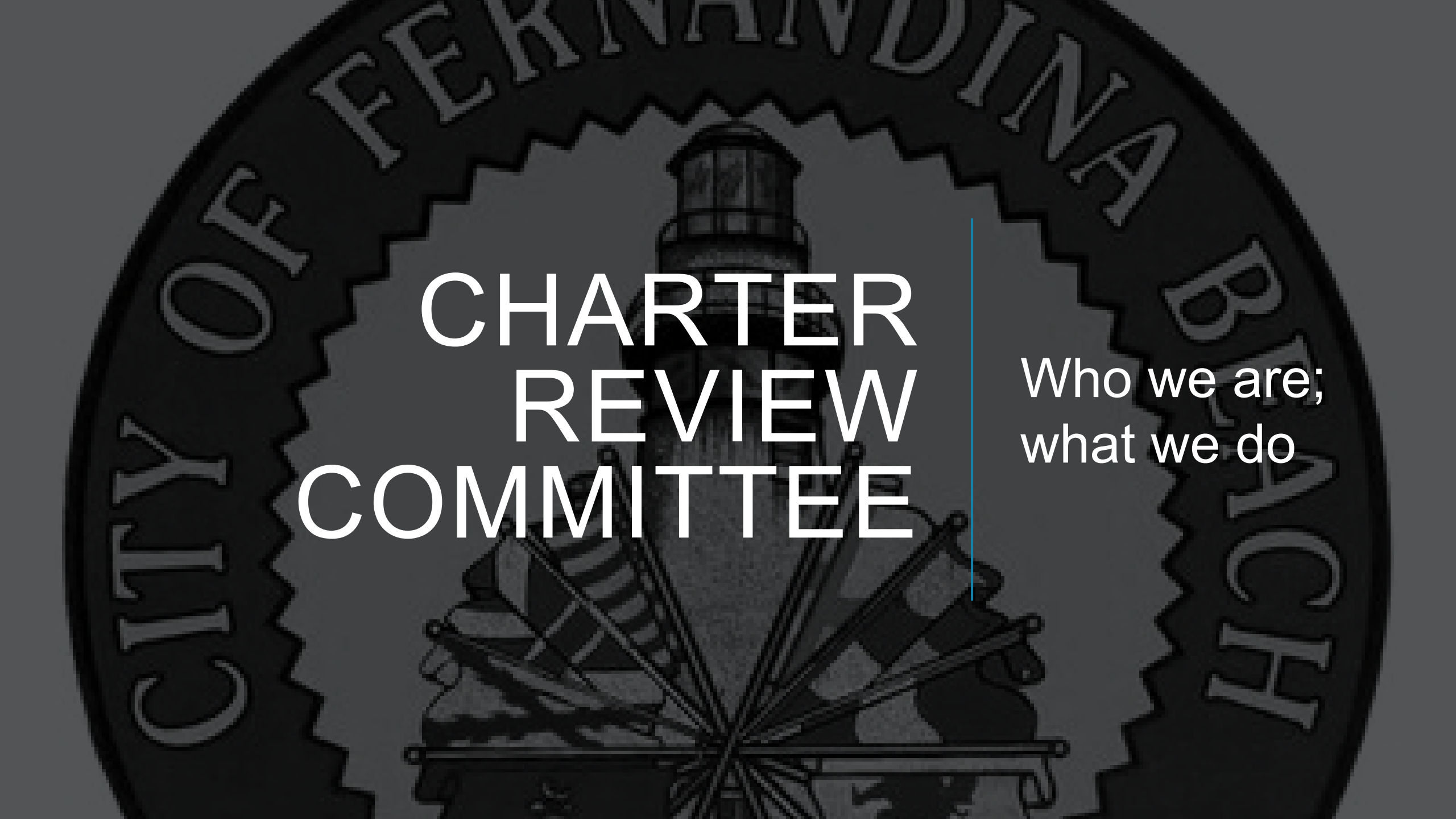
Member Clark will put together the press release and send it to Member Bean. This is allowed under Sunshine provided that Member Bean does not reply to the email, per City Attorney Bach. That way, both will be ready for Board feedback at the November 26 meeting. The agenda will be published on November 19, so the drafts will need to be ready by then.

4. Public Comment

Citizen Bonnie Dickens wanted to make sure the committee reached out to other papers besides the Newsleader. Ms. Newton explained that she had added members of the local press to the Charter Review email distribution list to keep them informed.

Citizen Adam Kaufman suggested that the committee send out a survey to both City Charter employees and regular staff to garner their feedback anonymously. Member Lasserre agreed it would a good idea to reach out to staff for their opinion. Ms. Hamburg suggested they could use survey monkey when the committee was ready to move forward with that idea. They plan to bring it up at the next regular meeting.

- 5. Adjournment** - There being no further business to come before the Charter Review SubCommittee, the meeting was adjourned at 4:17 p.m.

The background of the slide features a large, dark, semi-transparent seal of the City of Fernandina Beach. The seal is circular with a serrated edge. The words "CITY OF FERNANDINA BEACH" are inscribed around the perimeter. In the center, there is a lighthouse on a small island, with several flags flying from poles in the foreground.

CHARTER REVIEW COMMITTEE

Who we are;
what we do

WHAT IS THE CHARTER?

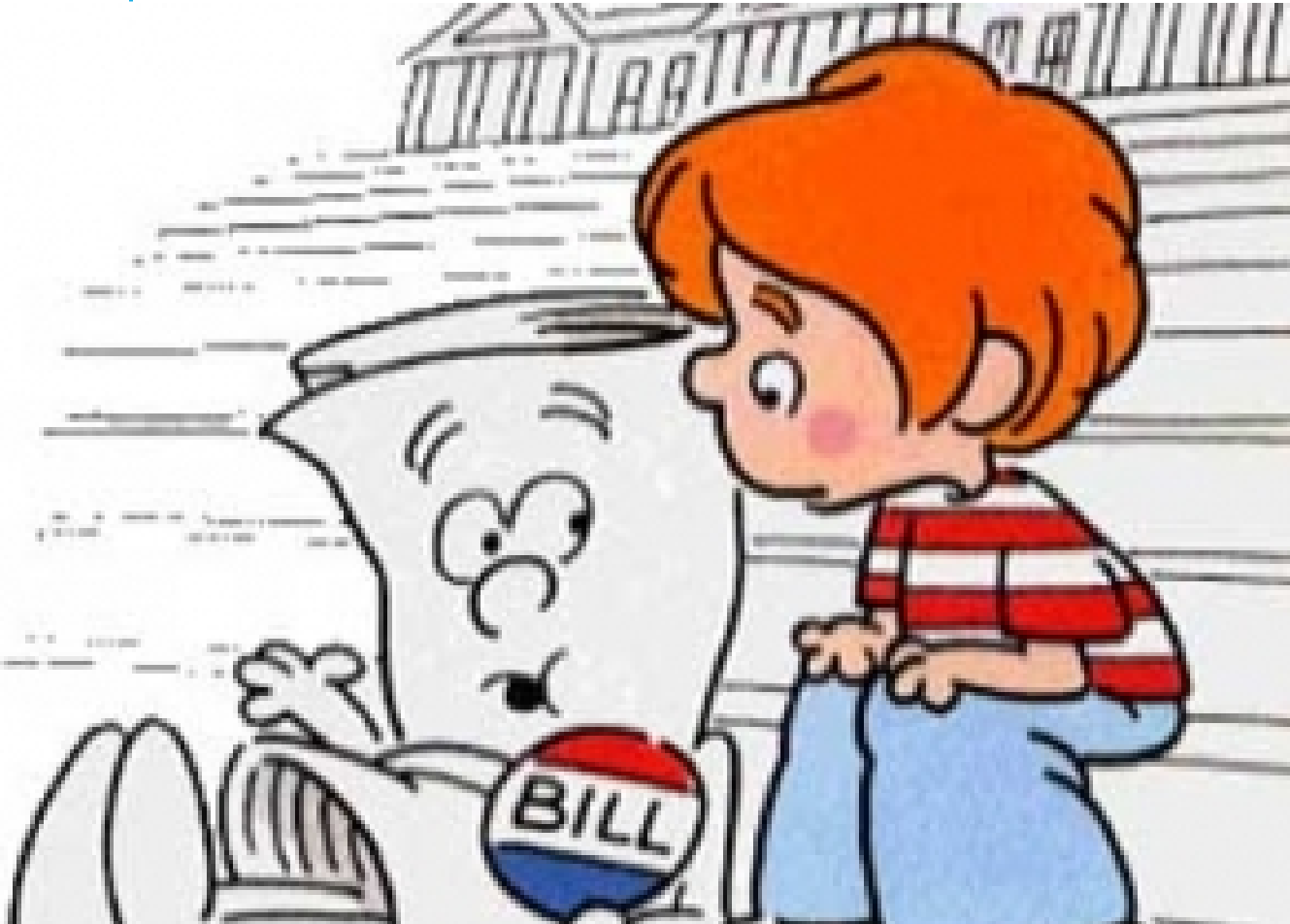
The “constitution”
of our city

Establishes the
broad
organizational
framework by
which the City will
govern

Explains how the
representatives will
be elected

Describes duties
and responsibilities
of the major officers

Asserts fiscal
authority



WHO ARE WE?



Fernandina Beach City
Commission established
August 16, 2019

Advisory board to the City
Commission

Seven Citizen Members

Charged with review and
updating the city charter

WHO ARE WE?

Arlene
Filkoff
(Chairperson)

Richard
Clark (Vice
Chairperson)

Bradley
Bean

Margaret
Davis

Tammi
Kosack

Jon
Lasserre

**Benjamin
Morrison**

City
Attorney
Tammi
Bach (Staff)

GOALS

Review the
existing City
Charter

Analyze how the
Charter
addresses our
needs

Propose
appropriate
changes

- Removes obsolete or out of date provisions, practices, or policies

Semantics
Review

- including wording changes



NEXT STEPS AND ACTION

Charter Committee Writes

- Submits formal recommendation
- Deadline is June 30, 2020

City Commission Reviews

- Determines if the recommendation moves forward
- Can approve recommendation as a whole, or pieces

The People Decide

- Referendum is scheduled by the city commission
- In the past has been during regular elections

GET INVOLVED!

Website

<http://www.fbfl.us/crc>

Includes meeting dates, reports and recommendations

Email Address

CRC2020@fbfl.org

Includes all members of the Charter Review Committee.

Meet in Person

Members of the Committee will be available to meet with your groups

Contact the City Attorney's office
(904)-310-3277

Public Meetings

All meetings of the Charter Review Committee are public

The community is encouraged to attend and will be able to make comments

Special Meetings

Bonus public meetings will be scheduled in spring of 2020

Details of recommendations and solicit comments and suggestions from the public



QUESTIONS?

FOR IMMEDIATE RELEASE

Contact: Richard Clark

515-202-8316

CHARTER REVIEW COMMITTEE REQUESTS PUBLIC INPUT

(Fernandina Beach, FL – November 26, 2019) The Charter Review Committee, established on August 16, 2019 by the Fernandina Beach City Commission, is comprised of seven members: Arlene Filkoff (Chairperson), Richard Clark (Vice Chairperson), Bradley Bean, Margaret Davis, Tammi Kosack, Jon Lasserre, and Kevin McCarthy. City Attorney Tammi Bach serves as staff to the Committee.

The Charter Committee seeks input from the community and has taken steps to make it easier for citizens to ask questions and make suggestions to the Committee:

- A website has been created for the Charter Review Committee: <http://www.fbfl.us/crc>. The website will include information such as meeting dates, reports and recommendations, and an email address where the community can submit questions and/or make comments.
- An email address has been set up for the Charter Review Committee: CRC2020@fbfl.org. Emails sent to this address will be received in the City Attorney's office and promptly forwarded to all members of the Charter Review Committee.
- Members of the Charter Review Committee will be available to meet with citizen and business groups and discuss the work of the Charter Review Committee. Interested parties should either send an email to the address noted above or contact the City Attorney's office (904-310-3277).
- All meetings of the Charter Review Committee are public. The community is encouraged to attend and will be able to make comments. The dates and times of all meetings of the Charter Review Committee will be listed <http://www.fbfl.us/crc>, as well as the City's regular agenda listing.
- In addition to the Charter Committee's regular meetings, public meetings will be scheduled in spring of 2020 to review the details of our preliminary recommendations and solicit comments and suggestions from the public. Meeting dates and times will be published on the website.

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About the Charter Review Committee -- On August 16, 2019, the Fernandina Beach City Commission established a Charter Review Committee as an advisory board to the City Commission. The Charter, similar to a constitution, establishes the broad organizational framework by which the City will govern itself and explains how the representatives will be elected, duties and responsibilities of the major officers, and fiscal authority. In establishing the Charter Review Committee, the Commission articulated the following goal and charge for the Charter Review Committee:

The goal and charge to the Committee is to review the existing City Charter, analyze how the Charter addresses the needs of the City, and propose appropriate changes to remove obsolete or out of date provisions, practices, or policies contained in the Charter. The review must consist of a full review of the Charter, including wording changes and updating sections to reflect modern local government practices.

The Committee must complete its work and submit a formal recommendation to the City Commission by June 30, 2020. It is the Fernandina Beach City Commission's responsibility to schedule the necessary public referendum to consider any recommended changes to the City's Charter.

PART I - CHARTER OF CITY OF FERNANDINA BEACH^[1]

Footnotes:

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Editor's note— Printed herein is Charter of the City of Fernandina Beach, Florida, as adopted by Laws of Fla., ch. 8949, 1921 and revised and readopted by Ordinance number 91-17 on Sept. 17, 1991. Amendments to the revised and readopted Charter are indicated by parenthetical history notes following amended provisions. The Charter history note indicates the entire history of each provision. 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.

ABOLISHMENT OF PRESENT MUNICIPALITY

Sec. 1. - Creation.

The City of Fernandina and the City of Fernandina Beach were combined into one municipality called the City of Fernandina in 1921 pursuant to the Laws of Florida, Chapter 8949 (1921). The name of the municipality was changed to the City of Fernandina Beach (1951) and has operated as a municipal corporation pursuant to Charter since that time.

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Sec. 2. - Reserved.

Sec. 3. - Reserved.

Sec. 4. - Reserved.

ESTABLISHMENT OF NEW MUNICIPALITY

Sec. 5. - Reserved.

Sec. 6. - Boundaries.

That the following shall be the territory the inhabitants of which are hereby established and organized into a municipal corporation, and over which such municipality shall exercise its jurisdiction and powers in accordance with state law and City ordinances, to wit:

- (a) *Original boundaries.* Beginning at a point where the range line between Range Twenty-eight (28) East, and Range Twenty-nine (29) East intersects the southerly boundary of Egan's Creek; thence north, along the said range line, to a point on the low water mark of Cumberland Sound; thence easterly, along the said low water mark of Cumberland Sound, to a point on the low water mark of the Atlantic Ocean; thence southerly, along the said low water mark of the Atlantic Ocean, to a point on the southerly boundary of Section Ten (10), Township Two (2) North, Range Twenty-eight (28) East; thence south eighty-nine degrees fifty-five minutes west (S89°55'W), along the southerly boundary of said Section Ten (10), a distance of five hundred eighty-three (583.0) feet, more or less, to a point at the southwest corner of said Section Ten (10), thence north seven degrees twenty-four minutes east (N7°24'E), along the westerly line of said Section Ten (10), a distance of one thousand seven hundred twenty-eight and three-tenths

(1728.3) feet to a point at the northwest corner of said Section Ten (10) and on the south line of Section Eight (8), Township Two (2) North, Range Twenty-eight (28) East, said point being south eighty-five degrees fifty-three minutes west (S85°53'W) a distance of two hundred fifty and fourteen hundredths (250.14) feet from the southeast corner of said Section Eight (8); thence south eighty-five degrees fifty-three minutes west (S85°53'W), along the south line of said Section Eight (8), a distance of one thousand seventy-nine and six-tenths (1079.6) feet to a point; thence south eight degrees eighteen minutes west (S8°18'W) a distance of three thousand one hundred sixty-nine and eighty-eight hundredths (3169.88) feet to a point on the south line of Section Eleven (11), Township Two (2) North, Range Twenty-eight (28) East; thence south eighty degrees twenty-four minutes west (S80°24'W), along the south line of said Section Eleven (11), a distance of five thousand two hundred thirty-eight (5238.0) feet, more or less, to a point at the southwest corner of said Section Eleven (11); thence in a northerly direction, along the west line of said Section Eleven (11) and the west line of Government Lots Four (4) and Three (3) in Section Six (6), Township Two (2) North, Range Twenty-eight (28) East, a distance of ten thousand seven hundred fifty (10,750.0) feet, more or less, to a point on the north line of said Section Six (6), said point being the southwest corner of Lot Sixty-six (66) of Ocean Breeze Farms Subdivision as recorded in Plat Book Two (2) at page nineteen (19) of the public records of said Nassau County, Florida; thence south eighty-eight degrees twenty-three minutes east (S88°23'E), along the north line of said Section Six (6), a distance of four hundred nineteen and six-tenths (419.6) feet to a point at the southwest corner of Lot Ninety-nine (99); thence north one degree thirty-seven minutes east (N1°37'E), along the west line of Lots Ninety-nine (99) and Sixty-five (65), a distance of five hundred eleven and five-tenths (511.5) feet to a point at the northwest corner of said Lot Sixty-five (65); thence south eighty-eight degrees twenty-three minutes east (S88°23'E), along the north line of Lots Sixty-five (65) and Fifty-two (52), a distance of one thousand three hundred twenty (1320.0) feet to a point at the northeast corner of said Lot Fifty-two (52); thence south one degree thirty-seven minutes west (S1°37'W), along the east line of Lots Fifty-two (52) and one hundred (100), a distance of five hundred eleven and five-tenths (511.5) feet to a point on the north line of said Section Six (6); thence south eighty-eight degrees twenty-three minutes east (S88°23'E), along the north line of Sections Six (6) and Seven (7), Township Two (2) North, Range Twenty-eight (28) East, a distance of three thousand ninety-nine and twenty-seven hundredths (3099.27) feet to a point in the center of the south line of Lot One hundred five (105) of Ocean Breeze Farms Subdivision as recorded in Plat Book "O" at page fifty-nine (59) of the public records of said Nassau County, Florida; thence north one degree fifty-four minutes east (N1°54'E), along the center line of Lot One hundred five (105) and Lot Six (6), a distance of three hundred forty-six and five-tenths (346.5) feet to a point in the center of said Lot Six (6); thence south eighty-eight degrees twenty-three minutes east (S88°23'E) a distance of three hundred three and twenty-five hundredths (303.25) feet to a point at the center of the west line of Lot Seven (7); thence north one degree thirty-seven minutes east (N1°37'E), along the west line of Lots Seven (7) and Eight (8), a distance of four hundred ninety-five (495.0) feet to a point at the northwest corner of said Lot Eight (8); thence south eighty-eight degrees twenty-three minutes east (S88°23'E), along the north line of Lots Eight (8), Nineteen (19), and Twenty-one (21), a distance of one thousand seven hundred ninety (1790.0) feet to a point at the northeast corner of said Lot Twenty-one (21); thence south three degrees eighteen minutes east (S3°18'E), along the east Lot Twenty-one (21), a distance of seven hundred forty-nine and eleven hundredths (749.11) feet to a point on the north line of said Section Eight (8); thence north eighty-five degrees fifty-three minutes east (N85°53'E) along the north line of said Section Eight (8), a distance of one thousand six hundred nine and six-tenths (1609.6) feet to a point at the northeast corner of said Section Eight (8); thence northerly, in a straight line through Sections Two (2) and One (1), Township Two (2) North, Range Twenty-eight (28) East, to a point at the northwest corner of Section Six (6), Township Two (2) North, Range Twenty-nine (29) East; thence northerly, along the range line between Ranges Twenty-eight (28) and Twenty-nine (29) East, Township Three (3) North, to a point at the northeast corner of Citrona Lot Twenty-eight (28), according to the official plat of the City of Fernandina Beach (formerly named Fernandina) as lithographed and issued by the Florida Railroad Company in 1857 and enlarged, revised, and reissued by the Florida Town Improvement Company in 1887 and 1901; thence north eighty-two degrees twenty-eight

minutes west (N82°28'W), along the prolongation of the southerly right-of-way line of Lime Street (60'R/W), to the low water mark of Amelia River; thence northerly, along the low water mark of Amelia River, to a point at the mouth of Egan's Creek; thence easterly, along the southerly boundary of Egan's Creek to the point of beginning.

(b) *Additions.*

- (1) Certain real property contiguous to the corporate limits of the City of Fernandina Beach, Florida, described as follows, is hereby annexed by the city and shall hereafter be a part of the corporate limits of the city:

That portion of Lots 12 and 13 lying westerly of the city limits of Fernandina Beach, Florida. Lot 14 and the easterly ½ of Lot 15, Block 2, Sadler Estates, as recorded in Plat Book 2, page 62, of the public records of Nassau County, Florida.

All of that property as described below which lies west of the westerly city limits of Fernandina Beach, Florida.

From a point of beginning: Begin at the southeast corner of Section 29, aforementioned; and run south 89°35'15" west along the southerly line of said section a distance of 213.69 feet to the center of a 25.0 feet, more or less, drainage canal; run thence north 5°02'36" east along said center of canal, a distance of 305.30 feet; run thence north 5°54'03" east continuing along said center of canal, a distance of 300.01 feet; run continuing along said center of canal a distance of 300.01 feet; run thence north 7°03'04" east continuing along said center of canal, a distance of 200.15 feet; run thence north 1°56'15" west continuing along said center of canal, a distance of 228.35 feet; run thence north 9°30'39" west continuing along said center of canal, a distance of 280.01 feet to where said center of canal intersects with the southerly boundary of Block 2, Sadler Estates, according to plat recorded in the public records of said county in Plat Book 2, page 68; run thence south 78°14' east along said southerly boundary a distance of 807.49 feet to the southeast corner of Lot 6, Block 2, aforesaid; run thence north 11°46' east along the easterly boundary of Lot 6, aforesaid, a distance of 10.0 feet to the southwest corner of Lot 5, Block 2, aforesaid; run thence south 78°14' east continuing along the southerly boundary of Block 2, aforesaid, and the easterly extension thereof, a distance of 421.69 feet to where said southerly boundary intersects with the westerly right-of-way of First Avenue extension (a 60.0 foot right-of-way); run thence south 11°07' west along said right-of-way a distance of 971.08 feet to the beginning of a curve concave to the easterly, having a radius of 1,636.86 feet; run thence in a southerly direction along the arc of said curve and right-of-way a chord distance of 203.92 feet to the point of reverse curve (the bearing of the aforesaid chord being south 7°53'15" west); run thence in a southerly direction along the arc of a curve concave to the westerly, having a radius of 1,576.86 feet and continuing along said right-of-way a chord distance of 193.96 feet to the point of tangency (the bearing of the aforesaid chord being south 7°53'15" west); run thence south 11°27' west, continue along said right-of-way a distance of 5.70 feet to where said right-of-way intersects with the southerly line of Section 20, aforementioned; run thence north 89°18" west along said southerly line, a distance of 893.67 feet to the point of beginning.

- (2) The following parcel of real property be annexed to the City of Fernandina Beach, pursuant to petition filed by the owner of said lands and approved by the City Commission of the City of Fernandina Beach, said real property and owner of same being as follows:

A portion of Section Eleven (11), Township Two (2) North, Range Twenty-eight (28) East, Nassau County, Florida. Said portion being more particularly described as follows:

For a point of reference commence at the northeast corner of Section Eleven (11), aforementioned, and run south eighty-five (85) degrees, fifty-five (55) minutes, thirty (30) seconds west along the south right-of-way line of Bill Melton Road (a sixty (60.0) foot right-

of-way) a distance of three hundred thirty-one and sixty-one hundredths (331.61) feet to the point of beginning.

From the point of beginning thus described, continue south eighty-five (85) degrees, fifty-five (55) minutes, thirty (30) seconds west along said right-of-way a distance of four hundred ninety-one and nineteen hundredths (491.19) feet to the beginning of a curve concave to the southeasterly, having a radius of thirty (30.0) feet; run thence in a southerly direction departing said right-of-way and along the arc of said curve, a chord distance of forty-four and thirty-eight hundredths (44.38) feet to the point of tangency (the bearing of the aforementioned chord being south thirty-eight (38) degrees, thirteen (13) minutes west); run thence south nine (09) degrees, twenty-nine (29) minutes, thirty (30) seconds east a distance of one hundred thirty-five and fifty-two hundredths (135.52) feet to the beginning of a curve concave to the northwesterly, having a radius of one hundred five (105.0) feet; run thence in a southerly direction along the arc of said curve a chord distance of ninety-one and forty-seven hundredths (91.47) feet (the bearing of the aforementioned chord being south sixteen (16) degrees, nineteen (19) minutes, forty-three (43) seconds west); run thence north eighty-five (85) degrees, fifty-five (55) minutes, thirty (30) seconds east a distance of five hundred ninety and twenty-nine hundredths (590.29) feet; run thence north fifteen (15) degrees, fifteen (15) minutes, forty-one (41) seconds west a distance of two hundred fifty-eight and thirty-nine hundredths (258.39) feet to the point of beginning.

Said lands being owned by the Davis-Phoenix Company, Inc., a Florida corporation, less and except the easterly sixty (60.0) feet thereof, which is owned by the City of Fernandina Beach.

Sec. 7. - Powers of city generally.

(a) The City of Fernandina Beach shall have full power and authority to:

- (1) Acquire, take, hold, control and dispose of property, real, personal and mixed, both within and without its corporate limits, for the use, benefit, welfare and best interest of said municipality, by acquisition, condemnation or otherwise;
- (2) To issue and sell bonds upon its property both within and without its corporate limits, or the earnings thereof, or both;
- (3) To adopt and enforce local police, sanitary and other similar regulations not in conflict with the laws of the state;
- (4) To do whatever is necessary and proper for the safety, health, convenience and general welfare of its inhabitants; and
- (5) To exercise all other powers of local self-government.

(b) The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the city shall have, and may exercise, all other powers which, under the constitution and laws of Florida, it would be competent for this section specifically to enumerate.

Sec. 8. - Commission-manager plan [form] of government.

The form of government of the City of Fernandina Beach provided for under this Act shall be that known as the "Commission-Manager Plan," and the commission shall consist of five (5) citizens, who shall be elected at large in the manner hereinafter provided. The commission shall constitute the governing body with powers as hereinafter provided to pass ordinances, adopt regulations and appoint a chief administrative officer to be known as the "City Manager," and to exercise all other powers hereinafter provided.

CITY COMMISSION

Sec. 9. - Created; election by groups; number; term.

The City Commission shall prescribe the conduct, method, dates and manner of holding elections by ordinance, in substantial compliance with the principles adopted for state elections. In matters on which the conduct of municipal elections can vary from the conduct of state elections, the City Commission may, by ordinance, adopt rules specific to municipal elections. All City elections shall be non-partisan.

There is hereby created a City Commission to consist of five (5) electors of the City of Fernandina Beach and elected at large.

- (a) If an affirmative majority of the present City Commission so desires, the city shall, by ordinance, motion or otherwise, elect five (5) members for said commission in the following manner:

One (1) member shall run as a candidate from and be elected by the qualified electors of group one (1), the boundaries of which shall be coterminous with the boundaries of the City of Fernandina Beach, Florida, and when elected shall serve as city commissioner of and for group one (1) of said city.

One (1) member shall run as a candidate from, and be elected by the qualified electors of, group two (2), the boundaries of which shall be coterminous with the boundaries of the City of Fernandina Beach, Florida, and when elected shall serve as city commissioner of and for group two (2) of said city.

One (1) member shall run as a candidate from, and be elected by the qualified electors of, group three (3), the boundaries of which shall be coterminous with the boundaries of the City of Fernandina Beach, Florida, and when elected shall serve as city commissioner of and for group three (3) of said city.

One (1) member shall run as a candidate from, and be elected by the qualified electors of, group four (4), the boundaries of which shall be coterminous with the boundaries of the City of Fernandina Beach, Florida, and when elected shall serve as city commissioner of and for group four (4) of said city.

One (1) member shall run as a candidate from, and be elected by the qualified electors of, group five (5), the boundaries of which shall be coterminous with the boundaries of the City of Fernandina Beach, Florida, and when elected shall serve as city commissioner of and for group five (5) of said city.

- (b) Members shall serve for a term of four (4) years or until their successors have been elected and take office. Elections for the groups referred to in paragraph (a) shall be held as follows:

Group 1 shall be elected in 2016.

Groups 2 and 3 shall be elected in 2017 and 2020.

Groups 4 and 5 shall be elected in 2015 and 2018.

Thereafter, all groups shall be elected every four (4) years for a term of four (4) years.

- (c) If there are several candidates in each group, then the candidate receiving a majority vote shall be held elected for that group, provided, however, that in the event the candidate shall not receive a majority vote, then and in that event the two (2) candidates receiving the largest or highest votes shall have their names placed on an election ballot (unless one (1) of the two (2) candidates to be elected shall withdraw from the race, then and in that event no run off or second election shall be called and the remaining candidate shall be declared elected) in a run off or second election and in said run off or second election the candidate receiving the largest

or highest votes shall be held elected for that group; provided always, however, that this shall not apply to any candidate or candidates that receive a majority vote in the first or general election. Provided, however, that no group or groups of candidates shall qualify in more than one (1) group in any general election or run off or second election in any one year.

- (d) City elections shall be nonpartisan and shall be held every two (2) years in even numbered years and in conjunction with county, state and federal elections. The City Commission shall have the authority to call for special elections at any time not on the same dates as the City general elections for special elections, ballot questions and referenda.

Sec. 10. - Powers generally; dealing with administrative service through Charter Officers required; violations deemed misdemeanor, penalty.

- (a) The Mayor and Commissioners shall not, in any manner, dictate the appointment or removal of any city officers or employees whom the Charter Officer or any of his/her subordinates are empowered to appoint, evaluate and supervise.
- (b) All powers of the City, except as otherwise provided by this Charter or by the constitution of this state, are hereby vested in the City Commission. Except as otherwise provided by this Charter or by the constitution of this state, the City Commission may by ordinance or resolution prescribe the manner in which any power of the city shall be exercised.
- (c) The Mayor and Commissioners shall deal with administrative service through the respective Charter Officer. The Mayor and Commissioners shall not directly interfere with or direct the conduct of any employee in the discharge of prescribed duties. However, with the express permission of the respective Charter Officer, the Mayor and Commissioners may communicate directly with an employee.
- (d) Any violation of the provisions of this section by any member of the City Commission shall, upon first offense be grounds for sanction by the Commission, and any second or subsequent offense or violation within a commissioner's term shall constitute a misdemeanor and, upon conviction thereof before any court of competent jurisdiction the violator shall be fined in an amount not exceeding two hundred dollars (\$200.00), or be imprisoned for a period not exceeding six (6) months, or both, at the discretion of the court, and shall be subject to removal from office.
- (e) Investigations or inquiries shall be conducted pursuant to Section 136 of this charter.

Sec. 10A. - Referendum required for sale of city-owned recreational facilities and land.

- (1) A referendum election shall be required prior to the sale, lease for a period of more than 40 years, or other transfer of City owned swimming pools, golf course or courses, any and all recreational facilities, or lands which are designated for recreational use in the City's comprehensive plan or any portion thereof, and all buildings, improvements and appurtenances pertaining thereto, whether presently built or hereafter built. The City Commission shall pass an ordinance by a majority vote to place the matter on the ballot for the voters to decide. The decision of the voters shall be binding. If approved by the voters, the City Commission shall have the authority to issue a deed for the property, or to issue such other documents as may be necessary to complete the transaction.
- (2) "Recreational facilities" as used in this section is hereby defined as any real property, including improvements thereon, owned by the City of Fernandina Beach and used or intended for use by the general public primarily for parks, playgrounds, amusements, resorts, pleasure, nature preserves; botanic, zoological or marine conservatories; sporting events, pleasure boating, swimming, fishing or any other recreational activity. Such recreational facilities shall be designated by a resolution of the City Commission and which resolution shall be updated from time to time.

Sec. 10B. - General power to borrow money and issue bonds.

The City of Fernandina Beach shall have the power to borrow money, contract loans, and issue bonds, notes and other obligations or evidences of indebtedness in accordance with Florida law.

State Law reference— Tax on cigarettes prohibited by state law, F.S. § 210.03.

Sec. 11. - Qualifications of members; holding of more than one office not permitted; interest in profits of city contracts, etc., prohibited.

Members of the commission shall be residents of the city and have the qualifications of electors therein. Officers and employees of the city may not hold more than one office in the city government of the City of Fernandina Beach, and shall not be interested in the profits or emoluments of any contract work or service for the municipality, and any such contract in which any member is, or may become, interested shall be declared void by the commission.

Const. law reference— Dual office holding prohibited, Fla. Const. art. 11, § 5(a).

State Law reference— Code of ethics, F.S. § 112.311 et seq.

Sec. 12. - Salary of members.

The Mayor and City Commissioners shall receive a salary in the amount as established by appropriate city ordinance.

Sec. 13. - Limitation on successive terms in office.

The city commissioners shall be limited to two (2) successive terms in office. No person shall be qualified for election or appointment to a vacancy upon the city commission of the City of Fernandina Beach, Florida, unless at least three (3) years have elapsed since such person last held such office, if at that time such person completed two (2) successive and full terms.

Sec. 14. - Judge of election and qualifications of members.

The commission shall be the judge of the election and qualification of its own members, subject to review by the courts. Any member of the commission who shall be convicted of [a] crime while in office shall thereby forfeit his office.

Sec. 15. - Vacancies, how filled.

Any vacancy in the city commission shall be filled until the next regular municipal election by vote of the remaining members of the commission; provided, that if such vacancy is not filled within thirty (30) days after it shall have occurred, appointment to fill the existing vacancy shall be made by the governor. Vacancies resulting from a recall election shall be filled as required by state law.

State Law reference— Filling of vacancy after a recall election, F.S. § 100.361.

Sec. 16. - Mayor—When selected; procedure; term.

- (a) In case the members of the Commission are unable to agree on the selection of Mayor, at the time fixed in the Code of Ordinances for the Commission's annual organization meeting, then the Mayor shall be chosen by lot, conducted by the city attorney, who shall certify the result of such lot upon the journal of the commission.
- (b) The mayor shall serve a term of two (2) years to coincide with the municipal general election beginning in 2018, unless sooner removed from office by the City Commission as provided below in subsection (c).
- (c) The City Commission may, by majority vote and for any reason, remove the Mayor from office and appoint another incumbent commissioner to serve as Mayor for the remainder of the two (2) year

term. The person removed from the office of Mayor shall continue to serve as commissioner until the end of their current term as commissioner unless otherwise prohibited from serving as commissioner by state law.

Sec. 17. - Same—Functions and powers of the mayor.

The powers and duties of the Mayor shall be as set forth in this Charter and such other duties as may be conferred upon the Mayor by official action of the City Commission. The Mayor shall have a voice and a vote in the proceedings of the commission but no veto power. The Mayor shall not exercise any administrative power, unless specifically set forth in this Charter. The Mayor shall preside at all meetings of the commission and perform such other duties consistent with the office, and may use the title of Mayor in the execution of legal instruments or when required by the general or special laws of the state. The Mayor shall be recognized as the official head of the city by the courts for the purpose of serving civil processes and for all ceremonial purposes.

Sec. 18. - Reserved.

Sec. 19. - Reserved.

Sec. 20. - Same—Vacating seat of member for unexcused absence of specified duration.

Absence from four consecutive regular meetings of the commission shall operate to vacate the seat of a member, unless such absence is excused by the commission by resolution setting forth the fact of such excuse duly entered upon the journal.

Sec. 21. - Adoption and enactment of municipal ordinances and resolutions; quorum for city commission.

- (1) The adoption of ordinances and resolutions must be in compliance with Section 166.041, Florida Statutes, or such other section in Florida Statutes pertaining to the adoption of municipal ordinances or resolutions, as the same may be amended from time to time.
- (2) A majority of the members of the city commission shall constitute a quorum. An affirmative vote of at least three city commissioners shall be necessary to enact any ordinance or resolution; except that two-thirds of the city commission is required to enact an emergency ordinance. An affirmative vote of a majority of a quorum present is necessary to adopt any resolution. On final passage, the vote of each member of the city commission voting shall be entered on the official record of the meeting. All ordinances or resolutions passed by the city commission shall become effective ten (10) days after passage or as otherwise provided therein.
- (3) Every ordinance or resolution shall, upon its final passage, be recorded in a book kept for that purpose and shall be signed by the presiding officer and the clerk of the city commission.

Secs. 22—24. - Reserved.

CITY MANAGER

Sec. 25. - Appointment; tenure of office; qualifications; manager pro tem.

The city commission shall appoint a city manager who shall be the administrative head of the municipal government under the direction and supervision of the city commission, and shall hold office at the pleasure of the city commission. The city manager shall be chosen solely on the basis of executive and administrative qualifications without regard to political belief, and need not be a resident of the city or state at the time of appointment; however, not later than 30 days after executing the Oath of Office, the city manager shall become a resident of the city. The city commission may establish an appropriate contract for the city manager, which shall contain the employment conditions, compensation, benefits and such other terms as may be appropriate. The city manager may also be deemed to be a regular

employee of the city, and the employment conditions, compensation, benefits and other terms may be set by the city commission through ordinance, resolution or policy. During the absence or disability of the city manager, the city commission shall designate some properly qualified person to temporarily execute the function of the city manager.

Sec. 26. - Reserved.

Sec. 27. - Reserved.

Sec. 28. - Reserved.

Sec. 29. - Powers and duties enumerated.

The city manager shall be responsible to the city commission for the proper administration of all affairs of the city, and to that end his powers are and they shall be:

- (a) To see that the laws and ordinances are enforced.
- (b) Except as hereinafter specifically provided, to appoint and remove all subordinate officers and employees of the city; all appointments to be made upon merit and fitness alone.
- (c) To exercise control and direct supervision over all departments and divisions of the municipal government under this Charter, or which may hereafter be created by the city commission, including public utilities owned by said city.
- (d) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed; and upon knowledge of any violation thereof, to call the same to the attention of the city attorney, whose duty it is hereby made to take such legal steps as may be necessary to enforce the same.
- (e) To attend all meetings of the city commission, and of its committees, with right to take part in the discussions, but without having a vote.
- (f) To recommend to the commission for adoption such measures as he may deem necessary or expedient in the interests of the city.
- (g) To keep the city commission fully advised as to the financial condition and needs of the city and to submit for its consideration an annual budget.
- (h) To perform such other duties as may be prescribed under this Charter or as may be required of him by ordinance or resolution of the city commission.
- (i) He shall be purchasing agent for the city, by whom all purchases of supplies shall be made and he shall approve all vouchers for the payment of same. In the capacity of purchasing agent he shall also conduct all sales of personal property which the commission may authorize to be sold as having become unnecessary or unfit for the city's use. All purchases and sales shall conform to such regulations as the city commission may from time to time prescribe.

Sec. 30. - Reserved.

CITY ATTORNEY

Sec. 31. - City Attorney appointment and duties.

- a) *Appointment; tenure of office; qualifications; and attorney pro tem.* The City Commission shall appoint a city attorney, who shall act as the legal advisor to and attorney and counselor for the municipality and all of its officers in matters relating to their official duties. The City Attorney shall serve under the direction and supervision of the City Commission and shall hold office at the pleasure of the City Commission. The City Attorney shall be chosen on the basis of legal and administrative qualifications. The City Commission shall establish an appropriate contract for the City

Attorney, which shall contain the employment conditions, compensation, benefits and such other terms as may be appropriate. During the absence or disability of the City Attorney, the City Commission shall designate a properly qualified person to temporarily execute the functions of the office.

- b) *Powers and duties enumerated.* The City Attorney shall be responsible to the City Commission for the proper administration of all affairs of the City assigned to the office of the City Attorney and to that end, the City Attorney's duties and powers shall be the following:
- 1) Prepare all contracts, bonds and other instruments in writing in which the municipality is concerned, and shall endorse on each the City Attorney's approval;
 - 2) The City Attorney shall be authorized to take such action required to avoid default judgment against the City in any litigation and shall obtain authorization by resolution to prosecute and defend all causes of action, lawsuits and claims in which the City is a party. The City Attorney shall review with the City Commission at the next regular meeting when any action to avoid default has been taken by the City Attorney;
 - 3) The City Attorney shall provide opinions of law relating to the activities of the City, the City Commission, the City Manager and City Clerk, upon request; and the direct employees of the City Attorney in the office of the City Attorney shall report to the City Attorney. The City Attorney shall have the authority to hire, direct, promote and terminate the employees in the City Attorney's Office, notwithstanding Section 29(b) herein.

Sec. 32. - Additional duties.

In addition to the duties specifically imposed under the preceding section, he [the city attorney] shall perform such other professional duties as may be required of him by ordinance or resolution of the city commission or as are prescribed for city attorneys under the general law of the state which are not inconsistent with this Charter and with any ordinance or resolution which may be passed by the city commission.

Sec. 33. - Qualifications.

The city attorney shall be a lawyer admitted to and having authority to practice in all courts of the state.

Secs. 34—38. - Reserved.

DEPARTMENT OF PUBLIC SAFETY AND WELFARE AND PUBLIC WORKS

Sec. 39. - Reserved.

Sec. 40. - Reserved.

Sec. 41. - Police force—Composition; authority of chief.

The police force of the City of Fernandina [Beach] shall consist of a chief of police and as many subordinate officers, policemen and employees as the city commission shall by resolution determine. The chief of police shall have exclusive control of the stationing and transfer of all patrolmen and other officers and employees constituting the police force, subject to the approval of the city manager and under such rules and regulations as the city commission may prescribe or as may be prescribed by the ordinances of the city.

Sec. 42. - Reserved.

Sec. 43. - Reserved.

Sec. 44. - Fire force; composition; authority of chief.

The fire force of the city shall consist of a chief, who shall be fire warden, and as many subordinate officers, firefighter/rescue personnel and employees as the city commission shall, by ordinance, determine. The fire chief shall have exclusive control of the stationing and transfer of all firefighter/rescue personnel and other officers and employees of the fire force subject to such rules and regulations as may be prescribed by the city manager or by ordinance of the city; he shall have exclusive management and control of such officers and employees as may be employed in the administration of the affairs of his force. In case of riot, conflagration or like emergency, the city manager may appoint additional firefighter/rescue personnel for temporary service.

Sec. 45. - Public utilities.

The City of Fernandina Beach shall have the power to own and operate all utilities, both within its boundaries, and outside its boundaries, in order to serve the public health, safety and welfare. The City shall have the power to do all things necessary for the operation of the utilities, and the protection of the public health and safety and welfare.

CITY CLERK

Sec. 46. - Appointment; tenure of office; qualifications; and clerk pro tem.

The City Commission shall appoint a City Clerk, who shall serve under the direction and supervision of the City Commission and shall hold office at the pleasure of the City Commission. The City Clerk shall be chosen on the basis of administrative qualifications. The City Commission shall establish an appropriate contract for the City Clerk, which shall contain the employment conditions, compensation, benefits and such other terms as may be appropriate. During the absence or disability of the City Clerk, the City Commission shall designate a properly qualified person to temporarily execute the functions of the office.

Sec. 47. - Powers and duties enumerated.

The City Clerk shall be responsible to the City Commission for proper administration of all affairs of the City assigned to the office of the City Clerk and to that end, the City Clerk's duties and powers shall be the following:

- a) Attend all meetings of the City Commission and keep a journal of its proceedings, the correctness of which proceedings as entered in such journal shall be certified to after each meeting by the signature of the City Clerk and by the signature of the presiding officer of the City Commission. Additionally, a journal shall be maintained of the proceedings of all boards and committees required by the City Commission;
- b) The City Clerk shall be the custodian of the seal of the City;
- c) Conduct municipal elections exercising authority not reserved to county constitutional officers; however all such authority and responsibility to conduct municipal elections, either special or general municipal elections, may be contracted out to the Nassau County Supervisor of Elections, as determined by the City Commission from time to time;
- d) Countersign all checks and review outgoing checks to determine compliance with the City's established Purchasing Policy and Procedures;
- e) Serve as legal custodian of all city records including but not limited to, all contracts, deeds, abstracts, title insurance policies and other official documents, and perform such other duties as may be required by ordinance or resolution of the City Commission, as well as such as may be required by City Clerks by the general law of the state, applicable to municipalities and not inconsistent with this charter or with any ordinance or resolution passed by the City Commission;

- f) Authenticate all ordinances, resolutions and transcripts of legislative functions;
- g) Publish all public notices required by the City Commission or by law;
- h) Prepare all awards, proclamations, certificates and other formal Documentation by the City Commission;
- i) Notify the City Commission of all vacancies on boards or committees established by the City Commission;
- j) File all liens, satisfactions and releases as authorized by the City Manager;
- k) Serve as notary public on behalf of the City and attest all City documents as required;
- l) The direct employees of the City Clerk in the office of the City Clerk shall report to the City Clerk. The City Clerk shall have the authority to hire, direct, promote and terminate the employees in the City Clerk's office, notwithstanding Section 29(b) herein; and
- m) Any other duties as required by the City Commission.

Secs. 48—57. - Reserved.

DEPARTMENT OF FINANCE; CITY CONTROLLER

Sec. 58. - Department of finance established.

There shall be a department of Finance, which shall be headed by a City Comptroller, who shall be under the supervision of the City Manager. The City Comptroller shall be the custodian of all monies of the City and shall keep, preserve, invest and deposit all funds of whatever kind in a legally authorized manner in accordance with the guidelines of the Governmental Accounting Standards Board, as established by the State of Florida and any established policies and procedures of the City.

Sec. 59. - Bond.

The city comptroller shall give a bond in the amount established by ordinance of the city commission from time to time.

Sec. 60. - Collection of interest on investments or deposits.

All moneys due as interest upon investments or deposits shall be collected by the city comptroller and placed to the credit of the city, and any and all bonds and securities taken for investments and deposits shall be held by the city comptroller for safe keeping for the benefit of the city.

Sec. 61. - Collection of taxes, license fees and all moneys belonging to city.

The City Comptroller shall assure that all monies belonging to the City are properly recorded, reconciled and accounted for, including but not limited to taxes, licenses, revenue sharing, grants, special assessments, fines and income from all other sources in accordance with the guidelines of the Governmental Accounting Standards Board, as established by the laws of the State of Florida.

Sec. 62. - Payment of moneys; procedure.

The City Comptroller shall issue checks to be paid from city funds only in accordance with established procedures, which procedures shall be reviewed and approved by the City Manager and City Commission. The checks of the City may carry electronic signatures. In a declared emergency, the persons authorized to sign on behalf of the City shall be established by resolution.

Sec. 63. - Reserved.

Sec. 64. - Financial report; submission to commission monthly.

At a regular city commission meeting, the city comptroller shall submit to the city commission through the city manager, a detailed report of the financial status of the City funds. The city comptroller, or designee, shall also attend the meeting to provide the necessary interpretation of the submitted financial data or to respond to the financial questions generated by the commission.

Sec. 65. - Reserved.

Sec. 66. - Reserved.

Sec. 67. - Reserved.

[RESERVED]^[2]

Footnotes:

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Sec. 68. - Reserved.

ADVISORY BOARDS

Sec. 69. - How constituted.

The city commission may at any time appoint a fact-finding or advisory board or boards, composed of men and women who are residents of the City of Fernandina Beach qualified to act in an advisory capacity to the city commission or the city manager, with respect to the conduct and management of any property or institutions or the exercises of any public functions of the city. The members of any such board shall serve without compensation for the time fixed in their appointment or at the pleasure of the commission, and their duties shall be to consult and advise with such municipal officers and make written recommendations, which shall become part of the records of the city.

FINANCES AND TAXATION

Sec. 70. - Reserved.

Sec. 71. - Annual estimate of expenditures and revenues for forthcoming year; submission to city commission by city manager.

The City Manager shall set forth an estimate of the expenditures and revenues of the city for the upcoming fiscal year. The estimate of expenditures and revenues shall be submitted in compliance with the procedures set forth in the laws of Florida. The estimates and budget so given and constituting the recommendation of the City Manager as to the amounts necessary to be appropriated for the ensuing fiscal year shall be supported with information giving the reasons therefore in such detail as may be necessary to afford the City Commission a comprehensive understanding of the needs and requirements of the various departments and divisions of the city government for the ensuing fiscal year.

Sec. 72. - Annual budget and appropriation.

The city commission shall abide by the laws of the State of Florida in the preparation, submission and publication of its annual budget and appropriation by ordinance or resolution.

Sec. 73. - Reserved.

Sec. 74. - Transfer of funds.

Upon request of the city manager, the city commission may authorize a budget amendment or budget transfer by resolution. The city manager shall be authorized to transfer funds within the same department or division thereof in such maximum amounts as established by ordinance or resolution from time to time.

Sec. 75. - Limitation on appropriations.

At the close of each fiscal year the unencumbered balance of each appropriation shall revert to the respective fund from which it was appropriated and shall be subject to future appropriation. Any accruing revenue of the city, not appropriated and hereinbefore provided, and any balance at any time remaining after the purpose of the appropriation shall have been satisfied or abandoned may from time to time be appropriated by the city commission to such use as will not conflict with any uses for which specifically such revenues accrued. No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of the money be incurred, except pursuant to the appropriation made by the city commission.

Sec. 76. - Reserved.

Sec. 77. - Reserved.

Sec. 78. - Ad valorem taxes.

- (1) Pursuant to Article VII, Sec. 9 of the State Constitution and the laws of the State of Florida, this municipality is hereby authorized, to levy ad valorem taxes on real and tangible personal property within the municipality.
- (2) The assessment and collection of municipal ad valorem taxes shall be performed by appropriate officers and in such manner as is prescribed by general law.
- (3) Pursuant to and in compliance with the laws of the State of Florida, the municipality may impose, by taxation and licenses or by user charges or fees authorized by ordinance, amounts of money which are necessary for the conduct of municipal government and may enforce their receipt and collection in the manner prescribed by law.

Sec. 79. - Regulatory fees.

Pursuant to the laws of the State of Florida, this municipality may levy reasonable business, professional, and occupational regulatory fees commensurate with the cost of the regulatory activity, including consumer protection, on such classes of businesses, professions, and occupations, the regulation of which has not been preempted by the state or a county pursuant to a county charter.

Sec. 80. - Reserved.

Sec. 81. - Certification of funds for contracts, obligations, etc.

No contract, agreement, or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed by the city commission or be authorized by any officer of the city, unless the comptroller first certifies to the city commission or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure is in the treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose. The sum so certified shall hereafter be considered appropriated until the city is discharged from the contract, agreement or obligation.

Secs. 82—107. - Reserved.

Sec. 107A. - Community redevelopment areas.

The City of Fernandina Beach is prohibited from creating any more than two non-contiguous, community redevelopment areas (CRA), pursuant to F.S. ch. 163, part III. The City of Fernandina Beach is prohibited from creating any such CRA wherein the assessed value for ad valorem tax purposes of the real property contained within such CRA would exceed two percent (2%) of the total assessed value of all real property in the city at the time of creation of such CRA.

Secs. 108—119. - Reserved.

OFFICERS AND EMPLOYEES

Sec. 120. - Salaries and compensation.

The city commission shall fix, by ordinance, the salary or compensation of the city attorney, the department heads, the city manager and the city commission. The city manager shall fix the number and compensation of all other officers and employees. The salaries or compensation so fixed shall be uniform for like services in each grade of the city service, as the same shall be graded or classified by the city manager, and approved by the city commission. All such salaries and rates of pay, with dates of employment and discharge, shall be immediately reported to the city clerk. All fees and moneys received or collected by officers and employees shall be immediately paid over to the city controller on the date of their receipt.

Sec. 121. - Oath of office.

Every officer of the city shall, before entering upon the duties of his office, take and subscribe to an oath or affirmation to be filed and kept in the office of the city clerk, which oath shall be in the form prescribed for state officers by the Constitution of the State.

Sec. 122. - Official bonds.

The city commission or city manager, in fixing the salary of any officer, clerk or employee shall determine whether or not such officer, clerk or employee shall give bond, and the amount thereof, which bond shall be procured from a regularly accredited surety company authorized to do business under the laws of Florida, the premiums on such bonds to be paid by the city. All such bonds shall be filed in the office of the city clerk.

ELECTIONS

Sec. 123. - Reserved.

Sec. 123A. - Reserved.

Sec. 124. - Reserved.

Sec. 125. - Election arrangements; declaration of election results; appointment of inspectors.

The city commission shall make all necessary arrangements for holding all municipal elections, and shall declare the result thereof. Inspectors, poll workers and clerks of election shall be appointed by the city commission except that if the commission shall fail to appoint them at least seven (7) days before the date of any election, the mayor may appoint them. In case of emergency, the mayor has the authority to appoint inspectors, poll workers and clerks of election.

Secs. 125A—135. - Reserved.

GENERAL PROVISIONS

Sec. 136. - Administrative investigations.

The city commission shall authorize investigations by resolution. The city commission shall have the power at any time to cause the affairs of any department or the conduct of any officer or employee to be investigated; and for such purpose shall have power to compel the attendance of witnesses and the production of books, papers, and other evidence; and for that purpose may issue subpoenas or attachments which shall be signed by the mayor or the city manager and shall be served by any officer authorized by law to serve such process. The authority making such investigation shall have power to cause the testimony to be given under oath, such oath to be administered by some officer having authority under the law of the state to administer oaths; and shall also have power to punish as for contempt any person refusing to testify to any fact within his knowledge, or produce any book or papers under his control relating to the matter under investigation. Nothing in this section should be construed to limit the charter officers' ability to inquire into matters under their respective areas of responsibility.

Sec. 137. - Dedication of streets.

No street or alley hereinafter dedicated to public use by the owner of any land within the city shall be deemed a public street or alley, under the care or control of the city, unless the dedication be accepted and confirmed by ordinance passed for such purpose.

Secs. 138—140. - Reserved.

Sec. 141. - General laws of state to apply.

All general laws of the state applicable to municipal corporations, now or which may hereafter be enacted, and which are not in conflict with the provisions of this Charter or with the ordinances and resolutions hereafter enacted by the city commission, shall be applicable to this city; provided, however, that nothing contained in this Charter shall be construed as limiting the power of the city commission to enact any ordinance or resolution not in conflict with the constitution of the state or with the express provisions of this Charter.

Sec. 142. - Reserved.

Sec. 143. - Savings clause.

If any section or part of a section of this Charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force, or effect of any other section or part of a section of this Charter, unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held to be unconstitutional or invalid.

Sec. 144. - When this Charter becomes effective.

The foregoing sections of this Charter shall take effect upon their ratification by a majority vote of the qualified electors of the said City of Fernandina Beach voting at a special election to be held in the City of Fernandina Beach.

ABOLISHMENT OF PRESENT MUNICIPALITY

Sec. 1. - Creation.

The City of Fernandina and the City of Fernandina Beach were combined into one municipality called the City of Fernandina in 1921 pursuant to the Laws of Florida, Chapter 8949 (1921). The name of the municipality was changed to the City of Fernandina Beach (1951) and has operated as a municipal corporation pursuant to Charter since that time.

Sec. 2. - Reserved.

Sec. 3. - Reserved.

Sec. 4. - Reserved.

ESTABLISHMENT OF NEW MUNICIPALITY

Sec. 5. - Reserved.

Sec. 6. - Boundaries.

That the following shall be the territory the inhabitants of which are hereby established and organized into a municipal corporation, and over which such municipality shall exercise its jurisdiction and powers in accordance with state law and City ordinances, to wit:

- (a) *Original boundaries.* Beginning at a point where the range line between Range Twenty-eight (28) East, and Range Twenty-nine (29) East intersects the southerly boundary of Egan's Creek; thence north, along the said range line, to a point on the low water mark of Cumberland Sound; thence easterly, along the said low water mark of Cumberland Sound, to a point on the low water mark of the Atlantic Ocean; thence southerly, along the said low water mark of the Atlantic Ocean, to a point on the southerly boundary of Section Ten (10), Township Two (2) North, Range Twenty-eight (28) East; thence south eighty-nine degrees fifty-five minutes west (S89°55'W), along the southerly boundary of said Section Ten (10), a distance of five hundred eighty-three (583.0) feet, more or less, to a point at the southwest corner of said Section Ten (10), thence north seven degrees twenty-four minutes east (N7°24'E), along the westerly line of said Section Ten (10), a distance of one thousand seven hundred twenty-eight and three-tenths (1728.3) feet to a point at the northwest corner of said Section Ten (10) and on the south line of Section Eight (8), Township Two (2) North, Range Twenty-eight (28) East, said point being south eighty-five degrees fifty-three minutes west (S85°53'W) a distance of two hundred fifty and fourteen hundredths (250.14) feet from the southeast corner of said Section Eight (8); thence south eighty-five degrees fifty-three minutes west (S85°53'W), along the south line of said Section Eight (8), a distance of one thousand seventy-nine and six-tenths (1079.6) feet to a point; thence south eight degrees eighteen minutes west (S8°18'W) a distance of three thousand one hundred sixty-nine and eighty-eight hundredths (3169.88) feet to a point on the south line of Section Eleven (11), Township Two (2) North, Range Twenty-eight (28) East; thence south eighty degrees twenty-four minutes west (S80°24'W), along the south line of said Section Eleven (11), a distance of five thousand two hundred thirty-eight (5238.0) feet, more or less, to a point at the southwest corner of said Section Eleven (11); thence in a northerly direction, along the west line of said Section Eleven (11) and the west line of Government Lots Four (4) and Three (3) in Section Six (6), Township Two (2) North, Range Twenty-eight (28) East, a distance of ten thousand seven hundred fifty (10,750.0) feet, more or less, to a point on the north line of said Section Six (6), said point being the southwest corner of Lot Sixty-six (66) of Ocean Breeze Farms Subdivision as recorded in Plat Book Two (2) at page nineteen (19) of

the public records of said Nassau County, Florida; thence south eighty-eight degrees twenty-three minutes east (S88°23'E), along the north line of said Section Six (6), a distance of four hundred nineteen and six-tenths (419.6) feet to a point at the southwest corner of Lot Ninety-nine (99); thence north one degree thirty-seven minutes east (N1°37'E), along the west line of Lots Ninety-nine (99) and Sixty-five (65), a distance of five hundred eleven and five-tenths (511.5) feet to a point at the northwest corner of said Lot Sixty-five (65); thence south eighty-eight degrees twenty-three minutes east (S88°23'E), along the north line of Lots Sixty-five (65) and Fifty-two (52), a distance of one thousand three hundred twenty (1320.0) feet to a point at the northeast corner of said Lot Fifty-two (52); thence south one degree thirty-seven minutes west (S1°37'W), along the east line of Lots Fifty-two (52) and one hundred (100), a distance of five hundred eleven and five-tenths (511.5) feet to a point on the north line of said Section Six (6); thence south eighty-eight degrees twenty-three minutes east (S88°23'E), along the north line of Sections Six (6) and Seven (7), Township Two (2) North, Range Twenty-eight (28) East, a distance of three thousand ninety-nine and twenty-seven hundredths (3099.27) feet to a point in the center of the south line of Lot One hundred five (105) of Ocean Breeze Farms Subdivision as recorded in Plat Book "O" at page fifty-nine (59) of the public records of said Nassau County, Florida; thence north one degree fifty-four minutes east (N1°54'E), along the center line of Lot One hundred five (105) and Lot Six (6), a distance of three hundred forty-six and five-tenths (346.5) feet to a point in the center of said Lot Six (6); thence south eighty-eight degrees twenty-three minutes east (S88°23'E) a distance of three hundred three and twenty-five hundredths (303.25) feet to a point at the center of the west line of Lot Seven (7); thence north one degree thirty-seven minutes east (N1°37'E), along the west line of Lots Seven (7) and Eight (8), a distance of four hundred ninety-five (495.0) feet to a point at the northwest corner of said Lot Eight (8); thence south eighty-eight degrees twenty-three minutes east (S88°23'E), along the north line of Lots Eight (8), Nineteen (19), and Twenty-one (21), a distance of one thousand seven hundred ninety (1790.0) feet to a point at the northeast corner of said Lot Twenty-one (21); thence south three degrees eighteen minutes east (S3°18'E), along the east Lot Twenty-one (21), a distance of seven hundred forty-nine and eleven hundredths (749.11) feet to a point on the north line of said Section Eight (8); thence north eighty-five degrees fifty-three minutes east (N85°53'E) along the north line of said Section Eight (8), a distance of one thousand six hundred nine and six-tenths (1609.6) feet to a point at the northeast corner of said Section Eight (8); thence northerly, in a straight line through Sections Two (2) and One (1), Township Two (2) North, Range Twenty-eight (28) East, to a point at the northwest corner of Section Six (6), Township Two (2) North, Range Twenty-nine (29) East; thence northerly, along the range line between Ranges Twenty-eight (28) and Twenty-nine (29) East, Township Three (3) North, to a point at the northeast corner of Citrona Lot Twenty-eight (28), according to the official plat of the City of Fernandina Beach (formerly named Fernandina) as lithographed and issued by the Florida Railroad Company in 1857 and enlarged, revised, and reissued by the Florida Town Improvement Company in 1887 and 1901; thence north eighty-two degrees twenty-eight minutes west (N82°28'W), along the prolongation of the southerly right-of-way line of Lime Street (60'R/W), to the low water mark of Amelia River; thence northerly, along the low water mark of Amelia River, to a point at the mouth of Egan's Creek; thence easterly, along the southerly boundary of Egan's Creek to the point of beginning.

(b) *Additions.*

- (1) Certain real property contiguous to the corporate limits of the City of Fernandina Beach, Florida, described as follows, is hereby annexed by the city and shall hereafter be a part of the corporate limits of the city:

That portion of Lots 12 and 13 lying westerly of the city limits of Fernandina Beach, Florida. Lot 14 and the easterly ½ of Lot 15, Block 2, Sadler Estates, as recorded in Plat Book 2, page 62, of the public records of Nassau County, Florida.

All of that property as described below which lies west of the westerly city limits of Fernandina Beach, Florida.

From a point of beginning: Begin at the southeast corner of Section 29, aforementioned; and run south $89^{\circ}35'15''$ west along the southerly line of said section a distance of 213.69 feet to the center of a 25.0 feet, more or less, drainage canal; run thence north $5^{\circ}02'36''$ east along said center of canal, a distance of 305.30 feet; run thence north $5^{\circ}54'03''$ east continuing along said center of canal, a distance of 300.01 feet; run continuing along said center of canal a distance of 300.01 feet; run thence north $7^{\circ}03'04''$ east continuing along said center of canal, a distance of 200.15 feet; run thence north $1^{\circ}56'15''$ west continuing along said center of canal, a distance of 228.35 feet; run thence north $9^{\circ}30'39''$ west continuing along said center of canal, a distance of 280.01 feet to where said center of canal intersects with the southerly boundary of Block 2, Sadler Estates, according to plat recorded in the public records of said county in Plat Book 2, page 68; run thence south $78^{\circ}14'$ east along said southerly boundary a distance of 807.49 feet to the southeast corner of Lot 6, Block 2, aforesaid; run thence north $11^{\circ}46'$ east along the easterly boundary of Lot 6, aforesaid, a distance of 10.0 feet to the southwest corner of Lot 5, Block 2, aforesaid; run thence south $78^{\circ}14'$ east continuing along the southerly boundary of Block 2, aforesaid, and the easterly extension thereof, a distance of 421.69 feet to where said southerly boundary intersects with the westerly right-of-way of First Avenue extension (a 60.0 foot right-of-way); run thence south $11^{\circ}07'$ west along said right-of-way a distance of 971.08 feet to the beginning of a curve concave to the easterly, having a radius of 1,636.86 feet; run thence in a southerly direction along the arc of said curve and right-of-way a chord distance of 203.92 feet to the point of reverse curve (the bearing of the aforesaid chord being south $7^{\circ}53'15''$ west); run thence in a southerly direction along the arc of a curve concave to the westerly, having a radius of 1,576.86 feet and continuing along said right-of-way a chord distance of 193.96 feet to the point of tangency (the bearing of the aforesaid chord being south $7^{\circ}53'15''$ west); run thence south $11^{\circ}27'$ west, continue along said right-of-way a distance of 5.70 feet to where said right-of-way intersects with the southerly line of Section 20, aforementioned; run thence north $89^{\circ}18''$ west along said southerly line, a distance of 893.67 feet to the point of beginning.

- (2) The following parcel of real property be annexed to the City of Fernandina Beach, pursuant to petition filed by the owner of said lands and approved by the City Commission of the City of Fernandina Beach, said real property and owner of same being as follows:

A portion of Section Eleven (11), Township Two (2) North, Range Twenty-eight (28) East, Nassau County, Florida. Said portion being more particularly described as follows:

For a point of reference commence at the northeast corner of Section Eleven (11), aforementioned, and run south eighty-five (85) degrees, fifty-five (55) minutes, thirty (30) seconds west along the south right-of-way line of Bill Melton Road (a sixty (60.0) foot right-of-way) a distance of three hundred thirty-one and sixty-one hundredths (331.61) feet to the point of beginning.

From the point of beginning thus described, continue south eighty-five (85) degrees, fifty-five (55) minutes, thirty (30) seconds west along said right-of-way a distance of four hundred ninety-one and nineteen hundredths (491.19) feet to the beginning of a curve concave to the southeasterly, having a radius of thirty (30.0) feet; run thence in a southerly direction departing said right-of-way and along the arc of said curve, a chord distance of forty-four and thirty-eight hundredths (44.38) feet to the point of tangency (the bearing of the aforementioned chord being south thirty-eight (38) degrees, thirteen (13) minutes west); run thence south nine (09) degrees, twenty-nine (29) minutes, thirty (30) seconds east a distance of one hundred thirty-five and fifty-two hundredths (135.52) feet to the beginning of a curve concave to the northwesterly, having a radius of one hundred five (105.0) feet; run thence in a southerly direction along the arc of said curve a chord distance of ninety-one and forty-seven hundredths (91.47) feet (the bearing of the aforementioned chord being south sixteen (16) degrees, nineteen (19) minutes, forty-three (43) seconds west); run thence north eighty-five (85) degrees, fifty-five (55) minutes, thirty (30) seconds east a distance of five hundred ninety and twenty-nine hundredths (590.29) feet; run

thence north fifteen (15) degrees, fifteen (15) minutes, forty-one (41) seconds west a distance of two hundred fifty-eight and thirty-nine hundredths (258.39) feet to the point of beginning.

Said lands being owned by the Davis-Phoenix Company, Inc., a Florida corporation, less and except the easterly sixty (60.0) feet thereof, which is owned by the City of Fernandina Beach.

Sec. 7. - Powers of city generally.

(a) The City of Fernandina Beach shall have full power and authority to:

- (1) Acquire, take, hold, control and dispose of property, real, personal and mixed, both within and without its corporate limits, for the use, benefit, welfare and best interest of said municipality, by acquisition, condemnation or otherwise;
- (2) To issue and sell bonds upon its property both within and without its corporate limits, or the earnings thereof, or both;
- (3) To adopt and enforce local police, sanitary and other similar regulations not in conflict with the laws of the state;
- (4) To do whatever is necessary and proper for the safety, health, convenience and general welfare of its inhabitants; and
- (5) To exercise all other powers of local self-government.

(b) The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the city shall have, and may exercise, all other powers which, under the constitution and laws of Florida, it would be competent for this section specifically to enumerate.

Sec. 8. - Commission-manager plan [form] of government.

The form of government of the City of Fernandina Beach provided for under this Act shall be that known as the "Commission-Manager Plan," and the commission shall consist of five (5) citizens, who shall be elected at large in the manner hereinafter provided. The commission shall constitute the governing body with powers as hereinafter provided to pass ordinances, adopt regulations and appoint a chief administrative officer to be known as the "City Manager," and to exercise all other powers hereinafter provided.