



**AGENDA
CHARTER REVIEW COMMITTEE
REGULAR MEETING
FEBRUARY 10, 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 meeting for January 13, 2020 will be sent to committee members prior to February 10 meeting but not yet available with this agenda.

4. OLD BUSINESS

- 4.1 **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. **REVISION**

5. NEW BUSINESS

- 5.1 **DRAFT SURVEY.** Presentation of the Draft Survey.

- 5.2 **DISCUSSION.** Sections 11, 12, 13 and 136 of the Charter.

6. PUBLIC COMMENT

7. NEXT MEETING DATE

- 7.1 The next meeting scheduled is February 25, 2020 at 3:00pm.

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.

CITY COMMISSION

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

- (1) A referendum election ~~shall be~~ is required prior to ~~the sale, lease-ing~~ for a period of more than 40 years or sale, 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~~ must 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~~ is binding. If approved by the voters, the City Commission ~~shall~~ have has 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~~ are designated by a Resolution of the City Commission and which Resolution ~~shall~~ may be updated from time to time.
- (3) A referendum election is required prior to leasing for a period of more than 40 years or sale, or other transfer of City-owned conservation land which includes land burdened by a conservation easement and/or land that is in a conservation zoning district or has a future land use map designation of conservation. The City Commission must pass an ordinance by super-majority vote to place the matter on the ballot for voters to decide. The decision of the voters is binding on the City Commission. If approved by the voters, the City Commission has the authority to issue a deed for the property, or to issue such other documents as may be necessary to complete the transaction.

(SUGGESTED DEFINITION OF CONSERVATION LANDS IS IN THE COMPREHENSIVE PLAN)

(4) "Conservation Lands" – Areas designated Conservation in the City's Future Land Use Map series. POLICY REFERENCES: 5.14.02 (pg. 5-24), 5.14.03 (pg. 5-24), 5.14.09 (pg. 5-25), 6.06.01 (pg. 6-5) [FROM COMPREHENSIVE PLAN DEFINITION]

OR FROM THE LAND DEVELOPMENT CODE:

2.01.20 Conservation (CON) The CON District is intended to provide for the long-term protection and preservation of environmentally sensitive natural resource systems. Development within the Conservation District is limited to buildings that are supportive of and accessory to the conservation land uses, such as interpretative centers, rest rooms, or covered picnic pavilions. Other uses may include docks, boardwalks, hiking trails, and picnic areas. These uses shall be are limited in location and extent and shall avoid adverse impacts on the hydrologic functions of wetlands, natural systems, habitats, water quality, shorelines, marine life, and coastal resources. (FROM SECTION 2.01.20 LAND DEV CODE)

(Ord. No. [2016-11](#), § 4, 7-5-16)

Editor's note— Ord. No. [2016-11](#), [§ 4](#), adopted July 5, 2016, election of Nov. 8, 2016, amended [§ 10A](#), in effect repealing and reenacting said section as set out herein. Former [§ 10A](#) pertained to additional powers; conveyance of swimming pools, golf courses, other recreational facilities and derived from Laws of Fla., ch. 59-1278, [§ 4](#); Ord. No. 668, [§ 1](#), adopted Aug. 7, 1984; Ord. No. 793, [§ 1](#), adopted Apr. 5, 1988; and Ord. No. 91-17, [§ 1](#), adopted Sept. 17, 1991.

~~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.

(Ord. No. [2016-11](#), § 5, 7-5-16)

Editor's note— Ord. No. [2016-11](#), [§ 5](#), adopted July 5, 2016, election of Nov. 8, 2016, amended [§ 10B](#), in effect repealing and reenacting said section as set out herein. Former [§ 10B](#) pertained to issuance of revenue bonds or certificates without referendum authorized; certain funds pledged and derived from Laws of Fla., ch. 61-2155, [§ 1](#) and Ord. No. 91-17, [§ 1](#), adopted Sept. 17, 1991.

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; conviction of crimes.

Members of the City Commission ~~shall~~ must 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 City Commission. Any member of the City Commission who is convicted of [a] felony while in office must forfeit his/her office.

(Laws of Fla., ch. 8949(1921), § 11; Ord. No. 91-17, § 1, 9-17-91)

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. 14. — Judge of election and qualifications of members.~~

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

(Laws of Fla., ch. 8949(1921), § 14; Ord. No. 91-17, § 1, 9-17-91)

Sec. 14. Reserved.

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)~~ (a)

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)~~ (b)

The City Commission may, by super-majority (4/5) vote and for any reason including but not limited to Florida Sunshine Law violations, remove the Mayor from office and appoint ~~another incumbent Commissioner~~ the Vice-Mayor to serve as Mayor for the remainder of the two (2) year term. The person removed from the office of Mayor shall may continue to serve as Commissioner until the end of their current term as City Commissioner unless otherwise prohibited from serving as City Commissioner by state law.

(Laws of Fla., ch. 8949(1921), § 16; Ord. No. 91-17, § 1, 9-17-91; Ord. No. [2015-13](#), § 3, 8-4-15)

CITY CODE Sec. 34-9. - Election of Mayor by straw ballot.

(a) The Mayor of the City shall be selected by ~~virtue of a straw ballot election to be held~~ being placed on the ballot as authorized in subsection (b) below and receiving the highest number of votes in conjunction with the regular election held for the purpose of electing City Commissioners. ~~The results of the straw ballot shall be taken under advisement by the City Commission for the appointment of the Mayor at the organizational meeting to be held in accordance with~~ section 34-10.

(b) ~~The straw ballot election shall be held in accordance with the requirements of~~ section 123A of the Charter of the City and of this chapter, as they may be amended.

~~(c)~~ (b) Candidates for the ~~straw ballot Mayoral~~ election shall consist of incumbent Commissioners who are not subject to reelection to the City Commission. Any eligible candidate ~~not~~ wishing to be considered for the position of Mayor shall request in writing, no later than the City Commission's deadline for qualifying for running for office in 30 days before the City general election. ~~that his name be deleted from the straw ballot.~~

~~(d)~~ (c) The candidate receiving the highest number of votes in the straw ballot shall be given primary consideration for the appointment as Mayor at the organizational meeting. In the event that there should be a tie vote among the top eligible mayoral candidates, the tie shall be broken by the flip of a coin, with the winner being given the primary consideration appointed as the Mayor and the loser mayoral candidate with second highest number of votes being considered for appointed to the Vice-Mayor position.

~~(e) — On the occasion that all eligible candidates should request that their names not be placed on the straw ballot, then no straw ballot election shall be held and the City Commission shall appoint a Mayor and vice Mayor from its membership at the organizational meeting.~~

~~(f)-(d) On the occasion that all only one eligible candidates ~~but one~~ should ~~withdraw from the straw~~ choose to be on the mayoral ballot, election, there shall be no ~~straw ballot~~ mayoral election and the one remaining candidate shall must be considered the primary candidate for appointed to the position of Mayor at the organizational meeting. The City Commission may choose any City Commissioner not appointed as the Mayor to be the Vice-Mayor.~~

~~(g)-(e) The appointees shall serve as Mayor and Vice Mayor until the organizational meeting following the next regular general election held by the City.~~

(Ord. No. 2006-26, § 5, 12-5-06)

Sec. 17. - ~~Same~~—Functions and powers of the Mayor.

The powers and duties of the Mayor ~~shall be as are~~ set forth in this Charter and below: ~~and such other duties as may be conferred upon the Mayor by official action of the City Commission.~~

(a) The Mayor ~~shall have~~ has a voice and a vote in the proceedings of the Commission but no veto power;

(b) The Mayor ~~shall~~ does not exercise any administrative power, unless specifically set forth in this Charter;

(c) The Mayor ~~shall~~ presides at all meetings of the Commission and performs 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; and

(d) The Mayor ~~shall be recognized as~~ is the official head of the City by the courts for the purpose of serving civil processes and for all ceremonial purposes.

(Laws of Fla., ch. 8949(1921), § 17; Ord. No. 91-17, § 1, 9-17-91; Ord. No. [2016-11](#), § 7, 7-5-16)

Editor's note— Ord. No. [2016-11](#), [§ 7](#), adopted July 5, 2016, election of Nov. 8, 2016, amended [§ 17](#) and in so doing changed the title of said section from "Same—Functions and powers" to "Functions and powers of the Mayor," as set out herein.

CITY MANAGER

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

The City Commission ~~shall appoints~~ a City Manager who ~~shall be~~ is the administrative head of the municipal government under the direction and supervision of the City Commission, and ~~shall~~ holds

office at the pleasure of the City Commission. The City Manager ~~shall be~~ is 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~~ must become a resident of the City. The City deserves the most qualified and experienced candidates for City Manager; therefore, the City Commission must evaluate as many candidates as possible but no fewer than three (3) candidates for public interviews in the City Commission's chambers, the usual place of regular City Commission meetings. City Manager candidates must have government experience in a management position(s) and possess at least a Bachelor's degree with government experience, but a Master's Degree is preferred. In addition, the City Manager candidate chosen by the City Commission must be a member of the International City/County Management Association (ICMA) or comparable professional association, if not before hiring then at least within 60 days after executing the Oath of Office. The City Commission ~~may~~ must establish an ~~appropriate~~ contract for the City Manager, which ~~shall~~ will 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~~ must designate some properly qualified person to temporarily execute the function of the City Manager.

(Laws of Fla., ch. 8949(1921), § 25; Ord. No. 91-17, § 1, 9-17-91; Ord. No. 98-4, § 1, 2-17-98; Ord. No. 2005-40, § 3, 1-17-06)

Sec. 26. - Reserved.

Editor's note— Ord. No. [2016-11](#), [§ 10](#), adopted July 5, 2016, election of Nov. 8, 2016, repealed [§ 26](#), which pertained to Compensation fixed by City Commission and derived from Laws of Fla., ch. 8949(1921), [§ 26](#); Laws of Fla., ch. 15203(1931), [§ 1](#); Laws of Fla., ch. 24511(1947), [§ 1](#); Ord. No. 91-17, [§ 1](#), adopted Sept. 17, 1991.

Sec. 27. - Reserved.

Editor's note— Ord. No. [2016-11](#), [§ 11](#), adopted July 5, 2016, election of Nov. 8, 2016, repealed [§ 27](#), which pertained to bonds and derived from Laws of Fla., ch. 8949(1921), [§ 27](#) and Ord. No. 91-17, [§ 1](#), adopted Sept. 17, 1991.

Sec. 28. - Reserved.

Editor's note— Ord. No. [2016-11](#), [§ 11](#), adopted July 5, 2016, election of Nov. 8, 2016, repealed [§ 28](#), which pertained to suspension; removal; hearing required and derived from Laws of Fla., ch. 8949(1921), [§ 28](#) and Ord. No. 91-17, [§ 1](#), adopted Sept. 17, 1991.

Sec. 29. - Powers and duties enumerated.

The City Manager ~~shall be~~ is responsible to the City Commission for the proper administration of all affairs of the City, and to that end his/her powers are and they are ~~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 and 5-year capital improvement plan.
 - (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) ~~(h)~~ He/she is the ~~shall be~~ purchasing agent for the City, by whom all purchases of supplies ~~shall be made~~ and he/she shall approve all vouchers for the payment of same. In the capacity of purchasing agent he/she also conducts 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 must~~ conform to such regulations as the City Commission may from time to time prescribe.
- (Laws of Fla., ch. 8949(1921), § 29; Ord. No. 91-17, § 1, 9-17-91)

CITY ATTORNEY

Sec. 31. - City Attorney appointment and duties.

- a) Appointment; tenure of office; qualifications; and attorney pro tem. The City Commission ~~shall~~ appoints 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~~ must be chosen on the basis of legal and administrative qualifications. The City Commission ~~shall establish~~ an appropriate contract for the City Attorney, which ~~shall must~~ 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 will~~ designate a properly qualified person to temporarily execute the functions of the office.

b) Powers and duties enumerated. The City Attorney ~~shall be~~ is 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~~ are the following:

1) Prepare all contracts, bonds and other instruments in writing in which the municipality is concerned, and ~~shall~~ endorses on each the City Attorney's approval;

2) The City Attorney ~~shall be~~ is 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 reviews 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~~ provides 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 has the authority to hire, direct, promote and terminate the employees in the City Attorney's Office, notwithstanding Section 29(b) herein.

(Laws of Fla., ch. 8949(1921), § 31; Ord. No. 91-17, § 1, 9-17-91; Ord. No. 2008-04, § 2, 3-4-08)

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.

(Laws of Fla., ch. 8949(1921), § 32; Ord. No. 91-17, § 1, 9-17-91)

Sec. 33. - Qualifications.

The City Attorney ~~shall~~ must be a lawyer admitted to and having authority to practice in all courts of the state, including circuit trial courts and district appellate courts of Florida. The City Attorney must also be admitted to practice in the federal Middle District of Florida court and the 11th Circuit Appeals court.

(Laws of Fla., ch. 8949(1921), § 33; Laws of Fla., ch. 15203(1931), § 2; Ord. No. 91-17, § 1, 9-17-91)

CITY CLERK

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

The City Commission ~~shall~~ appoints a City Clerk, who ~~shall~~ serves under the direction and supervision of the City Commission and ~~shall~~ holds office at the pleasure of the City Commission. The City Clerk ~~shall be~~

is chosen on the basis of administrative qualifications. The City Commission ~~shall~~ establishes an appropriate contract for the City Clerk, which ~~shall~~ must 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~~ will designate a properly qualified person to temporarily execute the functions of the office.

(Laws of Fla., ch. 8949(1921), § 57; Ord. No. 91-17, § 1, 9-17-91; Ord. No. 98-5, § 1, 2-17-98; Ord. No. 2008-04, § 3, 3-4-08)

Sec. 47. - Powers and duties enumerated.

The City Clerk ~~shall be~~ is 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~~ are 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~~ must 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~~ must be maintained of the proceedings of all boards and committees required by the City Commission;
- b) The City Clerk ~~shall be~~ is 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~~ has 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.~~ Maintains City records of annexations and the official City boundaries, as they may be amended from time to time.

(Ord. No. 91-17, § 1, 9-17-91; Ord. No. 98-6, § 1, 2-17-98; Ord. No. 2008-04, § 4, 3-4-08; Ord. No. 2010-23, § 2, 8-17-10)

THIS SECTION 2-36 SHOULD BE INCORPORATED IN SECTION 16 OF THE CHARTER

Sec. 2-36. - Selection of vice-mayor.

(a) The city commission shall elect a vice-mayor at its annual organizational meeting. The vice-mayor shall act as mayor during the absence or disability of the mayor.

(b) The election of the vice-mayor shall be in the same manner as the election of mayor as provided by [section 34-6](#).

(c) The city commission may, in its discretion, elect a vice-mayor to serve until the next regular annual organizational meeting.

(Code 1955, § 1A-2; Ord. No. 453, 4-14-71; Code 1991, § 30.05)

Cross reference— Selection of the mayor by straw ballot, [§ 34-6](#); procedural requirements for city commission relative to land development code, § 98-192.

Chapter 34 - ELECTIONS^[1]

Footnotes:

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Editor's note— Ord. No. 2006-26, §§ 1—6, adopted Dec. 5, 2006, repealed the former ch. 34, §§ 34-1—34-7, and enacted a new ch. 34 as set out herein. The former ch. 34 pertained to similar provisions, and derived from Ord. No. 853, adopted January 2, 1990; Ord. No. 90-25, adopted January 8, 1991; Ord. No. 90-26, adopted December 18, 1990; the Code of 1991; Ord. No. 93-4, adopted March 16, 1993; Ord. No. 93-23, adopted December 7, 1993; Ord. No. 98-8, adopted May 2, 1995; Ord. No. 97-5, adopted March 4, 1997; and Ord. No. 97-8, adopted February 18, 1997.

Cross reference— City Commission, § 2-36 et seq.; signs, ch. 118.

State Law reference— Florida election code, F.S. chs. 97—106.

Sec. 34-1. - Municipal elections.

(a)

All City elections shall be held on the first Tuesday after the first Monday in November of each year for the election of members of the City Commission. Such elections shall be non-partisan elections. In the event a runoff or second election shall become necessary, as set forth in the Charter [§ 9\(c\)](#), then and in that event all runoff or second elections shall be held on the second Tuesday in December of each year.

(b)

Notice of the date of the election shall be given. Such notice shall include a sample ballot. The notice shall be published at least one time in a newspaper of general circulation in the week prior to the date of the election, and again in the week prior to the run-off election.

(c)

The expense of holding any election provided for in this section, including but not limited to the expense of preparing the ballots, blanks and other supplies to be used in any election in this City and all expenses necessarily incurred in the preparation for and in the conduct of such election, shall be paid out of the City treasury.

(d)

Any qualified elector, as defined by state law, shall be entitled to vote at the election and shall receive the official ballot for the election.

(e)

The polls shall open and close at the same hour or time required under general law for the opening and closing of polls for state elections. The requirements for holding elections as set forth in the state election laws shall govern the conduct of the election.

(Ord. No. 2006-26, § 1, 12-5-06; Ord. No. 2010-40, § 1, 1-18-11)

Sec. 34-2. - Notice of candidacy.

(a)

One week prior to the opening of the qualifying period, a notice shall be placed in a newspaper of general circulation advising the members of the public of the City Commission seats which will be up for election. The notice shall include the dates of qualifying. The City Commission shall set qualifying dates each year by resolution by June 1st preceding the November City General Election. Every candidate for election as a member of the City Commission shall file a notice of candidacy with the City clerk during the qualifying period as set by resolution each year by the City Commission. Upon filing of the notice, all documents required by this Code, the Charter of the City or the state elections code shall be given to the City clerk, and all required fees shall be paid.

(b)

All candidates shall be required to sign and subscribe to an oath in writing in substantially the following form:

STATE OF FLORIDA
COUNTY OF NASSAU,

Before the undersigned authority, personally appeared _____/
_____ to me well known, who being by me first duly
sworn states as follows:

1.

That he or she is a candidate in group _____/ _____/ _____ for election for the office of member of the City Commission of the City of Fernandina Beach, Florida, in the City general election to be held in said City on the ____ day of _____, ____;

2.

That he or she is a qualified elector of the City of Fernandina Beach;

3.

That he or she is qualified under the constitution and the laws of Florida to hold the office to which he or she desires to be elected;

4.

That he or she has taken the oath required by Florida Statutes §§ 876.05—876.10;

5.

That he or she has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he or she seeks;

6.

That he or she has resigned from any office from which he or she is required to resign pursuant to F.S. § 99.012.

7.

That he or she has paid the filing fee required by the state law and ordinance of this City to be paid upon filing his notice of such candidacy or qualified by the alternative method of qualifying; and

8.

That he or she has not violated any of the ordinances of this City or the laws of the state relating to election or the registration of electors.

Signature of Candidate

Sworn to and subscribed before me this ____ day of _____, ____.

Signature of officer
administering oath

Title of officer
administering oath

(Ord. No. 2006-26, § 1, 12-5-06; Ord. No. 2010-04, § 1, 2-2-10; Ord. No. 2012-13, § 1, 8-7-12)

Sec. 34-3. - Filing fees.

Each candidate for member of the City Commission shall be required to pay to the City a qualifying fee, which consists of a filing fee and election assessment. The filing fee is a sum equal to three percent of the annual salary paid to a member of the City Commission during the fiscal year preceding the notice of filing for candidacy. The amount of the election assessment is one percent of the annual salary of the office sought. The election assessment shall be transferred by the City clerk to the Elections Commission Trust Fund. In lieu of paying the three percent filing fee, each City Commission candidate may qualify using the petition method of qualifying in accordance with state law and section 34-4 below.

(Ord. No. 2006-26, § 2, 12-5-06; Ord. No. 2010-04, § 1, 2-2-10; Ord. No. [2015-05](#), § 1, 5-5-15)

Sec. 34-4. - Alternative method of qualifying.

(a)

A person seeking to qualify by the alternative method of qualifying may qualify to have his name placed on the ballot by means of the process as prescribed in F.S. § 99.095, which by this reference is hereby incorporated in this section, as such statute may be amended from time to time, insofar as such statute is applicable to the nonpartisan nature of municipal elections.

(b)

The person qualifying by this alternative method shall obtain the signatures on a petition in accordance with state law. Each petition shall be submitted prior to noon of the 15th day preceding the close of the qualifying period for the next City election to the county supervisor of elections. The supervisor shall examine the signatures on the petition(s) to verify their status as electors of the City. Prior to the last date for qualifying, the supervisor shall certify the number shown as registered electors, determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot, notify the candidate and forward official notice of sufficiency to the City clerk. The City clerk shall cause the name of the candidate qualifying by petition to be placed on the ballot in the same manner as candidates qualifying by the payment of the filing fee.

(c)

A candidate qualifying for election by this petition process shall have the same rights and applicable responsibilities as any candidate qualifying by the payment of a filing fee.

(Ord. No. 2006-26, § 2, 12-5-06; Ord. No. [2015-05](#), § 2, 5-5-15)

Sec. 34-5. - Campaign treasurer's reports.

Each candidate shall be required to file a campaign treasurer's report at the time of qualifying as a candidate. If a campaign treasurer or account has been opened prior to the time of qualifying, a campaign treasurer's report must be filed on the tenth day following the end of each calendar quarter from the time the campaign treasurer is appointed, except that if the tenth day following the end of a calendar quarter occurs on a Saturday, Sunday or legal holiday, the report shall be filed on the next following day which is not a Saturday, Sunday or legal holiday. Following the last day to qualify, each candidate will be required to file the campaign treasurer's report on the 18th and fourth days immediately preceding the general and runoff elections. All reports shall be filed in accordance with F.S. ch. 106.

(Ord. No. 2006-26, § 2, 12-5-06)

Sec. 34-6. - Campaign advertising prohibited in public rights-of-way.

It shall be unlawful to tack or place any political campaign sign or advertisement on any pole, tree or other plant or structure on public property or to place any political campaign sign or advertisement on any public street, sidewalk, alley or right-of-way or other public property.

(Ord. No. 2006-26, § 3, 12-5-06)

Sec. 34-7. - Reserved.

Editor's note— Ord. No. 2012-13, [§ 2](#), adopted August 7, 2012, repealed [§ 34-7](#), which pertained to absentee ballots and derived from Ord. No. 2006-26, [§ 3](#), adopted Dec. 5, 2006.

Sec. 34-8. - Canvass of returns and canvassing board.

(a)

The members of the City Commission shall constitute the canvassing board of the City for City elections, except during even-numbered years when the county canvassing board canvasses City ballots in accordance with an agreement between the City and county supervisor of elections. No member of the City Commission who is a candidate for re-election to the City Commission shall serve on the canvassing board. Those City Commissioners in the straw vote for Mayor may serve on the canvassing board. A majority of the members authorized to serve on the canvassing board shall be a quorum, however, the City Commission may authorize a smaller number of Commissioners to attend the logic and accuracy testing required by F.S. § 101.5612. The primary duties of the canvassing board are to review any questioned absentee ballots or signatures, review and tabulate the absentee ballots, review and tabulate the returns from the polls, review any provisional ballots and certify the results of the election and such other duties as are required by state statutes.

(b)

On the first day after any election, or sooner if the returns have been received, the City Commission, serving as the canvassing board, shall proceed publicly to canvass the vote given as shown by the returns on file in the office of the City clerk and with the supervisor of elections. The canvass shall be made solely and exclusively from the returns and certificates of the inspectors as signed by them and filed by them with the City Commission, the City clerk, and with the supervisor of elections and in no case shall the canvassing board of the City election change or vary in any manner the number of votes cast for the candidates as shown by the returns of the inspectors and clerk.

(c)

In the event of a tie vote of the City canvassing board resulting from the exclusion of a Commissioner from the canvassing board because of his or her candidacy in the election, the chairperson of the planning advisory board shall cast the deciding vote on any matter requiring a decision by the City canvassing board. In the event of the absence of a Commissioner and/or the lack of a quorum, the chairperson of the planning advisory board shall serve as a member of the canvassing board.

(d)

The candidate for any office who shall receive the largest number of votes, as shown by the certificate of the canvassing board of City or county, when applicable, shall be declared the winner, and shall assume the office of City Commissioner at the next annual organizational meeting. In the event that no candidate receives at least a majority of the votes, the top two candidates shall be in the run-off election as provided by the charter.

(e)

The canvassing board of City-only elections shall compile the results of the election as shown by the returns of the City clerk or county supervisor of elections and shall then sign election certificates as prepared by the clerk with the final result of the election written in words and in figures the number of votes given for each candidate. Such certificate shall be recorded by the City clerk in the official minutes book of the City.

(Ord. No. 2006-26, § 4, 12-5-06; Ord. No. [2015-05](#), § 3, 5-5-15)

Sec. 34-9. - Election of Mayor ~~by straw ballot~~.

(a)

The Mayor of the City shall be selected by ~~virtue of a straw ballot election to be held~~ being placed on the ballot as authorized in subsection (b) below and receiving the highest number of votes in conjunction with the regular election held for the purpose of electing City Commissioners. ~~The results of the straw ballot shall be taken under advisement by the City~~

~~Commission for the appointment of the Mayor at the organizational meeting to be held in accordance with [section 34-10](#).~~

~~(b)~~

~~The straw ballot election shall be held in accordance with the requirements of [section 123A](#) of the Charter of the City and of this chapter, as they may be amended.~~

~~(e)~~ ~~(b)~~

Candidates for the ~~straw ballot~~ Mayoral election shall consist of incumbent Commissioners who are not subject to reelection to the City Commission. Any eligible candidate ~~not~~ wishing to be considered for the position of Mayor shall request in writing, no later than the City Commission's deadline for qualifying for 30 days before the general election. ~~that his name be deleted from the straw ballot.~~

~~(d)~~ ~~(c)~~

~~The candidate receiving the highest number of votes in the straw ballot shall be given primary consideration for the appointment as Mayor at the organizational meeting.~~ In the event that there should be a tie vote among the top eligible mayoral candidates, the tie shall be broken by the flip of a coin, with the winner being given the primary consideration appointed as the Mayor and the loser mayoral candidate with second highest number of votes being considered for appointed to the Vice-Mayor position.

~~(e)~~

~~On the occasion that all eligible candidates should request that their names not be placed on the straw ballot, then no straw ballot election shall be held and the City Commission shall appoint a Mayor and vice Mayor from its membership at the organizational meeting.~~

~~(f)~~ ~~(d)~~

On the occasion that all only one eligible candidates ~~but one~~ should ~~withdraw from the straw choose to be on the mayoral ballot, election,~~ there shall be no ~~straw ballot~~ mayoral election and the one remaining candidate shall must be considered the primary candidate for appointed to the position of Mayor at the organizational meeting. If only one incumbent Commissioner chooses to be placed on the mayoral ballot, there will be no mayoral election, and the one candidate must be appointed as Mayor. The City Commission may choose any City Commissioner not appointed as the Mayor to be the Vice-Mayor.

~~(g)~~ ~~(e)~~

The appointees shall serve as Mayor and Vice Mayor until the organizational meeting following the next regular general election held by the City.

(Ord. No. 2006-26, § 5, 12-5-06)

Sec. 34-10. - Annual organizational meeting.

At 5:00 p.m. on the third Tuesday in December of each year, or at such other reasonable time or date that the City Commission may designate, the City Commission shall meet at the

usual place for holding its meetings, at which time the newly elected Commissioner or Commissioners shall assume the duties of office as contemplated by the Charter of the City.

(Ord. No. 2006-26, § 6, 12-5-06; Ord. No. 2010-40, § 2, 1-18-11; [Ord. No. 2013-16, § 1, 8-6-13](#))

Charter Review, City Staff Input

The Charter Review Committee is currently working to revise the language of our city's Charter. As employees working with the city, we'd like to ask for your feedback as to what the city does right, and what it can do better.

We want to know specifically about how the workplace is structured.

Submissions will be kept anonymous.

* Required

How long have you been working with the city? *

- ☐ Less than 2 years
- ☐ 2-5 years
- ☐ 5-12 years
- ☐ 13 or more years

Does the Charter affect your job daily?

- ☐ Yes
- ☐ No
- ☐ Maybe

Do you feel the Charter works the way it is intended? *

- ☐ Yes
- ☐ No
- ☐ Not sure

What do you feel that the Charter does correctly? (What do you like about how the city operates)

Your answer

How can the charter be improved?

Your answer

Anything else you would like to let the CRC know?

Your answer

Submit

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*****Sec. 11 below is also included with the other set of charter changes to replace Sec. 14*****

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

Members of the City Commission ~~shall~~ must 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 City Commission. Any member of the City Commission who is convicted of [a] felony while in office must forfeit his/her office.

(Laws of Fla., ch. 8949(1921), § 11; Ord. No. 91-17, § 1, 9-17-91)

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.

(Laws of Fla., ch. 8949(1921), § 12; Laws of Fla., ch. 59-1278, § 3; Ord. No. 612, § 1, 9-30-81; Ord. No. 91-17, § 1, 9-17-91; Ord. No. 2004-09, § 2, 6-15-04; Ord. No. 2011-21, §§ 1, 2, 11-1-11, eff. 10-1-11; Ord. No. [2016-11](#), § 6, 7-5-16)

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. 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.