



**AGENDA
CHARTER REVIEW COMMITTEE
REGULAR MEETING
JANUARY 13, 2020
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 for the regular meeting for 11/26/2019 are presented for approval.

4. OLD BUSINESS

4.1 ***RECAP JOINT MEETING.*** Committee members to provide feedback and discuss any items from the December 3, 2019 joint meeting.

4.2 ***DRAFT REVISION.*** Sections 1-8.

5. NEW BUSINESS

5.1 ***ROLES AND RESPONSIBILITIES.*** City Commission: Sections 10 & 14 - Mayor: Sections 16 & 17 - City Manager: Sections 25-29 - City Attorney: Sections 31-33 - City Clerk: Sections 46 & 47.

5.2 ***CITIZEN EMAILS.*** Consistent approach in response to the public's emails.

6. PUBLIC COMMENT

7. NEXT MEETING DATE

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 3:04 pm.

Council Members Present

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

Others Present

Tammi Bach, Board Attorney
Katie Newton, Recording Secretary
Gabby Stefanko, Recording Secretary
Mary Hamburg, Digital Communication Specialist

3. **Approval of Minutes**
The minutes from the October 22, 2019, regular meeting, and November 4, 2019, public communication subcommittee meeting, are presented for approval.
A motion was made by Member Bean, seconded by Member Lasserre, to approve the minutes. The motion passed unanimously.

4. **Old Business**

Member Davis asked City Attorney Bach about the relationship between charter counties and municipalities, specifically the relationship between Key Biscayne and Miami Dade county. City Attorney Bach explained that Miami Dade is a special case, but in all cases, municipalities will have their own charter. Chartered counties can impose ordinances to apply to all municipalities within that county.

5. **New Business**

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

Vice Chair Clark explained that the subcommittee had met on November 4. Vice Chair Clark specified that they had a very productive meeting. He presented highlights of recommendations based on a handout (included with the packet). He thanked Mary Hamburg for being there and her contribution to the work on this. He said the key points in the meeting was digital communications, the press release, the civic presentation power point, and the point to schedule public meetings as needed.

Member Bean presented the power point.

Member Lasserre has come up with list of groups, including the Chamber of Commerce, Rotary Clubs, and the Association of Realtors. He wants to speak at City Commission Review Meetings periodically and later create an online polling platform to reach out and comment on perceptions of charter.

Member Kosack asked if a liaison for commission meetings was established. One has not been established. Member Kosack asked if having the power point available for people to scroll through on the website was an option. She said that people are still confused, and the power point may help.

It was suggested that the press release and other materials be updated to reflect Member Morrison instead of Member McCarthy.

It was asked if the meetings were being streamed live. They are not currently; however, they are being audio recorded.

A motion was made by Vice Chair Clark, seconded by Member Bean, to approve the documents created by the subcommittee and distribute them appropriately. A vote was taken, and the motion passed, all being in favor.

Ms. Hamburg presented a video of Chair Filkoff explaining the charter. There is a closed caption version available as well.

Member Kosack asked if citizens will be provided information on upcoming topics prior to the meeting. Agendas are released a week prior to meetings and will have the items for discussion as well as any backup material.

Member Bean encouraged the committee to share the video on Facebook.

A motion was made by Member Bean, seconded by Member Lasserre, to approve the video for public release. A vote was taken, and the motion passed, all being in favor.

5.2 DISCUSSION - Commission Workshop Agenda

Chair Filkoff reminded everyone that the joint meeting with the city commission was scheduled for December 3 at 4pm. She asked what the members would like to cover.

Member Bean wanted to give the commissioners time to express their thoughts on it.

Member Kosack recommended that they discuss the election cycle, voting districts and the number seats open at a given election.

Member Davis cautioned for the members to keep in mind that they serve the citizens and not the commissioners. She thinks that getting a little feedback and finding a balance would be suitable. She also recommended discussing term limits, the code of ethics and a directly elected mayor. She also wants to discuss the relationship between elected officials and city staff.

Member Lasserre wanted to make sure the commission knew the steps the Charter Committee was taking to make the process transparent and accessible to citizens.

Vice Chair Clark agreed with the previous statements and thought it made sense to have general topics for discussion. He thought this was a good opportunity for those working in the system to give their thoughts on how it was working. He has gotten positive feedback from interested citizens regarding a code of ethics provision.

City Attorney Bach said that a code of ethics doesn't have to be in the charter but can be passed separately as an ordinance. Any code of ethics that is passed needs some sort of consequence if it is violated.

Member Morrison wanted to know why the other members wanted to have this meeting with the commissioners so soon. Chair Filkoff explained that the last group had made recommendations and the commission must approve them to put them out for referendum. We needed to know if the commission would move forward with the ideas.

Member Kosack acknowledged that June 2020 does not give current Commission time to reflect before elections.

Member Davis suggested the amendment process for charter consider adding in power of process.

Chair Filkoff summarized the talking points as the election cycle, obtaining commission feedback and support, and explaining the committees public outreach efforts.

A motion was made by Member Bean, seconded by Member Morrison, to approve the talking points for the commission. A vote was taken, and the motion passed, all being in favor.

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

City Attorney Bach explained her thoughts on the charter sections.

Member Lasserre explained that section 9- 38 will probably take 2-3 meetings. Elections will also be a big topic.

Member Davis suggested to divide it up by articles and was concerned with the readability of the charter.

Member Lasserre recommended reformatting and adding in a table of contents.

Vice Chair Clark thinks the major areas to focus on are voting issues, roles and responsibilities. He wants City Attorney Bach to organize in those areas.

Member Bean agreed with Vice Chair Clark.

Member Kosack wants the flexibility to revisit items as needed.

Chair Filkoff wanted to see what City Attorney Bach had to recommend. City Attorney Bach recommended dividing it up into elections for one meeting, roles and responsibilities for charter staff and elected officials in another, other areas like the comptroller and other departments in a third meeting, and a fourth meeting for the preamble and code of ethics.

Chair Filkoff stated that they can take on roles and responsibilities first and then work on election topics, departments, then new topics. City Attorney Bach called out sections 16, 17, 10, 14, 25-30, 31-33, 46-47 for discussion at the next meeting.

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

Chair Filkoff discussed that some citizens want to change the name back to Fernandina. Member Lasserre said this was not a big issue and we could readdress this at a later date.

Member Kosack addressed section 6 related to boundaries, questioning if the information provided is correct. City Attorney Bach explained that we can have this information verified and updated using a surveyor. Member Davis included that annexations can be done without referendum and that we should add current annexations. Vice Chair Clark suggested that they replace the boundaries with a statement that the Clerk's Office is responsible for keeping up to date boundaries and maps available at all times.

For Section 7, Members Lasserre and Davis had concerns over the wording of this section. They would like City Attorney Bach to review and provide updated language at the next meeting. Member Kosack expressed her concern that citizens might see the wordsmithing changes and be confused that they are substantive changes. The others agreed that too many changes could cause voter fatigue or confusion. The committee also wanted a better definition of home rule.

For Section 8, Member Davis thinks that this is most redundant. Vice Chair Clark would like to remove some references as the language Commissioner-Manager Plan is a well-documented descriptor of a way local governments are organized. He would like to leave that language in there. Vice Chair Clark also agrees with Member Kosack, that when we change anything in the documents, people ask if we are changing our form of government. He would like to keep the language, but just take a few references out. Member Lasserre thinks that this might create misconceptions that we are trying to change something firmly established. City Attorney Bach says the redline will not be on the ballot. Member Bean said that he agreed with everyone's opinion, even though they are completely opposite. He also mentioned they might want to break up the city into districts.

Member Kosack said we should come up with a triage and come up with levels of importance on major changes. She wants to make sure we put it forth for citizens to see and understand. Vice Chair Clark recommends going forward with keeping the substance of the section while supporting Member Kosack on her point that a lot of changes may cause fear. Member Davis is worried about internal inconsistencies. Member Morrison stated that it

does make sense to look at the redundancies. He said either way we will be going over all of these things at the end and it would make sense to highlight these topics to revisit them again. City Attorney Bach said that she would not do anything to change this section number or title of the section. Chair Filkoff says that the message in this section is that this is our form of government. She also would like to revisit the roles and responsibilities.

6 Public Comment

Chair Filkoff asked for public input.

Sandra Kerry, 1255 Forest Drive, mentioned that if we want public involvement then we should have the meetings recorded. She does like the idea of a Q&A online where citizens could ask questions. She was concerned about the June 2020 date being rushed. The Charter should allow for more public input with all of the distrust in the way that things have been done lately and that they should slow down. She agrees with the Members about the language being cleaned up and that we should stick with the substantial points in the charter. She suggests that we go through the reviewing process on a regular basis, so it is not so overwhelming as it is now.

7 Next Meeting Date

- 7.1 The alternate meeting date for December 23, 2019 was decided.
The next meeting date will be January 13, 2020, at 3:00pm.

8 Adjournment –

Vice Chair Clark wants to publish the meeting dates on the website.
The meeting was adjourned at 5:21 pm.

Katie Newton, Recording Secretary

Arlene Filkoff, Chair

ABOLISHMENT OF PRESENT MUNICIPALITY

Sec. 1. - Creation.

SUGGESTED LANGUAGE FROM CITY ATTORNEY BASED ON HISTORICAL RESEARCH

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. The City of Fernandina was first established in 1825, abolished and reincorporated in 1921 by the Florida Legislature. The Town of Fernandina Beach was established in 1949 by the Florida Legislature. The City of Fernandina and the Town of Fernandina Beach were consolidated as the City of Fernandina Beach on January 1, 1952 after referendum approval by voters.

Sec. 2. - Reserved.

Sec. 3. - Reserved.

Sec. 4. - Reserved.

ESTABLISHMENT OF NEW MUNICIPALITY

Sec. 5. - Reserved.

Sec. 6. - Boundaries.

That the following shall be is the territory the inhabitants of which are hereby established and organized into a municipal corporation, and over which such municipality shall 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.

The current boundary records are kept in the City Clerk's Office and are available for view upon request.

Sec. 7. - Powers of city generally.

- (a) The City of Fernandina Beach shall have has 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~~ are not exclusive, but, in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the city shall have,

has and may exercise, all other powers which, under the constitution and laws of Florida, it would be competent for this section specifically to enumerate.

ALTERNATIVE LANGUAGE SUGGESTED BY CITY ATTORNEY

(b) The enumeration of particular powers by this Charter are not exclusive, but are some of the municipal home rule powers provided for by the Florida State Constitution and Laws of Florida, and there are other governmental, corporate and proprietary powers not enumerated in this Charter which may be exercised by the City to conduct municipal government, perform municipal functions and render municipal services. (as set forth in Section 166.021, Fla. Stats.)

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~~ is known as the "Commission-Manager Plan," and the commission ~~shall~~ will consist of five (5) citizens, who ~~shall be~~ are elected at large in the manner ~~hereinafter~~ provided for in this Charter. The commission ~~shall~~ constitutes 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 in this Charter and under Florida law.

THE RESULTS OF THE VOTE FOR
THE CONSOLIDATION OF FERNAN-
DINA BEACH WITH THE CITY OF
FERNANDINA.

JULY 17th, 1951.

FOR CONSOLIDATION	148.
AGAINST CONS.	20.

FOR CHANGE OF NAME TO FERNANDINA BEACH	152
AGAINST CHANGE	8

NO MANS LAND

FOR CONSOLIDATION	36
AGAINST CONS.	9

FOR CHANGE OF NAME	35
AGAINST CHANGE	5

CITY OF FERNANDINA.

FOR CONSOLIDATION	474
AGAINST CONS.	211

FOR CHANGE OF NAME	314
AGAINST CHANGE	255

THE ACT OF CONSOLIDATION WILL TAKE EFFECT THE
FIRST DAY OF JANUARY 1952.

A Bill to be entitled
An Act to Amend an Act Entitled
"An Act to Provide for the Reorganization
of the City of Fernandina" Approved May
31, 1887; To Extend the Territorial Area
of Said City; Describe the Boundaries thereof;
and to provide for the ~~corporate government~~
of Incorporations of said Annexed Territory
with the present City of Fernandina,

A BILL

TO BE ENTITLED,

AN ACT to Extend the Territorial Area of the City of Fernandina, in Nassau County, Florida: Describe the Boundaries thereof and to Incorporate said Territory so Annexed with the present City of Fernandina.

Be it enacted by the Legislature of the State of Florida:

Section #1: That the territorial area of the City of Fernandina, in the County of Nassau, State of Florida, shall be as now established and shall be and the same is hereby enlarged and extended to include all the blocks, lots, lands and streets as shown on the original official plat of said City, included within the boundaries described ^{as follows} to wit: Beginning at the extreme North end of Fifteenth Street, according to the original plat of said City, where the extension of said Street will intersect Clark's Creek and at a point in the centre of said creek, ~~and in the centre of said Fifteenth Street,~~ turning thence in an Southerly direction along ^{and including} ~~the centre of~~ said Fifteenth Street to the point of its intersection with ~~the centre of~~ Line Street; thence in a Westerly direction along ~~the centre of~~ Line Street to the point of its intersection with ~~the centre of~~ Seventh Street, thence along ~~the centre of~~ Seventh Street to the point of its intersection with ~~the centre of~~ Jasmine Street, thence in a Westerly direction along ~~the centre of~~ Jasmine Street to the point of its intersection with ~~the centre of~~ Sixth Street, thence along ~~the centre of~~ Sixth Street to the point of its intersection with Hickory Street, thence along ~~the centre of~~ Hickory Street in a straight line in a Westerly direction to the Low Water mark of Amelia River.

Section #2: The corporate authority of the said described area hereby restored and annexed to the City of Fernandina shall be and is hereby vested in the present corporation of the City of Fernandina, and subject to the control and management of the present City organization and government of said City of Fernandina.

Section #3: The said annex ^{ed} area as above described shall for the

(2)

present constitute a part of Ward No. I of said City; and the ~~County~~ ^{City Council}
~~of the City of Fernandina,~~ ^{after}
~~Commissioners of Nassau County~~ at any time within two years from the
date of the passage of this act, may, ~~upon a petition of a majority of~~
~~the taxpayers of the City of Fernandina as hereby enlarged,~~ re-arrange
the boundaries of the ~~same~~ Wards of said corporation and define the
metes and boundaries of ~~such Wards.~~ ^{The several Wards of the City,}

Section #4: The present Council of the City of Fernandina shall
provided for the enrolling and registering of the male inhabitants of
the newly annexed territory as voters of the First Ward of said City
in accordance with the laws and ordinances governing the same, and all
lawfully registered voters of said district shall be entitled to the
same rights and privileges as other registered voters of said Ward.

Section #5: No taxes shall be levied or assessed against any
property within the said newly added territory before the First day of
January, Nineteen Hundred and Six.

Section #6: All laws or parts of laws in conflict with the
provisions of this Act are hereby repealed. This Act shall take effect
immediately upon its passage and approval.

assessments for street improvements which have been made by the said Commission, and any and all street improvement liens which have been acquired by the said town under the provisions of Section 86 of Chapter 7154, Laws of Florida, Acts of 1915, including all liens so acquired for the construction or repair by the Commission of said town of sewers, drains, street pavements, curbs, gutters, sidewalks and foot pavements, as evidenced by the Street Improvement Lien Books of the said town; and any and all certificates of indebtedness which have been issued by the Commission of said town in connection with or relating to any of said street improvement liens; be, and they are each and every one of them, and each and every part thereof, hereby ratified, validated and confirmed.

Sec. 2. That all laws or parts of laws inconsistent herewith be, and the same are hereby, repealed.

Sec. 3. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its becoming a law without such approval.

Became a law without the approval of the Governor.

CHAPTER 8949—(No. 554).

AN ACT to Abolish the Present Municipal Government of the City of Fernandina, in the County of Nassau, in the State of Florida, and to Create, Establish and Organize a Municipality to be Known and Designated as the City of Fernandina, and to Define Its Territorial Boundaries and to Provide for Its Government, Jurisdiction, Powers, Franchises and Privileges.

Be It Enacted by the Legislature of the State of Florida:

ABOLISHMENT OF PRESENT MUNICIPALITY.

Section 1. *Abolishment of Present Municipality:* That the present municipal government existing under the name of the City of Fernandina be and the same is hereby abolished.

City of Fernandina.

AN ACT to Amend An Act Entitled, "An Act to Provide for the Reorganization of the City of Fernandina," Approved May 31, 1887; to Extend the Territorial Area of Said City; Describe the Boundaries Thereof; and to Provide for the Incorporation of Said Annexed Territory with the Present City of Fernandina.

Be it Enacted by the Legislature of the State of Florida:

Boundaries.

Section 1. That the territorial area of the city of Fernandina in the County of Nassau, State of Florida, shall be as now established and shall be and the same is hereby enlarged and extended to include all the blocks, lots, lands and streets as shown in the original official plat of said city, included within the boundaries described as follows, to-wit: Beginning at the extreme North end of Fifteenth Street, according to the original plat of said city, where the extension of said street will intersect Clark's Creek and at a point in the centre of said Creek, running thence in a southerly direction along and including said Fifteenth Street to the point of its intersection with Line Street; thence in a westerly direction along Line Street to the point of its intersection with Seventh Street; thence along Seventh Street to the point of its intersection with Jasmine Street; thence in a Westerly direction along Jasmine Street to the point of its intersection with Sixth Street thence along Sixth Street to the point of its intersection with Hickory Street, thence along Hickory Street in a straight line in a Westerly direction to the Low Water mark of Amelia River.

Annexed
territory
under gov-
ernment of
city of Fer-
nardina.

Sec. 2. The corporate authority of said described area hereby restored and annexed to the city of Fernandina shall be and is hereby vested in the present corporation of the City of Fernandina, and subject to the control and management of the present City Organization and Government of said City of Fernandina.

Ward No. 1.

Sec. 3. The said annexed territory as above described shall for the present constitute a part of Ward No. 1 of said city; and the City Council of the city of Fernandina at any time after the date of the passage of this Act may re-arrange the boundaries of the wards of said corporation and define the metes and boundaries of the several wards of the city.

LAWS OF FLORIDA.

208

1905

Sec. 4. The present Council of the city of Fernandina shall provide for the enrolling and registering of the male inhabitants of the newly annexed territory as voters of the First Ward of the said city in accordance with the laws and ordinances governing the same, and all lawfully registered voters of said district shall be entitled to the same rights and privileges as other registered voters of said Ward.

Registration
of voters.

Sec. 5. No taxes shall be levied or assessed against any property within the said newly added territory before the first day of January Nineteen Hundred and Six.

Taxes.

Sec. 6. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed. This Act shall take effect immediately upon its passage and approval.

Conflicting
laws repeal-
ed.

Approved May 29, 1905.

CHAPTER 5496.—[No. 125.]

AN ACT to Incorporate the Town of Fort Myers and to Define Its Territorial Boundary, and to Provide for Its Jurisdiction, Powers and Privileges, and to Abolish the Present Municipal Government of the Town of Fort Myers, and to Repeal Chapter 5318 (No. 213) Laws of Florida, 1903.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the municipal corporation of the town of Fort Myers is hereby abolished, and all acts and parts of acts in conflict with this act are hereby repealed, subject to Section 8 of this act.

Municipal
corporation
abolished

Sec. 2. That the title, rights and ownership of property, uncollected taxes, due claims, judgments, decrees, and choses in action, of whatever kind, held or owned by the town of Fort Myers, shall pass to and be vested in the corporation which is hereby organized to succeed the present municipality of the town of Fort Myers.

Disposition
of municipal
property.

Sec. 3. That no obligation or contract of said town shall be impaired by this change, but all debts and obligations of said town shall continue unimpaired.

Contracts
not impaired.

but a less number may adjourn from day to day and compel the attendance of absent members in such a manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of all members present at a duly constituted meeting of the City Commission shall be necessary to adopt any ordinance or resolution and the passage of all ordinances and resolutions shall be taken by "Yeas" and "Nays" and entered upon the journal.

Section 2. All laws or parts of laws in conflict with this Act be, and the same are hereby repealed.

Section 3. This Act shall become effective upon its passage and approval by the Governor, or its becoming a law without such approval.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 13, 1949.

CHAPTER 25826—(No. 830)

SENATE BILL NO. 124

AN ACT Relating to the Government of the Town of Fernandina Beach and Prescribing the Jurisdiction, Powers, Duties and Functions of the Town of Fernandina Beach and All Its Officers and Prescribing a System of Taxation for Said Town.

Be It Enacted by the Legislature of the State of Florida:

Section 1. INCORPORATION AND CORPORATE POWERS.

The inhabitants of the Town of Fernandina Beach, within the boundaries as now established, under the provisions of Chapter 165 of the Laws of the State of Florida, or as hereafter established in the manner provided by law, shall continue to be a body politic and corporate by the name of the "Town of Fernandina Beach", and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued, may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage, and control such property as its interests may require; and, except as prohibited by the Constitution of Florida or restricted by this Charter, the Town of

is hereby authorized and empowered to levy an ad valorem tax millage for the calendar year 1951 and all subsequent calendar years thereafter in such levies and amounts as the Commission of the Town of Everglades may determine and prescribe.

Section 2. Nothing herein shall be construed as limiting or restricting any funds under the provisions of Chapter 26320, Laws of 1949 and the Town of Everglades is hereby authorized and empowered to receive all funds for its account under the provisions of the aforesaid Chapter 26320, Laws of 1949 notwithstanding the provisions of Section 210.21, Florida Statutes Annotated; providing further that the provisions of Section 210.21, Florida Statutes Annotated do not apply to the Town of Everglades.

Section 3. All laws and parts of laws in conflict herewith are hereby repealed.

Section 4. This Act shall take effect upon its becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 16, 1951.

CHAPTER 27543—(No. 1064)

SENATE BILL NO. 1162

AN ACT Providing for the Consolidation of the City of Fernandina Created by Chapter 8949, Laws of Florida, Acts of 1921 and the Town of Fernandina Beach Created by Chapter 25,826, Laws of Florida, Acts of 1949, and Certain Lands Located Between, by Abolishing the Present Town of Fernandina Beach and Incorporating Its Territory Along With Other Territory Into and Within the Limits of the City of Fernandina and Renaming the Territory So Consolidated; Providing for Doing All Things Necessary to Properly Effectuate Such Consolidation and Providing a Referendum.

Be It Enacted by the Legislature of the State of Florida:

Section 1. The present existing municipality known as the town of Fernandina Beach, created by chapter 25,826, Laws of Florida, Acts of 1949, and certain lands located between the town of Fernandina Beach and the city of Fernandina and hereinafter de-

Select Year: 2019 ▼ Go

The 2019 Florida Statutes

[Title XII](#) MUNICIPALITIES

[Chapter 166](#) MUNICIPALITIES

[View Entire Chapter](#)

166.021 Powers.—

(1) As provided in s. 2(b), Art. VIII of the State Constitution, municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law.

(2) “Municipal purpose” means any activity or power which may be exercised by the state or its political subdivisions.

(3) The Legislature recognizes that pursuant to the grant of power set forth in s. 2(b), Art. VIII of the State Constitution, the legislative body of each municipality has the power to enact legislation concerning any subject matter upon which the state Legislature may act, except:

(a) The subjects of annexation, merger, and exercise of extraterritorial power, which require general or special law pursuant to s. 2(c), Art. VIII of the State Constitution;

(b) Any subject expressly prohibited by the constitution;

(c) Any subject expressly preempted to state or county government by the constitution or by general law; and

(d) Any subject preempted to a county pursuant to a county charter adopted under the authority of ss. 1(g), 3, and 6(e), Art. VIII of the State Constitution.

(4) The provisions of this section shall be so construed as to secure for municipalities the broad exercise of home rule powers granted by the constitution. It is the further intent of the Legislature to extend to municipalities the exercise of powers for municipal governmental, corporate, or proprietary purposes not expressly prohibited by the constitution, general or special law, or county charter and to remove any limitations, judicially imposed or otherwise, on the exercise of home rule powers other than those so expressly prohibited. However, nothing in this act shall be construed to permit any changes in a special law or municipal charter which affect the exercise of extraterritorial powers or which affect an area which includes lands within and without a municipality or any changes in a special law or municipal charter which affect the creation or existence of a municipality, the terms of elected officers and the manner of their election except for the selection of election dates and qualifying periods for candidates and for changes in terms of office necessitated by such changes in election dates, the distribution of powers among elected officers, matters prescribed by the charter relating to appointive boards, any change in the form of government, or any rights of municipal employees, without approval by referendum of the electors as provided in s. [166.031](#). Any other limitation of power upon any municipality contained in any municipal charter enacted or adopted prior to July 1, 1973, is hereby nullified and repealed.

(5) All existing special acts pertaining exclusively to the power or jurisdiction of a particular municipality except as otherwise provided in subsection (4) shall become an ordinance of that municipality on the effective date of this act, subject to modification or repeal as other ordinances.

(6) The governing body of a municipality may require that any person within the municipality demonstrate the existence of some arrangement or contract by which such person will dispose of solid waste in a manner consistent with the ordinances of the county or municipality or state or federal law. For any person who will produce special wastes or biomedical waste, as the same may be defined by state or federal law or county or city ordinance, the municipality may require satisfactory proof of a contract or similar arrangement by which special or biomedical

wastes will be collected by a qualified and duly licensed collector and disposed of in accordance with the laws of Florida or the Federal Government.

(7) Entities that are funded wholly or in part by the municipality, at the discretion of the municipality, may be required by the municipality to conduct a performance audit paid for by the municipality. An entity shall not be considered as funded by the municipality by virtue of the fact that such entity utilizes the municipality to collect taxes, assessments, fees, or other revenue. If an independent special district receives municipal funds pursuant to a contract or interlocal agreement for the purposes of funding, in whole or in part, a discrete program of the district, only that program may be required by the municipality to undergo a performance audit.

(8)(a) The Legislature finds and declares that this state faces increasing competition from other states and other countries for the location and retention of private enterprises within its borders. Furthermore, the Legislature finds that there is a need to enhance and expand economic activity in the municipalities of this state by attracting and retaining manufacturing development, business enterprise management, and other activities conducive to economic promotion, in order to provide a stronger, more balanced, and stable economy in the state, to enhance and preserve purchasing power and employment opportunities for the residents of this state, and to improve the welfare and competitive position of the state. The Legislature declares that it is necessary and in the public interest to facilitate the growth and creation of business enterprises in the municipalities of the state.

(b) The governing body of a municipality may expend public funds to attract and retain business enterprises, and the use of public funds toward the achievement of such economic development goals constitutes a public purpose. The provisions of this chapter which confer powers and duties on the governing body of a municipality, including any powers not specifically prohibited by law which can be exercised by the governing body of a municipality, shall be liberally construed in order to effectively carry out the purposes of this subsection.

(c) For the purposes of this subsection, it constitutes a public purpose to expend public funds for economic development activities, including, but not limited to, developing or improving local infrastructure, issuing bonds to finance or refinance the cost of capital projects for industrial or manufacturing plants, leasing or conveying real property, and making grants to private enterprises for the expansion of businesses existing in the community or the attraction of new businesses to the community.

(d) A contract between the governing body of a municipality or other entity engaged in economic development activities on behalf of the municipality and an economic development agency must require the agency or entity receiving municipal funds to submit a report to the governing body of the municipality detailing how the municipal funds are spent and detailing the results of the economic development agency's or entity's efforts on behalf of the municipality. By January 15, 2011, and annually thereafter, the municipality shall file a copy of the report with the Office of Economic and Demographic Research and post a copy of the report on the municipality's website.

(e)1. By January 15, 2011, and annually thereafter, each municipality having annual revenues or expenditures greater than \$250,000 shall report to the Office of Economic and Demographic Research the economic development incentives in excess of \$25,000 given to any business during the municipality's previous fiscal year. The Office of Economic and Demographic Research shall compile the information from the municipalities into a report and provide the report to the President of the Senate, the Speaker of the House of Representatives, and the Department of Economic Opportunity. Economic development incentives include:

a. Direct financial incentives of monetary assistance provided to a business from the municipality or through an organization authorized by the municipality. Such incentives include, but are not limited to, grants, loans, equity investments, loan insurance and guarantees, and training subsidies.

b. Indirect incentives in the form of grants and loans provided to businesses and community organizations that provide support to businesses or promote business investment or development.

c. Fee-based or tax-based incentives, including, but not limited to, credits, refunds, exemptions, and property tax abatement or assessment reductions.

d. Below-market rate leases or deeds for real property.

2. A municipality shall report its economic development incentives in the format specified by the Office of Economic and Demographic Research.

3. The Office of Economic and Demographic Research shall compile the economic development incentives provided by each municipality in a manner that shows the total of each class of economic development incentives provided by each municipality and all municipalities.

(f) This subsection does not limit the home rule powers granted by the State Constitution to municipalities.

(9)(a) As used in this subsection, the term:

1. "Authorized person" means a person:

a. Other than an officer or employee, as defined in this paragraph, whether elected or commissioned or not, who is authorized by a municipality or agency thereof to incur travel expenses in the performance of official duties;

b. Who is called upon by a municipality or agency thereof to contribute time and services as consultant or advisor; or

c. Who is a candidate for an executive or professional position with a municipality or agency thereof.

2. "Employee" means an individual, whether commissioned or not, other than an officer or authorized person as defined in this paragraph, who is filling a regular or full-time authorized position and is responsible to a municipality or agency thereof.

3. "Officer" means an individual who, in the performance of his or her official duties, is vested by law with sovereign powers of government and who is either elected by the people, or commissioned by the Governor and who has jurisdiction extending throughout the municipality, or any person lawfully serving instead of either of the foregoing two classes of individuals as initial designee or successor.

4. "Traveler" means an officer, employee, or authorized person, when performing travel authorized by a municipality or agency thereof.

(b) Notwithstanding s. 112.061, the governing body of a municipality or an agency thereof may provide for a per diem and travel expense policy for its travelers which varies from the provisions of s. 112.061. Any such policy provided by a municipality or an agency thereof on January 1, 2003, shall be valid and in effect for that municipality or agency thereof until otherwise amended. A municipality or agency thereof that provides any per diem and travel expense policy pursuant to this subsection shall be deemed to be exempt from all provisions of s. 112.061. A municipality or agency thereof that does not provide a per diem and travel expense policy pursuant to this subsection remains subject to all provisions of s. 112.061.

(c) Travel claims submitted by a traveler in a municipality or agency thereof which is exempted from the provisions of s. 112.061, pursuant to paragraph (b), shall not be required to be sworn to before a notary public or other officer authorized to administer oaths, but any claim authorized or required to be made under any per diem and travel expense policy of a municipality or agency thereof must contain a statement that the expenses were actually incurred by the traveler as necessary travel expenses in the performance of official duties and shall be verified by a written declaration that it is true and correct as to every material matter; and any person who willfully makes and subscribes any such claim that he or she does not believe to be true and correct as to every material matter, or who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation of such a claim that is fraudulent or is false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such claim, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Whoever receives an allowance or reimbursement by means of a false claim is civilly liable in the amount of the overpayment for the reimbursement of the public fund from which the claim was paid.

History.—s. 1, ch. 73-129; s. 1, ch. 77-174; s. 2, ch. 90-332; s. 2, ch. 92-90; s. 2, ch. 93-207; s. 2, ch. 94-332; s. 1, ch. 95-178; s. 1, ch. 98-37; s. 1, ch. 2003-125; s. 2, ch. 2010-147; s. 22, ch. 2011-34; s. 60, ch. 2011-142; s. 3, ch. 2011-143.

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. 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. 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.

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.

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.