



AGENDA
CHARTER REVIEW COMMITTEE
REGULAR MEETING (VIRTUAL)
MAY 26, 2020
3:00 PM
CITY COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

The Regular Charter Review Committee Meeting will be held as a VIRTUAL MEETING with board members and City staff participating through video conferencing. This virtual meeting will be broadcasted live for members of the public to view on the City of Fernandina Beach website (www.fbfl.us) and Channel 264 (Comcast only).

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

- 3.1 The amended minutes from January 13, 2020, and minutes from February 10, 2020, and February 25, 2020, are presented for approval.

4. OLD BUSINESS

- 4.1 **REVIEW OF PROPOSED CHANGES:** A review of the changes proposed to date.
- 4.2 **CITIZEN INITIATIVES:** Discussion of citizen initiative language to the City Charter.
- 4.3 **CHARTER SECTION 10A:** Discussion on this section of the City Charter.
- 4.4 **SECTIONS 25 & 29:** Discussion of Charter Sections 25 & 29.

5. NEW BUSINESS

- 5.1 **SECTIONS 9, 58-67:** Discussion of these sections of the Charter.

6. PUBLIC COMMENT

7. NEXT MEETING DATE

- 7.1 Schedule additional meetings due to COVID-19 cancellations: June 4 at 5:00pm (for public comment); June 8 at 3:00pm (final recommendation).

8. ADJOURNMENT

THE NEXT CHARTER REVIEW MEETING IS SCHEDULED FOR JUNE 4, 2020.

This will be conducted as a virtual meeting with restricted physical access. Written comments emailed to the Charter Review Committee (crc2020@fbfl.city) must be sent no later than 1 PM on May 26, 2020, and will be read aloud during the meeting. These comments shall have a maximum time allowance of 3 minutes or 400 words. Public comment may also be provided virtually through use of the Zoom Meeting link below, the phone number provided below, or in person at City Hall with strict restrictions to protect health and safety. Individuals wishing to provide live comments during the meeting must dial-in or connect via the Zoom Meeting link or phone number below no later than 2:50 PM on May 26, 2020, and will be called upon by their individual registered Zoom Meeting ID Account or by the last-4 digits of their respective phone number. When called upon, please provide your name and home address prior to issuance of public comment. Please limit comment to 3 minutes.

Zoom Meeting Link for Public Comment:

(Users must have a functional microphone): **999 6409 0361** with Password: **CRC Public**

Or

Zoom Phone Dial-In for Public Comment: + **1 646 558 8656** Meeting ID: **999 6409 0361** Password: **244063**

If you must attend in person at City Hall (204 Ash Street), please arrive at City Hall no later than 2:50 PM to be counted and to complete a speaker form. You will be admitted into City Hall when it is your turn to make your public comments and must exit City Hall after your comments are made.

It is recommended that you wear a face mask when entering City Hall for your protection and the protection of others.

All members of the public are invited to be present and be heard. Persons with disabilities requiring accommodations to participate in this program or activity should contact (904) 310-3115 or through the Florida Relay Services at 711 at least 24 hours in advance to request such accommodations. 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's Office (904) 310-3275.

1. CALL TO ORDER: The Charter Review Committee meeting was called to order at 3:00 pm.
2. ROLL CALL: The following Committee members were present; Chairperson Arlene Filkoff, Vice Chairperson Richard Clark, Committee Members Bradley Bean, Tammi Kosack, Jon Lasserre, Margaret Davis and Benjamin Morrison. Others present were City Attorney Tammi Bach and Recording Secretary Gabriel Stefanko.

3.1 THE MINUTES OF THE 11/26/2019 MEETING WERE PRESENTED FOR APPROVAL: Member Davis wanted to amend Section 5.2, the third paragraph from the bottom of the page, to read "power of petition" rather than "power of process". **A motion was made by Member Bean, seconded by Member Morrison, to approve the minutes as amended. The motion passed unanimously.**

4.1 RECAP JOINT MEETING. COMMITTEE MEMBERS TO PROVIDE FEEDBACK AND DISCUSS ANY ITEMS FROM THE DECEMBER 3, 2019 JOINT MEETING: Member Kosack noted several Commissioners cautioned the Charter Review Committee from making too dramatic changes to the Charter and City Manager Martin noted things seemed to be running smoothly with regard to Commissioners interfacing with advisory boards and staff. Member Kosack acknowledged Vice Mayor Kreger for causing the Charter Review Committee meetings to be live streamed and postproduction close captioned.

Member Davis noted Vice Mayor Kreger stated the opposite of the City Managers opinion related to ~~advisory board~~ staff interference. Several of the Commissioners were in favor of conducting group elections and eliminating runoff elections. Member Davis expressed concern upon hearing Commissioners say they frequently went to staff which is a violation of the Charter. Member Lasserre commented the Commissioners seemed receptive to the idea of conducting an employee survey and that Charter election provisions should match those of Florida Statute. Member Morrison reflected that the general tone of Commissioners was supportive, Chairperson Filkoff and Vice Chairperson Clark concurred. ***City Attorney Bach will supply the Charter Review Committee members with a previously conducted citizen survey.***

Member Bean volunteered to create an electronic draft survey to be presented at the next Charter Review Committee meeting. **A motion was made by Vice Chairperson Clark, seconded by Member Davis, to accept Member Bean's offer to create a draft survey to be presented for review at the next Charter Review Committee meeting. The motion passed unanimously.**

4.2 DRAFT REVISION. SECTIONS 1-8: Section 1: Member Lasserre recommended "then" or "later" be added to the first sentence in Section 1 between the comma and the word abolished. **A motion was made by Vice Chairperson Clark, seconded by Member Bean, to approve the recommendation. The motion passed unanimously.**

Section 6: City Attorney Bach noted the City is getting away from using the word "shall" and replacing it with "is" or "must" which will be approved by ordinance. Following discussion among Committee members, the subsequent changes were recommended to subsection b: the header "additions" will remain, the second sentence will read "pursuant to Florida law the City is permitted to annex additional properties. The current boundary records are available in the City Clerk's Office and available to review upon request" or some similar variation thereof. Member Davis concurred and added that maintaining a current map be added to the City Clerk's roles and responsibilities. **A motion was made by Member Bean, seconded by Member Lasserre, to approve the recommendations. The motion passed unanimously.**

Section 7(b): City Attorney Bach noted the changes before the Charter Review Committee today are a result of their previous meetings. **A motion was made by Member Kosack, seconded by Member Bean, to approve the rewritten version of Section 7(b). The motion passed unanimously.**

Section 8: Member Lasserre suggested the word "as" in the third line be removed, the word "for" in the prior sentence be removed and to accept the alternative language suggested by City Attorney Bach. Additional discussion ensued related the pros and cons of strong City Manager/strong Mayor form of government. ***The consensus of the Committee was to retain the strong City Manager form of government.*** Member Davis

suggested capitalizing the words “City”, “City Commission”, City Manager”, “City Clerk”, and “City Attorney” be consistent throughout the Charter. Member Lasserre concurred. **A motion was made by Vice Chairperson Clark, seconded by Member Lasserre, to approve the rewritten version of Section 8 and other recommendations. The motion passed unanimously.**

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: Member Lasserre suggested City Attorney Bach continue to provide revisions as they are making the review process smoother and more efficient. ***The consensus of the Charter Review Committee was for City Attorney Bach to continue to provide draft language in an effort to maximize productivity.***

Section 10: City Attorney Bach explained Section 10 expresses the powers of the Mayor and Commissioners, and how they interact with City administrators and staff. It talks about investigations or inquiry conducted in accordance with Section 136. Section 10(a) is the referendum for City-owned recreational facilities. City Attorney Bach stated she would have, at the next charter Review Committee meeting, the proposed changes ready review. Section 10(b) is the general power to borrow money and issue bonds that's derived from Florida law directly.

Member Davis stated she has several comments on Section 10 and 10(b). Member Davis asked City Attorney Bach whether Section 10(b) is really needed as it appears to be covered in Section 7(a)(2). City Attorney Bach agreed the language in 10B and 10(b) is redundant and may be removed. Member Davis referred to Section 10(a) at this time and noted the language needs to be clearer with regard to what Commissioners can and cannot do. Section 10(c) language may be creating confusion and could be clarified.

Member Morrison stated the Section 10(d) doesn't really talk about who determines a violation has occurred and how that process takes place. Member Lasserre offered that Section 10(e) states investigations or inquiries shall be conducted pursuant to Section 136 of the Charter.

Member Lasserre noted it would make sense to move Section 10(b) to the first paragraph and move Section 10(a) to the second paragraph. Member Lasserre further added the word “indirectly” should be added to Section 10(c) and that Charter Officers should give express written consent for Commissioners to communicate directly with staff.

Member Bean stated Section 10(d) needs to be clearer because the first violation has to be brought up by a Commissioner at a Commission meeting which implies a vote is required and it's not specified if the Commissioner in alleged violation gets to vote and whether it requires more than a simple majority vote.

Member Kosack noted the formatting of Section 10A and 10B is confusing. City Attorney Bach replied legislative history will be included in future Charter Review Committee agenda backup materials.

Member Lasserre suggested the title of Section 10 include the referendum language contained in the title of Section 10A and remove “powers generally” from the title of Section 10.

Vice Chairperson Clark, referring to Section 10(c), asked City Attorney Bach how constituent calls to Commissioners related to issues with streets, curbs, sidewalks, etc. are handled procedurally. City Attorney Bach replied City Manager Martin has given all five of the City Commissioners blanket approval to contact employees of the Maintenance Department directly. However, some Commissioners choose to go through the City Manager and don't really communicate with the departments.

Chairperson Filkoff, based upon her experience while serving as a Commissioner, opined that it is sometimes better for Commissioners to stay away from staff conversations all together, including citizen requests. It's human nature that staff would be inclined to view Commissioner requests or comments as direction. Chairperson Filkoff concurred with other Committee members that Charter Officers should provide express written consent for Commissioners to speak directly with staff.

Chairperson Filkoff spoke to the importance of Commissioners receiving orientation and suggested it be made a part of the Charter so that it becomes a more formal process.

City Attorney Bach recalled an incident where a City employee, working in an enforcement department, reported to her (City Attorney Bach) that a Commissioner called the employee and requested a citation be issued to a specific citizen and that they (Commissioner) were calling as a concerned citizen. City Attorney Bach observed that violations (of the Charter) occur every day.

Member Kosack noted careful consideration should be given to how the Charter delineates between Commissioners requesting information and Commissioners directing employees. ***Member Kosack noted the state law reference in the legislative history of Section 10B regarding tax on cigarettes needs to be removed.***

Member Morrison noted Commissioners who communicate directly with staff may be creating additional work for City staff.

Member Davis wanted to ensure the Committee is not shutting the door on the opportunity for a Commissioner to make an inquiry regarding a constituent issue, because they are also citizens, and have the right to act as a citizen would.

Member Lasserre asked City Attorney Bach whether the misdemeanor language in Section 10(d) should be located in the Code of Ordinances instead of the Charter. City Attorney Bach agreed and further commented she is legally and practically concerned about enforcement provisions, because if somebody, whether it is a citizen, a Commissioner, or City employee thought there was a violation, and they went to the chief of police, nothing would happen.

Member Davis and Member Lasserre suggested a progressive enforcement approach be applied in Section 10(d): 1st offense: recognized by City Commission; 2nd offense: City Commission censorship; 3rd offense: removal from office.

Chairperson Filkoff suggesting Section 10(d) be revisited following receipt of the survey results. **A motion was made by Member Bean, seconded by Vice Chairperson Clark, to remove Section 10(b), remove Section 10B, remove the cigarette reference, expand Section 10(a) to clarify the definition of conservation, and clarify who may report a violation of Section 10(d). The motion passed unanimously.**

Chairperson Filkoff asked whether any members of the public would like to comment on topics discussed thus far.

PROCEDURE CONCERNS: Ms. Sandra Kerry, 1255 Forest Drive, commented Section 10(d) clearly states Commissioner procedures but no employee procedures. There's been a lot of discussion about City Commissioners not dictating to employees, yet the City Manager has given them permission. If someone wants to bring something forward, there needs to be a clear delineation to which Charter Officer. Section 136 is clear about how a hearing is to be conducted. She thinks you really need to get very detailed on those sections because the public is very concerned about transparency. Ms. Kerry suggested a whistleblowing system be considered so employees may report problems without fear of repercussions.

Based upon Ms. Kerry's comments City Attorney Bach asked that the Committee members compare Section 136 with Section 10 as they appear to contain the same information and could be combined and clarified. ***This matter will be placed on the next Charter Review Committee agenda.***

LANGUAGE CONCERNS: Ms. Sandra Kerry, 1255 Forest Drive, commented the language in Code of Ordinances Section 2-86 appears to conflict with Charter Section 10. After additional discussion it was determined the best forward course is for Ms. Kerry to email City Attorney Bach with her concerns.

Section 14: Member Lasserre expressed concern with the qualification language regarding being convicted of a crime. He thought it appropriate to include language that specified misdemeanors related to dishonesty, theft, or a felony, as cause for removal.

Member Davis stated Section 11 and Section 14 cover similar topics and wondered if it would make sense to combine their language to make things read better. **A motion was made by Member Bean, seconded by Vice Chairperson Clark, to direct City Attorney Bach to modernize the language in Section 14, which will include “canvassing board”, insert language related to felony charges being grounds for forfeiture and make pronoun changes. The motion passed unanimously.**

Section 16: Vice Chairperson Clark commented an advantage exists under the Commission/Manager form of government which this Committee supports keeping. A Mayor elected at large can exert more political leadership. When you have a Commission/Manager government, the manager really operates the City on a day-to-day basis but doesn't make political decisions. When a Mayor is elected at large, there is a presumption that he/she is really the administrative head of the City and runs it, when it creates a conflict between the elected Mayor and the City Manager.

Member Davis respectfully disagreed with Vice Chairperson Clark and noted every single one of the peer city charters has an elected Mayor and Commission/Manager governments. Member Davis thinks residents want the person publicly representing them as the head of the City, to be someone they selected. Discussion ensued related to the process of selecting the Mayor.

Commissioner Mike Lednovich, 1586 Canopy Drive, stated he will run for Mayor in 2020. It is his understanding that at some point he must let the City Clerk know he would like his name placed on the ballot for Mayor. City Attorney Bach stated in accordance with Code of Ordinances Section 34-9 the person who receives the most votes gets primary consideration for Mayor and the person who receives the second most votes gets primary consideration for Vice Mayor. If no eligible Commissioner wants to have his/her name placed on the ballot for Mayor, the City Commission, at their Organizational meeting, will choose among themselves who will serve as Mayor and Vice Mayor. **A motion was made by Member Bean, seconded by Vice Chairperson Clark, to direct City Attorney Bach to make changes to Mayor credentials, how the Mayor is selected, strengthen Vice Mayor selection language, incorporate provisions of 34-9 into the Charter, change the word “straw” to something more binding, draft language to enlarge the candidates pool for those who may run for Mayor and add a provision stating the Vice Mayor will serve in the absence of the Mayor. The motion passed unanimously.**

Section 17: Vice Chairperson Clark observed the Charter goes to great lengths to define what the powers and duties of the Charter Officers and the Mayor are, but then in the middle of Section 17, the Charter says “other such duties as may be conferred upon the Mayor by official action of the City Commission”. Vice Chairperson Clark noted a similar phrase appears in Section 47(m); City Clerk “any other duties as required by the City Commission” which he does not care for as it is open to subjectivity.

Member Kosack asked if this is where we should enumerate emergency duties or any Mayoral exclusive duties. Chairperson Filkoff asked City Attorney Bach where it is stated that the Mayor is the only person legally able to declare a state of emergency. City Attorney Bach responded it can be signed by the Mayor; we have declared states of emergency before and we come back at the next Regular Meeting after the emergency and then we formalize the Resolution as an Ordinance. Member Lasserre thinks it's not a bad idea to have the Mayor have the ability to exercise certain duties and responsibilities. **A motion was made by Vice Chairperson Clark, seconded by Member Kosack, to direct the City Attorney to remove Section 47(m), insert bullet points for Mayor's functions and powers. The motion passed unanimously.**

Section 25: Although not related to Section 25, Vice Chairperson Clark requested the following sentence be added to Section 10: "The Commission is required to conduct annual performance reviews for the City Attorney, City Clerk, and City Manager before December 31st of each year." Also unrelated to Section 25: Chairwoman Filkoff asked whether Charter Officer performance evaluations should be required to be in writing. Following additional discussion, **a motion was made by Vice Chairperson Clark, seconded by Member Bean, to direct the City Attorney to draft language for Section 10 requiring City Commissioners perform Charter Officer performance appraisals each year and same will be made available to the public. The motion passed unanimously.**

Section 25: Member Kosack recommended language be added as to how Charter Officers are selected and enumerate grounds for their removal. Chairperson Filkoff stated City Managers have a professional organization, the International City/County Management Association (ICMA), which has standards, just as the City Attorney has the Florida Bar Association. Chairperson Filkoff wondered if being an ICMA member should be a City Manager requirement. Vice Chairperson Clark commented Commissions are capable of exercising due diligence when considering hiring a City Manager. There should be a requirement that the person must have some experience in managing a large governmental organization. Member Davis mentioned the City Attorney should be a member, in good standing, of the Florida Bar Association. Additional discussion ensued related to previous Commissions' unfavorable City Manager hiring practices. **A motion was made by Member Bean, seconded by Member Davis, to direct the City Attorney to make draft changes to Section 25; City Manager qualifications: professional organization requirements, experience managing a large governmental organization and more than one City Manager candidate for hire must be considered. The motion passed unanimously.**

Section 29: Member Kosack asked that Section 29 be made gender neutral. Member Davis noted Section 29(h) language should be removed. Vice Chairperson Clark requested adding "five-year Capital Improvement Plan" language to Section 29(g). Member Davis noted Section 71 contains budget requirements as well. City Attorney Bach stated she will add Capital Improvement Plan language to both sections. **A motion was made by Member Bean, seconded by Member Morrison, to direct the City Attorney to make draft changes as discussed.**

Section 31: City Attorney Bach recommended no changes be made to Section 31. ***It was the consensus of the Charter Review Committee to make formatting changes consistent with the rest of the Charter and insert gender neutral pronouns.***

Section 33: Member Lasserre observed attorneys should be admitted to all courts in the State of Florida. City Attorney Bach asked if they were thinking about making it mandatory to have the attorneys be able to practice in the federal courts of the middle district of Florida. Member Lasserre responded the City may be sued in federal court, so they should be able to appear. City Attorney Bach told the members, she will put in there that you either have to be certified to practice in those courts or you need to get that certification within six months. Member Lasserre added that Board Certification should be added as "preferred". **A motion was made by Member Bean, seconded by Member Lasserre, to direct the City Attorney to make draft changes to Section 33 as discussed. The motion passed unanimously.**

Section 46 and 47: Vice Chairperson Clark said if you're going to look at ICMA language for the City Manager, there is a similar organization for City Clerks. City Attorney Bach confirmed it is called the Certified Municipal Clerk. City Attorney Bach stated she would add professional organization requirements to the City Clerk's administrative qualifications. Member Davis questioned whether Section 47(j) should be a responsibility of the City Manager and requested language be added to Section 47(e) regarding the Clerk maintaining an official boundary map.

PUBLIC OUTREACH: Charter Review Committee members discussed public outreach. ***The consensus of the Committee was to direct City Attorney Bach to contact ADC Compliance Officer Mary Hamburg who will disseminate future Charter Review Committee meeting dates and times.***

5.2 CITIZEN EMAILS. CONSISTENT APPROACH IN RESPONSE TO THE PUBLIC'S EMAILS: ***The consensus of the Committee was to direct the Legal Department to reply to citizen emails with a formal thank you, a schedule of upcoming meeting date/times and links to the City's website.***

CITY ATTORNEY COMMENTS: City Attorney Bach asked whether additional Sections may be reviewed for wordsmithing: Section 11, 12, 13, and 136. ***The consensus of the Committee was to direct the City Attorney to make changes as discussed and present them at the next Charter Review Committee meeting.***

6. PUBLIC COMMENT: Chairwoman Filkoff invited public comment earlier in the meeting; Ms. Sandra Kerry and Commissioner Mike Lednovich spoke.
7. NEXT CHARTER REVIEW COMMITTEE MEETING DATE: February 10, 2020
8. ADJOURNMENT: There being no further business to come before the Charter Review Committee, the meeting was adjourned at 6:50 pm.

Recording Secretary
Katie Newton

Chairperson
Arlene Filkoff

1. CALL TO ORDER: The Charter Review Committee Regular Meeting was called to order at 3:00 pm.
2. ROLL CALL: The following Committee members were present; Chairperson Arlene Filkoff, Vice Chairperson Richard Clark, Committee Members Bradley Bean, Tammi Kosack, Jon Lasserre, Margaret Davis and Benjamin Morrison. Others present were City Attorney Tammi Bach and City Clerk Caroline Best serving as Recording Secretary.
- 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:
Due to incompleteness, the January 13, 2020 meeting minutes were not approved at this time.
- 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:

Section 10(a): Vice Chairperson Clark questioned whether the forty-year lease requirement should be reviewed. Chairperson Filkoff recommended the Planning & Conservation Department and City Manager be invited to a future Charter Review Committee meeting to discuss the pros and cons of the forty-year lease requirement and the definition of conservation lands.

Section 14: *The consensus of the Charter review Committee was to move the first sentence in Section 14 to Section 11.*

Section 16: Following discussion related to how the Mayor is selected and his/her removal from office **a motion was made by Member Bean, seconded by Vice Chairperson Clark, to remove "for any reason" and insert language related to the Vice Mayor serving in the absence of the Mayor.**

Section 34-9: **A motion was made by Vice Chairperson Clark, seconded by Member Bean, to insert language that if no Commissioner desires to be Mayor, the Commissioners appoint one among themselves.**

Section 17: Member Davis recommended removing "and below".

Section 17(d): Vice Chairperson Clark recommended removing "by the courts".

Section 25: Following discussion related to City Manager pro tem **a motion was made by Member Lasserre, seconded by Member Bean, to insert language that the City Manager will designate a City Manager pro tem to act in his or her absence with the approval of the City Commission.** City Attorney Bach noted this language would be inserted into Section 29. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.** Member Morrison recommended similar language be retained in section 25.

Section 46 and 47: Member Davis noted, as mentioned in a previous Charter Review Committee, there should be language requiring the City Clerk be part of a professional organization which has a code of ethics.

Section 47(m): Vice Chairperson Clark reminded, as mentioned in a previous Charter Review Committee meeting, the City Clerk will be required to retain a current copy of the City's boundary map.

Section 32: **A motion was made by Member Davis, seconded by Member Bean, to remove "additional duties as required" language which is consistent with the Charter Review Committee's previous action to remove same from the City Clerk and City Manager sections. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

Following discussion related to City Attorney pro tem a **motion was made by Vice Chairperson Clark, seconded by Member Lasserre, to insert language that the City Attorney will designate a City Attorney pro tem to act in his or her absence with the approval of the City Commission. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

Member Kosack stated the language in the beginning of the City Manager, City Clerk and City Attorney sections should be consistent.

Section 2-36: Vice Chairperson Clark commented the Charter should contain key provisions.

Chapter 34: City Clerk Best and City Attorney Bach recommended Chapter 34 conflicts with Florida Statute be removed. **A motion was made by Member Bean, seconded by Member Morrison, to remove redundancies and anomalies. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.** Member Davis noted the Charter contains additional election provisions and suggested they be reviewed at a future Charter Review Committee meeting.

Chapter 34-6: Vice Chairperson Clark suggested campaign sign language should include prohibiting on government buildings. Member Lasserre noted restraints are in place in accordance with federal law. ***The consensus of the Charter Review Committee was to direct City Attorney Bach to research this matter.***

- 5.1 DRAFT SURVEY. Presentation of the Draft Survey: Member Bean reviewed the draft survey questions, following discussion, ***the consensus of the Charter Review Committee was to create a survey sub-committee comprised of Members Bean, Kosack and Morrison.***

Commissioner Mike Lednovich, 1586 Canopy Drive, the survey questions should be framed to determine whether Commissioners interfere or impede with City staff's ability to perform their jobs.

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

Section 11: Member Davis recommended language be added prohibiting any Commissioner from holding any compensated City office or City employment unless they have been out of office for one year or more. ***The consensus of the Charter Review Committee was to direct City Attorney Bach to insert such language.***

Chairperson Filkoff passed the gavel to Vice Chairperson Clark at this time and exited Chambers due to a prior commitment.

Member Davis spoke to meeting absences, after additional discussion **a motion was made by Member Morrison, seconded by Member Kosack, to change the absentee language to three absences within a calendar year. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

Member Davis noted peer cities have more stringent ethical violation provisions. Following lengthy discussion related to misfeasance, malfeasance, nonfeasance, public hearings, ethical violations, and forfeiture, Vice Chairperson Clark commented it is difficult digest all the changes and requested ***City Attorney Bach, with the assistance of Member Davis, write a summary of the discussion points for presentation at the following Charter Review Committee meeting.***

Section 12: no changes to Section 12.

Section 13: no changes to Section 13.

Section 136: following discussion among committee members, ***a motion was made by Member Bean, seconded by Member Kosack, to direct the City Attorney to insert language stating advisory***

boards/committees may make investigation recommendations to the City Commission, who upon review and approval, shall direct the respective Charter Officer to move forward with the investigation.

6. PUBLIC COMMENT:

CLARIFICATION: Ms. Suanne Thamm, 404 Broome Street, requested clarification regarding the Mayor and City Manager pro tem selection processes. Because types of investigations vary, Ms. Thamm suggested inserting investigation definitions in Section 136.

SECTION 10(A): Ms. Margaret Kirkland, speaking on behalf of the Amelia Tree Conservancy, does not support leasing conservation lands.

SURVEYS: Ms. Margaret Kirkland noted survey questions should be well defined.

SURVEYS: Ms. Sandra Kerry, 1255 Forrest Drive, recommended the Charter Review Committee hire a professional organization to assist in crafting the survey questions and to involve the citizens.

SECTION 29: Ms. Kerry noted that although Section 29(h) was deleted the language related to the City Attorney being able to act under the Resolutions should be retained.

7. NEXT MEETING DATE: City Attorney Bach stated the next meeting be February 25, 2020 at 3:00pm, ***City Attorney Bach will at the next Charter Review Committee meeting, have Chamber calendar availability dates and times for the Charter Review Committee to consider in order to plan additional meetings.***

SECTION 10: City Attorney Bach stated Section 10 changes will be before the Charter Review Committee in March.

SECTIONS 10A, 11, 12, 13, and 136: City Attorney Bach will have the requested changes prepared for the next Charter Review Committee meeting.

SECTION 9: will be reviewed in March.

SECTION 20 & 21: will be reviewed in March.

SECTION 39-45: will be reviewed in March

Vice Chairperson Clark requested the next Charter Review Committee agenda contain Section titles and suggested they be o that it is easier to follow

8. ADJOURNMENT: There being no further business to come before the Charter Review Committee, the meeting was adjourned at 5:55 pm.

Recording Secretary
Katie Newton

Chairperson
Arlene Filkoff

1. CALL TO ORDER: The Charter Review Committee Regular Meeting was called to order at 3:00 pm.
2. ROLL CALL: The following Committee members were present; Chairperson Arlene Filkoff, Vice Chairperson Richard Clark, Committee Members Bradley Bean, Jon Lasserre, Margaret Davis and Benjamin Morrison. Member Tammi Kosack was not in attendance. Others present were City Attorney Tammi Bach and City Clerk Caroline Best serving as Recording Secretary.
- 3.1 THE MINUTES FROM JANUARY 13, 2020, ARE PRESENTED FOR APPROVAL:
 Minutes section 4.1; paragraph one, sentence one: Member Davis requested "and staff" be added after advisory boards.

Minutes section 4.1; paragraph two, sentence one: Member Davis requested "advisory boards" be replaced with "staff". **A motion was made by Member Lasserre, seconded by Member Bean, to approve the minutes as amended. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

CHANGES TO THE AGENDA: Planning and Conservation Department Director Ms. Kelly Gibson was available to answer questions related to Section 10A: referendum required for sale of City-owned recreational facilities and land. Ms. Gibson noted possible scenarios, such as a nature facility managed by a third party, maintenance of an existing structure managed by a third party, photography, and site seeing activities would be prohibited if lease language were removed. After additional discussion among the Charter Review Committee and Ms. Gibson, ***the consensus of the Charter Review Committee was to direct the City Attorney to insert language similar to "as limited by the City's Land Development Code".***

- 4.1 SURVEY: UPDATE ON THE STAFF SURVEY: City Attorney Bach stated she spoke with four City Commissioners individually about whether a survey of City employees was necessary. Following discussion, ***the consensus of the Charter Review Committee was to no longer move forward with creating an employee survey and Section 10(c) will be discussed at the next Charter Review Committee meeting.*** Following additional discussion, ***Chairperson Filkoff noted that the next Charter Review Committee agenda will have Section 10(c) as the first order of business.***
- 4.2 CHARTER SECTIONS 10A, 11, 14, 16, 17, 25-29, 31-33, 46, 47 AND 136: DISCUSSION ON THESE SECTIONS OF THE CITY CHARTER:

Section 10A: Member Davis noted in #4 conservation lands appears with a capitol C and a capitol L, yet there is no where that conservation lands is capitalized, she does not understand why we added it and prefers to remove #4 and leave #3 the way it is.

Member Lasserre commented Section 10A (1) and (2) are difficult to understand and recommended paragraphs 2, 3 and 4 be replaced with one paragraph that is clear and easy to understand. Discussion ensued which resulted in ***the consensus of the Charter Review Committee directing the City Attorney Bach to write one paragraph that is clear, concise and will include language that the City Commission is not authorized to sign a deed or lease in excess of forty years until approved by voter referendum.***

Section 11: Member Davis noted previous recommended language changes do not appear in this draft language which included prohibiting any Commissioner from holding any compensated City office or City employment unless they have been out of office for one year and violations of conduct. ***Member Davis and City Attorney Bach agreed to work together to add previously recommended language changes.***

Section 11(b): ***Vice Chairperson Clark requested City Attorney Bach more clearly define "regular meeting".***

Former Section 20: ***Chairperson Filkoff requested additional research be conducted into former Section 20 regarding excused and unexcused absences. Members Bean and Davis concurred with the caveat that it be retained in Section 10.***

Section 14: City Attorney Bach stated Section 14 has been removed but the language contained therein was combined with Section 11.

Section 16: Member Davis commented subsections (d) and (f) are redundant and (f) can be deleted. Former section (c) language should remain.

Section 16(b): Member Lasserre recommended language be clarified: “candidates for the mayoral election must consist of incumbent Commissioners who are not subject to reelection, who are not candidates in an upcoming election.”

Section 16(d): Member Lasserre explained the last portion of the last sentence is repetitive and suggested a period (.) be inserted after Vice Mayor and the remainder of the sentence be removed.

Section 16(e): Member Lasserre recommended the following language: “each serve a term of two years to coincide with the municipal general elections.”

Section 17: no discussion.

Section 25: Vice Chairperson Clark submitted a handout with recommended rewording to the last sentence as follows: ***“He/she must designate a City Manager Pro Tem subject to the approval of the City Commission. The City Manager Pro Tem will serve as City Manager in the absence or disability of the City Manager.”***

Section 29(i): Vice Chairperson Clark, submitted on the same handout, expanded powers and duties as follows: ***“He/she is responsible for the procurement, management, payment, and contract compliance for all supplies, services, and construction contracts, including any Federal, State, or other grant funded activity, at the direction of the City Commission and in accord with all applicable City, State, or Federal laws and regulations.”***

Section 25 and Section 29: Member Morrison observed the last sentence in Section 25 and Section 29(j) appear to be redundant. ***The consensus of the Charter Review Committee was to direct City Attorney Bach to reference Section 29(j) in Section 25.***

Section 25: Member Lasserre wondered whether thirty days is enough time to require a newly hired City Manager to relocate within the City limits. City Manager Martin and City Attorney Bach commented rising property values and the salaries of Charter Officers are not always commensurate. Following additional discussion, ***the consensus of the Charter Review Committee was to direct City Attorney Bach to change the City Manager residency requirements to ninety days.***

Section 29(c): Member Lasserre noted an add-on in the past included public utilities owned by the City, and recommended it be removed or to include Police and Fire.

Section 29(d): Member Lasserre recommended inserting “in any contract” rather than “utility franchise”.

Section 31: Member Lasserre explained that changing the Charter to require the City Attorney hire a City Attorney pro tem has the potential to create conflicts of interest and recommended an Assistant City Attorney be hired instead.

Section 46: Member Davis noted, as mentioned in a previous Charter Review Committee meeting, the City Clerk’s qualifications should include membership, in good standing, with the Florida Association of City Clerks.

Section 136: Vice Chairperson Clark commented he does not understand the original intent of this language. Member Davis explained the previous Charter Review Committee was concerned Commissioners would go off on their own to conduct investigations into suspected City wrong doings, which they felt was inappropriate and desired to have the entire Commission sanction an investigation. Upon discussion conclusion, ***the consensus of the Charter Review Committee was to direct the City Attorney to insert language similar to "a majority vote of the City Commission is required in order to initiate an investigation which must be delegated to the respective Charter Officer."***

A five-minute recess was called at this time. Upon reconvening, Vice Chairperson Clark did not return to the dais.

Member Davis asked City Manager Martin to elaborate on whether it is burdensome for Commissioners to apprise him of their contact with Department Directors. City manager Martin replied at this time, Commissioners do email or telephonically have discussion with Department Directors. He (City Manager Martin) requests Department Directors, when replying to Commissioners requests, reply to all Commissioners as this level of communication enhances his awareness of interaction with Department Director and Commissioners.

- 5.1 CITIZEN INITIATIVES: DISCUSSION OF CITIZEN INITIATIVE LANGUAGE TO THE CITY CHARTER: Member Davis proposed initiative, referendum and recall sections, along with their respective processes, be added to the Charter. Member Davis expressed lack of these sections may be directly attributable to citizen mistrust. Following considerable discussion, ***the consensus of the Charter Review Committee was to further vet this topic at the March Charter Review Committee meeting.***

- 5.2 CHARTER SECTIONS 12, 13, 20, 21 AND 39-45: DISCUSSION OF THESE SECTIONS OF THE CITY CHARTER:

Section 12: ***Member Bean recommended current language be revised as follows: "the Mayor and City Commissioners receive a salary as established by City ordinance."***

Section 13: no recommended changes.

Section 15: Member Davis reiterated that Section 15 would make more sense in Section 11.

Section 20: Language contained herein has been relocated to Section 11(b).

Section 21: Member Davis recommended language be added, consistent with the 2007 Charter review Committee, that Commissioners must be physically present to conduct any official business, keeping in mind extenuating medical circumstances. City Attorney Bach noted this is already a requirement of Florida Statute.

Section 21; paragraph 2: ***Member Lasserre recommended removing sentence two.*** Following additional discussion, ***the consensus of the Charter Review Committee was to insert language stating "serious medical condition"***.

Section 41: Member Bean suggested replacing policemen/policewomen, patrolmen with ***"subordinate officers and employees."***

Section 41 and 44: ***Chairperson Filkoff stated these sections need to reflect the most critical point which is a referendum is required to dissolve the Police and Fire Departments is required.***

Section 41 and 44: ***Member Lasserre recommended adding a sentence to the bottom of Section 41 similar to the sentence at the bottom of Section 44: "In the case of riot, conflagration, or like emergency, the City Manager may appoint additional fire fighter/rescue personnel for temporary service."***

Section 45: Member Lasserre suggested this language be moved to Section 7 and that the phrase “commercially reasonable” be inserted.

6. PUBLIC COMMENT: No individuals spoke to this item.
7. NEXT MEETING DATE: the next Charter Review Committee meeting will be held March 31, 2020 at 3:00 pm. Member Bean announced that due to a prior commitment, he will leave the next meeting at 5:00 pm.
8. ADJOURNMENT: There being no further business to come before the Charter Review Committee, the meeting was adjourned at 5:51 pm.

Recording Secretary
Katie Newton

Chairperson
Arlene Filkoff

DRAFT CHANGES FOR FEBRUARY 25, 2020 CRC MEETING

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

- (1) A referendum election ~~shall be~~ is 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~~ 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~~ must be designated by a resolution of the City Commission and which resolution ~~shall be~~ is 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.
- (4) "Conservation Lands" as used in this section is hereby defined as areas owned by the City of Fernandina Beach and designated Conservation in the City's Future Land Use Map series.

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

(a) The City Commission is the judge of the election and qualification of its own members, subject to review by the courts. Members of the City Commission ~~shall~~ must be residents of the City and have the qualifications of electors. ~~therein.~~ Officers, City Commissioners and employees of the City may not hold more than one office in the City government of the City of Fernandina Beach and ~~shall~~ must 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~~ must be declared void by the City Commission. Any City Commissioner who leaves elected office must not apply for compensated City employment or otherwise be hired by the City for compensation for at least 1 year after leaving office.

(b) Any member of the City Commission ceasing to possess the foregoing qualifications or who has been convicted of a felony must forfeit their seat prior to the next meeting of the City Commission. In addition, any member of the City Commission who misses three (3) regular meetings (as defined by City ordinance) in a calendar year due to unexcused absence, must forfeit their seat prior to the next meeting of the City Commission.

(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 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.~~

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

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.~~

(a) The Mayor of the City will be elected by the voters by placement on the ballot as authorized in subsection (b) below and by receiving the highest number of votes for Mayor with such election to be held in conjunction with the regular election held for the purpose of electing City Commissioners.

(b) Candidates for the mayoral election must consist of incumbent Commissioners who are not on the ballot. Any eligible candidate wishing to be considered for the position of Mayor must request in writing, no later than the City Commission's deadline for qualifying for running for City Commission in the City general election, to be placed on the ballot.

(c) The mayoral candidate on the ballot with the second highest number of votes in the mayoral election must be appointed to the Vice-Mayor position. If the Mayor, for any reason, vacates the office of Mayor, the Vice-Mayor will serve the unexpired term of the Mayor.

(d) On the occasion that only one incumbent City Commissioner should choose to be on the mayoral ballot, there is no need for the mayoral election, and the one mayoral candidate must be appointed to the position of Mayor at the City Commission's annual organizational meeting. The City Commission may choose any City Commissioner not appointed as the Mayor to be the Vice-Mayor, including newly-elected Commissioners. If no incumbent City Commissioner chooses to be on the mayoral ballot, the City Commission must vote to appoint one of the Commissioners to serve as Mayor and one Commissioner to serve as Vice-Mayor, newly-elected Commissioners may be considered if no incumbent Commissioner chooses to be on the mayoral ballot.

~~(b) (e) The Mayor and Vice Mayor shall each 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 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)

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

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 must appoint 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 hold~~ office at the pleasure of the City Commission. The City Manager shall must 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 must become a resident of the City. The City Commission ~~may~~ will 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 For the purpose of serving during the absence or disability of the City Manager, a City Manager pro tem must be periodically proposed for approval by the City Commission. ~~the City Commission shall 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 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/she 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/her by ordinance or resolution of the City Commission.

(i) He/she ~~shall be~~ is purchasing agent for the City, by whom all purchases of supplies ~~shall be~~ are made and he/she ~~shall~~ approves all vouchers for the payment of same. In the capacity of purchasing agent h/shee ~~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~~ must conform to such regulations as the City Commission may from time to time prescribe.

(j) He/she must periodically designate a City Manager pro tem to be approved by the City Commission to serve in case of absence or disability of the City Manager.

(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~~must appoint a City attorney, who ~~shall~~ acts 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~~serves under the direction and supervision of the City Commission and ~~shall~~ holds 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~~must establish an appropriate contract for the City Attorney, which ~~shall~~ contains 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~~must 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~~ must 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~~ must 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~~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, attorney pro tem.

In addition to the duties specifically imposed under the preceding section, he/she [the City attorney] ~~shall~~ performs such other professional duties as may be required of him/her 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. For the purpose of serving during the absence or disability of the City Attorney, a City Attorney pro tem must be periodically proposed for approval 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 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~~ must appoint 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~~ must be chosen on the basis of administrative qualifications. The City Commission ~~shall~~ must establish an appropriate contract for the City Clerk, which ~~shall~~ contains 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~~ must 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. – City Clerk 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.
- (n) For the purpose of serving during the absence or disability of the City Clerk, a City Clerk pro tem must be periodically proposed for approval by the City Commission.

(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)

Sec. 136. - Administrative investigations.

The City Commission ~~shall~~ must authorize investigations by resolution. The City Commission, Charter Officers and members of City Commission appointed boards, ~~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~~ has the 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~~ must be signed by the Mayor or the City Manager and ~~shall~~ must be served by any officer authorized by law to serve such process. The authority making such investigation ~~shall have~~ has the 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~~ has power to punish as for contempt any person refusing to testify to any fact within his knowledge, or produce any book or papers under his control relating to the matter under investigation. Nothing in this section should be construed to limit the charter officers' ability to inquire into matters under their respective areas of responsibility.

Sec. 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~~ are limited to two (2) successive terms in office. No person ~~shall be~~ is 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.

(Ord. No. 92-7, § 2, 3-3-92/4-14-92)

Sec. 15. - Vacancies, how filled.

Any vacancy in the City Commission, including the Mayor and Vice Mayor, ~~shall must~~ be filled until the next regular municipal election by vote of the remaining members of the City Commission; provided, that if such vacancy is not filled within thirty (30) days after it ~~shall have~~ has occurred, appointment to fill the existing vacancy ~~shall must~~ be made by the Governor. Vacancies resulting from a recall election ~~shall be~~ are filled as required by state law.

(Laws of Fla., ch. 8949(1921), § 15; Ord. No. 91-17, § 1, 9-17-91; Ord. No. 2010-05, § 2, 2-2-10)
State Law reference— Filling of vacancy after a recall election, F.S. § 100.361.

Sec. 18. - Reserved.

Editor's note— Ord. No. [2015-13](#), [§ 4](#), adopted Aug 4, 2015, repealed [§ 18](#), which pertained to meetings—regular; time, place, frequency and derived from Laws of Fla., ch. 8949(1921), [§ 18](#); Ord. No. 91-17, [§ 1](#), 9-17-91.

Sec. 19. - Reserved.

Editor's note— Ord. No. [2016-11](#), [§ 8](#), adopted July 5, 2016, election of Nov. 8, 2016, repealed [§ 19](#), which pertained to Mayor—Special, how called and derived from Laws of Fla., ch. 8949(1921), [§ 19](#) and Ord. No. 91-17, [§ 1](#), adopted Sept. 17, 1991.

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

~~Absence from four consecutive regular meetings of the Commission, shall operate to vacate the seat of a member unless such absence is excused by the commission by resolution setting forth the fact of such excuse duly entered upon the journal.~~ **See Section 11(b) above**

(Laws of Fla., ch. 8949(1921), § 20; Ord. No. 91-17, § 1, 9-17-91)

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

(1) The adoption of ordinances and resolutions must be in compliance with Section 166.041, Florida Statutes, or such other section in Florida Statutes pertaining to the adoption of municipal ordinances or resolutions, as the same may be amended from time to time.

(2) A majority of the members of the City Commission ~~shall~~ constitutes a quorum. An affirmative vote of at least three City Commissioners ~~shall be~~ is necessary to enact any ordinance or resolution; except that two-thirds of the City Commission is required to enact an emergency ordinance. An affirmative vote of a majority of a quorum present is necessary to adopt any resolution. On final passage, the vote of each member of the City Commission voting ~~shall~~ must be entered on the official record of the meeting. All ordinances or resolutions passed by the City Commission ~~shall become~~ effective ten (10) days after passage or as otherwise provided therein.

(3) Every ordinance or resolution shall, upon its final passage, be recorded in a book kept for that purpose and ~~shall~~ must be signed by the presiding officer and the City Clerk of the city commission.

(Laws of Fla., ch. 8949(1921), § 1; Ord. No. 91-17, § 1, 9-17-91; Ord. No. 94-32, § 1, 12-6-94/4-11-95; Ord. No. 2000-01, § 1, 2-15-00/4-11-00; Ord. No. [2016-11](#), § 9, 7-5-16)

Secs. 22—24. - Reserved.

Secs. 34—38. - Reserved.

DEPARTMENT OF PUBLIC SAFETY AND WELFARE AND PUBLIC WORKS

Sec. 39. - Reserved.

Editor's note— Ord. No. 2011-19, [§ 6](#), adopted Oct. 4, 2011, election of Nov. 8, 2011, repealed [§ 39](#), which pertained to duties and responsibilities of city manager and derived from Laws of Fla., ch. 8949(1921), [§ 39](#); Ord. No. 91-17, [§ 1](#), adopted Sept. 17, 1991.

Sec. 40. - Reserved.

Editor's note— Ord. No. 2010-5, [§ 3](#), adopted February 2, 2010, amended the Code by repealing former [§ 40](#) in its entirety. Former [§ 40](#) pertained to the public health officer, and derived from the Laws of Fla., ch. 8949(1921), [§ 40](#); and Ord. No. 91-17, adopted September 17, 1991.

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

The police force of the City of Fernandina [Beach] ~~shall consists~~ of a chief of police and as many subordinate officers, policemen/policewomen and employees as the City Commission ~~shall by resolution determines~~ by ordinance. The chief of police ~~shall have~~ has exclusive control of the stationing and transfer of all ~~patrolmen and other~~ officers and employees constituting the police force, subject to the approval of the City Manager and under such rules and regulations as the City Commission may prescribe or as may be prescribed by the ordinances of the City.

(Laws of Fla., ch. 8949(1921), § 41; Ord. No. 91-17, § 1, 9-17-91)

Sec. 42. - Reserved.

Editor's note— Ord. No. 2010-5, [§ 5](#), adopted February 2, 2010, amended the Code by repealing former [§ 42](#) in its entirety. Former [§ 42](#) pertained to extra patrolmen appointed by city manager, and derived from the Laws of Fla., ch. 8949(1921), [§ 42](#); Ord. No. 91-17, adopted September 17, 1991.

Sec. 43. - Reserved.

Editor's note— Ord. No. 2010-5, [§ 6](#), adopted February 2, 2010, amended the Code by repealing former [§ 43](#) in its entirety. Former [§ 43](#) pertained to the chief attending commission meetings and execution of commands, and derived from the Laws of Fla., ch. 8949(1921), [§ 42](#); Ord. No. 91-17, adopted September 17, 1991.

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

The fire force of the City ~~shall consists~~ of a chief, who ~~shall be~~ is fire warden, and as many subordinate officers, firefighter/rescue personnel and employees as the City Commission, ~~shall, by ordinance, determines~~. The fire chief ~~shall have~~ has exclusive control of the stationing and transfer of all firefighter/rescue personnel and other officers and employees of the fire force subject to such rules and regulations as may be prescribed by the City Manager or by ordinance of the City; he/she ~~shall have~~ has exclusive management and control of such officers and employees as may be employed in the administration of the affairs of his/her force. In case of riot, conflagration or like emergency, the City Manager may appoint additional firefighter/rescue personnel for temporary service.

(Laws of Fla., ch. 8949(1921), § 44; Ord. No. 91-17, § 1, 9-17-91)

Sec. 45. - Public utilities.

The City of Fernandina Beach ~~shall have~~ has 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~~ has the power to do all things necessary for the operation of the utilities, and the protection of the public health and safety and welfare.

(Laws of Fla., ch. 8949(1921), § 45; Ord. No. 91-17, § 1, 9-17-91; Ord. No. [2016-11](#), § 12, 7-5-16)

Editor's note— Ord. No. [2016-11](#), [§ 12](#), adopted July 5, 2016, election of Nov. 8, 2016, amended [§ 45](#) and in so doing changed the title of said section from "City owned utilities, public works and welfare under management and control of city manager" to "Public utilities," as set out herein.

Charter Review Committee 2020

Proposed Changes

Rationale for Some Language Changes

- USE OF “SHALL”: The Committee recommends removal of the word “shall” pursuant to current legal standards. As appropriate, it has been replaced with “will”, “must” or active language throughout the document.
- HIS/HERS: The Committee recommends removing all personal pronouns to be inclusive and conform to more modern style.

Section 1 – Creation

Current Language

- 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.

Proposed Language

- 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.

Rationale

- The current description of the creation of the City of Fernandina Beach in the Charter is inaccurate. This new language corrects inaccuracies.

Sections 2, 3, 4, 5 - Reserved

Current Language

- Sec. 2. – Reserved.
- Sec. 3. – Reserved.
- Sec. 4. – Reserved.
- Sec. 5. – Reserved.

Proposed Language

- No changes

Section 6 – Boundaries (1 of 1)

Current Language

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

Proposed Language

- 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~~ exercises its jurisdiction and powers in accordance with state law and City ordinances, to wit:

Section 6 – Boundaries (2 of 3)

Current Language

Proposed Language

• No changes

(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.

Section 6 – Boundaries (3 of 3)

Current Language

(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 ¼ 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.

Proposed Language

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

Rationale – Section 6 changes

- Instead of continuously updating the Charter as the City's boundaries change, or having an outdated boundary listed, the Committee recommends having the current boundaries kept up to date in the Clerk's Office. This mirrors similar language from several peer cities.

Section 7 – Powers of city generally.

Current Language

- (a) The City of Fernandina Beach shall have full power and authority to:
- (1) Acquire, take, hold, control and dispose of property, real, personal and mixed, both within and without its corporate limits, for the use, benefit, welfare and best interest of said municipality, by acquisition, condemnation or otherwise;
 - (2) To issue and sell bonds upon its property both within and without its corporate limits, or the earnings thereof, or both;
 - (3) To adopt and enforce local police, sanitary and other similar regulations not in conflict with the laws of the state;
 - (4) To do whatever is necessary and proper for the safety, health, convenience and general welfare of its inhabitants; and
 - (5) To exercise all other powers of local self-government.
- (b) The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the city shall have, and may exercise, all other powers which, under the constitution and laws of Florida, it would be competent for this section specifically to enumerate.

Proposed Language

- (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 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.)

Rationale – Section 7 Changes

- Clean up legalese; reference home rule.

Section 8 – Commissioner-manager plan (form) of government.

Current Language

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

Proposed Language

- 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~~ consists of five (5) citizens, who ~~shall be~~ are elected at large in the manner ~~hereinafter~~ provided for in this Charter. The commission ~~shall constitute~~ the governing body with powers as ~~hereinafter provided~~ to pass ordinances, adopt regulations and appoint a chief administrative officer to be known as the "City Manager," and to exercise all other powers ~~hereinafter provided~~ in this Charter and under Florida law.

Rationale – Section 8 Changes

- Clean up legalese.

Section 9 - Created; election by groups; number; term. (1 of 2)

Current Language

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

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

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

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

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

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

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

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

Proposed Language

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

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

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

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

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

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

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

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

Section 9 - Created; election by groups; number; term. (2 of 2)

Current Language

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

Group 1 shall be elected in 2016.

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

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

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

- (c) If there are several candidates in each group, then the candidate receiving a majority vote shall be held elected for that group, provided, however, that in the event the candidate shall not receive a majority vote, then and in that event the two (2) candidates receiving the largest or highest votes shall have their names placed on an election ballot (unless one (1) of the two (2) candidates to be elected shall withdraw from the race, then and in that event no run off or second election shall be called and the remaining candidate shall be declared elected) in a run off or second election and in said run off or second election the candidate receiving the largest or highest votes shall be held elected for that group; provided always, however, that this shall not apply to any candidate or candidates that receive a majority vote in the first or general election. Provided, however, that no group or groups of candidates shall qualify in more than one (1) group in any general election or run off or second election in any one year.
- (d) City elections shall be nonpartisan and shall be held every two (2) years in even numbered years and in conjunction with county, state and federal elections. The City Commission shall have the authority to call for special elections at any time not on the same dates as the City general elections for special elections, ballot questions and referenda.

Proposed Language

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

Group 1 ~~shall be~~ was elected in 2016.

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

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

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

- (c) If there are several candidates in each group, then the candidate receiving a majority vote ~~is shall be held elected~~ for that group. ~~provided, However, that in the event the a candidate does shall not receive a majority vote, then and in that event the two (2) candidates receiving the largest or highest votes shall~~ will have their names placed on an election ballot (unless one (1) of the two (2) candidates to be elected ~~shall~~ withdraws from the race, then and in that event no run off or second election ~~shall~~ will be called and the remaining candidate ~~shall~~ will be declared elected) in a ~~run~~ off or second election and in said run off or second election the candidate receiving the largest or highest votes ~~shall~~ will be held elected for that group; provided always, however, that this ~~shall~~ does not apply to any candidate or candidates that receive a majority vote in the first or general election. ~~Provided, however, that No group or groups of candidates shall~~ may qualify in more than one (1) group in any general election or run off or second election in any one year.
- (d) City elections ~~shall be~~ are nonpartisan and ~~shall be~~ held every two (2) years in even numbered years and in conjunction with county, state and federal elections. The City Commission ~~shall have~~ has the authority to call for special elections at any time not on the same ~~dates~~ as the City general elections for special elections, ballot questions and referenda.

Section 10 – Powers generally; dealing with administrative service through Charter Officers required; violations deemed misdemeanor, penalty

Current Language

(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.

Proposed Language

(a) The Mayor and Commissioners ~~shall~~may not, in any manner, dictate the appointment or removal of any city officers or employees whom the Charter Officer or any of his/her said Officer's 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~~can be exercised.

(c) The Mayor and Commissioners ~~shall~~may deal with administrative service through the respective Charter Officer. The Mayor and Commissioners ~~shall~~may 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~~will, upon first offense, be grounds for sanction by the Commission, and any second or subsequent offense or violation within a commissioner's term ~~shall~~constitutes a misdemeanor and, upon conviction thereof before any court of competent jurisdiction, the violator ~~shall~~may 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~~is subject to removal from office.

(e) Investigations or inquiries ~~shall be~~are conducted pursuant to Section 136 of this charter.

Rationale – Section 10 Changes

- Clean up legalese.

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

Current Language

(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.

Proposed Language

(1) A referendum election ~~shall be~~ is 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~~ 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~~ must be designated by a resolution of the City Commission and which resolution ~~shall be~~ is 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.

(4) "Conservation Lands" as used in this section is hereby defined as areas owned by the City of Fernandina Beach and designated Conservation in the City's Future Land Use Map series.

Rationale – Section 10A Changes

- Clean up legalese.
- Add restriction for sale of conservation lands, referendum requirement

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

Current Language

- 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.

Proposed Language

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

Rationale – Section 10B Changes

- Clean up legalese.

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

Current Language

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

Proposed Language

- (a) The commission is the judge of the election and qualification of its own members, subject to review by the courts. 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 must 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 must be declared void by the City Commission.
- (b) Any member of the City Commission ceasing to possess the foregoing qualifications or who has been convicted of a felony must forfeit their seat prior to the next meeting of the City Commission. In addition, any member of the City Commission who misses three (3) regular meetings in a calendar year must forfeit their seat prior to the next meeting of the City Commission.

Rationale – Section 11

- Clean up legalese
- Moves Section 14 to Section 11

Section 12 - Salary of members

Current Language

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

Proposed Language

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

Rationale – Section 12

- Clean up legalese

Section 13 - Limitation on successive terms in office.

Current Language

- 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.

Proposed Language

- The City Commissioners ~~shall be~~ are limited to two (2) successive terms in office. No person ~~shall be~~ is 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.

Rationale – Section 13

- Clean up legalese

Section 14 - Judge of election and qualifications of members.

Current Language

- 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.

Proposed Language

- ~~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. 14 – Reserved.

Rationale – Section 14

- Moved to Section 11

Section 15 - Vacancies, how filled.

Current Language

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

Proposed Language

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

Rationale – Section 15

- Clean up legalese

Section 16 - Mayor—When selected; procedure; term

Current Language

(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.

Proposed Language

~~(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.~~

(a) The Mayor of the City will be elected by the voters by placement on the ballot as authorized in subsection (b) below and by receiving the highest number of votes for Mayor with such election to be held in conjunction with the regular election held for the purpose of electing City Commissioners.

(b) Candidates for the mayoral election must consist of incumbent Commissioners who are not subject to reelection to the City Commission. Any eligible candidate wishing to be considered for the position of Mayor must request in writing, no later than the City Commission's deadline for qualifying for running for City Commission in the City general election, to be placed on the ballot.

(c) The mayoral candidate on the ballot with the second highest number of votes in the mayoral election must be appointed to the Vice-Mayor position.

(d) On the occasion that only one incumbent City Commissioner should choose to be on the mayoral ballot, there is no need for the mayoral election, and the one mayoral candidate must be appointed to the position of Mayor at the City Commission's annual organizational meeting. The City Commission may choose any City Commissioner not appointed as the Mayor to be the Vice-Mayor, including newly-elected Commissioners. If no incumbent City Commissioner chooses to be on the mayoral ballot, the City Commission must vote to appoint one of the Commissioners to serve as Mayor and one Commissioner to serve as Vice-Mayor, newly-elected Commissioners may be considered if no incumbent Commissioner chooses to be on the mayoral ballot.

~~(b) (e) The Mayor and Vice Mayor shall each~~ (e) The Mayor and Vice Mayor shall ~~each~~ 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 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.~~

~~(f) 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 will 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) The appointees shall will serve as Mayor and Vice Mayor until the organizational meeting following the next regular general election held by the City

Rationale – Section 12

- Clean up legalese
- Clarifies how mayor is selected

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

Current Language

- 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.

Proposed Language

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.

Rationale – Section 17

- Clean up legalese

Sections 18, 19 – Reserved.

Current Language

- Sec. 18. – Reserved.
- Sec. 19. – Reserved.

Proposed Language

- No changes

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

Current Language

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

Proposed Language

- Sec. 20 - Reserved.
- ~~Same—Vacating seat of member for unexcused absence of specified duration.—~~
- ~~Absence from four consecutive regular meetings of the Commission, shall operate to vacate the seat of a member unless such absence is excused by the commission by resolution setting forth the fact of such excuse duly entered upon the journal.—~~

Rationale – Section 20

- Clean up legalese
- Moved to Section 11

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

Current Language

(1) The adoption of ordinances and resolutions must be in compliance with Section 166.041, Florida Statutes, or such other section in Florida Statutes pertaining to the adoption of municipal ordinances or resolutions, as the same may be amended from time to time.

(2) A majority of the members of the city commission shall constitute a quorum. An affirmative vote of at least three city commissioners shall be necessary to enact any ordinance or resolution; except that two-thirds of the city commission is required to enact an emergency ordinance. An affirmative vote of a majority of a quorum present is necessary to adopt any resolution. On final passage, the vote of each member of the city commission voting shall be entered on the official record of the meeting. All ordinances or resolutions passed by the city commission shall become effective ten (10) days after passage or as otherwise provided therein.

(3) Every ordinance or resolution shall, upon its final passage, be recorded in a book kept for that purpose and shall be signed by the presiding officer and the clerk of the city commission.

Proposed Language

(1) The adoption of ordinances and resolutions must be in compliance with Section 166.041, Florida Statutes, or such other section in Florida Statutes pertaining to the adoption of municipal ordinances or resolutions, as the same may be amended from time to time.

(2) A majority of the members of the City Commission shall constitute a quorum. An affirmative vote of at least three City Commissioners shall be necessary to enact any ordinance or resolution; except that two-thirds of the City Commission is required to enact an emergency ordinance. ~~An affirmative vote of a majority of a quorum present is necessary to adopt any resolution.~~ On final passage, the vote of each member of the City Commission voting shall must be entered on the official record of the meeting. All ordinances or resolutions passed by the City Commission shall become effective ten (10) days after passage or as otherwise provided therein.

(3) Every ordinance or resolution shall, upon its final passage, be recorded in a book kept for that purpose and shall ~~must~~ be signed by the presiding officer and the City Clerk of the city commission.

Rationale – Section 21

- Clean up legalese

Section 22, 23, 24 – Reserved.

Current Language

- Sec. 22. – Reserved.
- Sec. 23. – Reserved.
- Sec. 24. – Reserved.

Proposed Language

- No changes

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

Current Language

- 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.

Proposed Language

- The City Commission ~~shall~~ must appoint 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~~ must 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~~ must become a resident of the City. The City Commission ~~may~~ will establish an appropriate contract for the City Manager, which ~~shall~~ contains 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 For the purpose of serving during the absence or disability of the City Manager, a City Manager pro tem must be periodically proposed for approval by the City Commission. the City Commission shall designate some properly qualified person to temporarily execute the function of the City Manager.

Rationale – Section 25

- Clean up legalese

Section 26, 27, 28 – Reserved.

Current Language

- Sec. 26. – Reserved.
- Sec. 27. – Reserved.
- Sec. 28. – Reserved.

Proposed Language

- No changes

Section 29 - Powers and duties enumerated.

Current Language

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.

Proposed Language

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 he has the following 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~~ 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~~ To be the purchasing agent for the City, by whom all purchases of supplies ~~shall be~~ are made and ~~he shall~~ approve all vouchers for the payment of same. In the capacity of purchasing agent ~~he shall also~~ he shall also the City Manager will 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~~ must conform to such regulations as the City Commission may from time to time prescribe.
- (j) To periodically designate a City Manager pro tem to be approved by the City Commission to serve in case of absence or disability of the City Manager.

Rationale – Section 29

- Clean up legalese

Section 30 – Reserved.

Current Language

- Sec. 30. – Reserved.

Proposed Language

- No changes

Section 31 - City Attorney appointment and duties.

Current Language

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.

Proposed Language

a) Appointment; tenure of office; qualifications; and attorney pro tem. The City Commission ~~shall~~must appoint a City attorney, who ~~shall~~acts 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~~serves under the direction and supervision of the City Commission and ~~shall~~holds 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~~must establish an appropriate contract for the City Attorney, which ~~shall~~contains 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~~must 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~~must 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~~must review with the City Commission at the next regular meeting when ~~any~~an 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.

Rationale – Section 31

- Clean up legalese

Section 32 - Additional duties.

Current Language

- 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.

Proposed Language

- **Sec. 32. - Additional duties, attorney pro tem.**
- In addition to the duties specifically imposed under the preceding section, ~~he~~ ~~[the City attorney]~~ ~~shall~~ performs 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. For the purpose of serving during the absence or disability of the City Attorney, a City Attorney pro tem must be periodically proposed for approval by the City Commission.

Rationale – Section 32

- Clean up legalese

Section 33 - Qualifications

Current Language

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

Proposed Language

- The City Attorney ~~shall~~ must be a lawyer admitted to and having authority to practice in all courts of the state, including circuit 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.

Rationale – Section 33

- Clean up legalese
- More clearly define requirements for City Attorney

Section 34, 35, 36, 37, 38 – Reserved.

Current Language

- Sec. 34. – Reserved.
- Sec. 35. – Reserved.
- Sec. 36. – Reserved.
- Sec. 37. – Reserved.
- Sec. 38. – Reserved.

Proposed Language

- No changes

Section 39, 40 – Reserved.

Current Language

- Sec. 39. – Reserved.
- Sec. 40. – Reserved.

Proposed Language

- No changes

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

Current Language

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

Proposed Language

- The police force of the City of Fernandina [Beach] ~~shall consists~~ of a chief of police and as many subordinate officers, ~~policemen/policewomen~~ and employees as the City Commission ~~shall by resolution~~ determines by ordinance. The chief of police ~~shall have~~ has exclusive control of the stationing and transfer of all ~~patrolmen and other~~ officers and employees constituting the police force, subject to the approval of the City Manager and under such rules and regulations as the City Commission may prescribe or as may be prescribed by the ordinances of the City.

Rationale – Section 41

- Clean up legalese

Section 42, 43 – Reserved.

Current Language

- Sec. 42. – Reserved.
- Sec. 43. – Reserved.

Proposed Language

- No changes

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

Current Language

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

Proposed Language

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

Rationale – Section 44

- Clean up legalese

Section 45 - Public utilities.

Current Language

- 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.

Proposed Language

- The City of Fernandina Beach ~~shall have~~ has 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~~ has the power to do all things necessary for the operation of the utilities, and the protection of the public health and safety and welfare.

Rationale – Section 45

- Clean up legalese

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

Current Language

- 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.

Proposed Language

- **Sec. 46. - Appointment; ~~tenure of office;~~ qualifications; and clerk pro tem.**
- The City Commission ~~shall~~ must appoint a City Clerk, who ~~shall serve~~ must under the direction and supervision of the City Commission and ~~shall hold~~ must office at the pleasure of the City Commission. The City Clerk ~~shall~~ must be chosen on the basis of administrative qualifications. The City Commission ~~shall~~ must establish an appropriate contract for the City Clerk, which ~~shall contain~~ must 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~~ must designate a properly qualified person to temporarily execute the functions of the office.

Rationale – Section 46

- Clean up legalese

Section 47 - Powers and duties enumerated.

Current Language

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.

Proposed Language

Sec. 47. – City Clerk 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.~~
- (n) For the purpose of serving during the absence or disability of the City Clerk, a City Clerk pro tem must be periodically reappointed by approval by the City Commission.

Rationale – Section 47

- Clean up legalese

Section 48-57 – Reserved.

Current Language

- Sec. 48. – Reserved.
- Sec. 49. – Reserved.
- Sec. 50. – Reserved.
- Sec. 51. – Reserved.
- Sec. 52. – Reserved.
- Sec. 53. – Reserved.
- Sec. 54. – Reserved.
- Sec. 55. – Reserved.
- Sec. 56. – Reserved.
- Sec. 57. – Reserved.

Proposed Language

- No changes

Section 58 - Department of finance established.

Current Language

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

Proposed Language

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

Rationale – Section 58

- Clean up legalese

Section 59 - Bond.

Current Language.

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

Proposed Language

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

Rationale – Section 59

- Clean up legalese

Section 60 - Collection of interest on investments or deposits.

Current Language

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

Proposed Language

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

Rationale – Section 60

- Clean up legalese

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

Current Language

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

Proposed Language

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

Rationale – Section 61

- Clean up legalese

Section 62 - Payment of moneys; procedure.

Current Language

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

Proposed Language

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

Rationale – Section 62

- Clean up legalese

Section 63 - Reserved.

Current Language

- Sec. 63. - Reserved.

Proposed Language

- No changes

Section 64 - Financial report; submission to commission monthly.

Current Language

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

Proposed Language

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

Rationale – Section 64

- Clean up legalese

Section 65, 66, 67, 68 – Reserved.

Current Language

- Sec. 65. – Reserved.
- Sec. 66. – Reserved.
- Sec. 67. – Reserved.
- Sec. 68. – Reserved.

Proposed Language

- No changes

Section 69 - How constituted.

Current Language

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

Proposed Language

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

Rationale – Section 69

- Clean up legalese

Section 70 - Reserved.

Current Language

- Sec. 70. - Reserved.

Proposed Language

- No changes

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

Current Language

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

Proposed Language

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

Rationale – Section 71

- Clean up legalese

Section 72 - Annual budget and appropriation.

Current Language

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

Proposed Language

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

Rationale – Section 72

- Clean up legalese

Section 73 - Reserved.

Current Language

- Sec. 73. - Reserved.

Proposed Language

- No changes

Section 74 - Transfer of funds.

Current Language

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

Proposed Language

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

Rationale – Section 74

- Clean up legalese

Section 75 - Limitation on appropriations.

Current Language

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

Proposed Language

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

Rationale – Section 75

- Clean up legalese

Section 76, 77 - Reserved.

Current Language

- Sec. 76. - Reserved.
- Sec. 77. - Reserved.

Proposed Language

- No change

Section 78 - Ad valorem taxes.

Current Language

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

Proposed Language

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

Rationale – Section 78

- Clean up legalese

Section 79 - Regulatory fees.

Current Language

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

Proposed Language

- No changes

Section 80 - Reserved.

Current Language

- Sec. 80. – Reserved.

Proposed Language

- No changes

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

Current Language

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

Proposed Language

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

Rationale – Section 81

- Clean up legalese

Section 82—107 - Reserved.

Current Language

- Secs. 82—107. - Reserved.

Proposed Language

- No changes

Section 107A. - Community redevelopment areas.

Current Language

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

Proposed Language

- No changes

Sections 108—119 - Reserved.

Current Language

- Secs. 108—119. - Reserved.

Proposed Language

- No changes

Section 120 - Salaries and compensation.

Current Language

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

Proposed Language

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

Rationale – Section 120

- Clean up legalese

Section 121 - Oath of office.

Current Language

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

Proposed Language

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

Rationale – Section 121

- Clean up legalese

Section 122 - Official bonds.

Current Language

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

Proposed Language

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

Rationale – Section 121

- Clean up legalese

Sections 123, 123A, 124 – Reserved.

Current Language

- Sec. 123. – Reserved.
- Sec. 123A. – Reserved.
- Sec. 124. – Reserved.

Proposed Language

- No changes

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

Current Language

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

Proposed Language

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

Rationale – Section 125

- Clean up legalese

Sections 125A. - 135 - Reserved.

Current Language

- Secs. 125A—135. - Reserved.

Proposed Language

- No changes

Section 136 - Administrative investigations.

Current Language

- 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.

Proposed Language

- The City Commission ~~shall~~ must authorize investigations by resolution. The City Commission, Charter Officers and members of City Commission appointed boards, ~~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~~ has the 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 must~~ be signed by the Mayor or the City Manager and ~~shall must~~ be served by any officer authorized by law to serve such process. The authority making such investigation ~~shall have~~ has the 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~~ has 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.

Rationale – Section 136

- Clean up legalese

Section 137 - Dedication of streets.

Current Language

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

Proposed Language

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

Rationale – Section 137

- Clean up legalese

Sections 138-140- Reserved.

Current Language

- Secs. 138—140. - Reserved.

Proposed Language

- No changes

Section 141 - General laws of state to apply.

Current Language

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

Proposed Language

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

Rationale – Section 141

- Clean up legalese

Section 142 - Reserved

Current Language

- Sec. 142. – Reserved.

Proposed Language

- No changes

Section 143 - Savings clause.

Current Language

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

Proposed Language

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

Section 144 - When this Charter becomes effective

Current Language

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

Proposed Language

PROPOSED NEW LANGUAGE

Section ?? - Initiative.

The qualified voters of the City have the power to propose ordinances ~~or to amend~~ (which can include amending existing ordinances) to the City Commission provided that such power does not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees. If the City Commission fails to adopt the proposed ordinance or an agreeable modification thereof, the voters have the power to adopt or reject it at a city election.

Section ?? - Referendum.

The qualified voters of the City have the power to require reconsideration by the City Commission of any adopted ordinance and, if the City Commission fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, provided that such power does not extend to the budget or capital program or any emergency ordinance or ordinance relating to the appropriation of money, levy of taxes or salaries of city officers or employees.

Section ?? - Initiative and referendum proceedings.

Any five (5) qualified voters may commence initiative or referendum proceedings by filing an affidavit with the City Clerk, stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed ordinance to be voted upon. Promptly after the affidavit of the petitioners' committee is filed, the clerk may, at the committee's request, issue the appropriate petition blanks to the petitioners' committee.

(a) *Petitions.*

- (1) *Number of signatures.* Initiative or referendum petitions must be signed by qualified voters of the city equal in number to at least ~~ten (10)~~ **ten (10) to twenty (20)** percent of the total number of qualified voters registered to vote at the last regular city election.
- (2) *Form and content.* All papers of a petition must be uniform in size and style and assembled as one instrument for filing. Each signature must be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions must contain or have attached thereto throughout their circulation, the full text of the ordinance proposed or sought to be reconsidered.
- (3) *Affidavit of circulation.* When filed, each paper of a petition must include have an attached affidavit executed by the ~~circulation~~ circulator thereof stating that he/she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his/her presence, that he believes them to be the signatures of the persons whose names they purport to be and that each signer had an opportunity to read the full text of the ordinance proposed or sought to be reconsidered.
- (4) *Time for filing referendum petitions.* Referendum petitions must be filed within ~~sixty (60)~~ thirty (30) days after adoption by the ~~council~~ Commission of the ordinance sought to be reconsidered.

(b) *Procedure after filing.*

- (1) *Certificate of Clerk; amendment.* Within twenty (20) days after the petition is filed, the City Clerk will complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and promptly send a copy of the certificate to the petitioners' committee by registered mail. The only grounds for insufficiency are failure to comply with subsection (a) [of this section]. A petition certified insufficient for lack of the

required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the Clerk or other official designated by the City Commission within two (2) days after receiving the copy of his certificate and files a supplementary petition with additional signatures within twenty (20) days after receiving the copy of such certificate. Such supplementary petition must comply with the requirements of subsections (2) and (3) of subsection (a) and within five (5) days after it is filed the Clerk or other official designated by the City Commission will complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request City Commission review within the time required, the clerk or other official designated by the City Commission will promptly present his their certificate to the City Commission and the certificate will then be a final determination as to the sufficiency of the petition. The City Clerk will be paid by the petitioners' committee the amount set by the county supervisor of elections for verification of the names on the petition.

- (2) *Commission review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it, or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the City Commission. The City Commission will review the certificate at its next available meeting following the filing of such request and approve or disapprove it, and the City Commission's determination is the final determination as to the sufficiency of the petition.
- (3) *Court review; new petition.* A final determination as to the sufficiency of a petition will be subject to court review. A final determination of insufficiency, even if sustained upon court review, does not prejudice the filing of a new petition for the same purpose.

Section ?? - Referendum petition; suspension of effect of ordinance.

When a sufficient petition is filed with the City Clerk or other official designated by the City Commission, the ordinance sought to be reconsidered will be temporarily suspended from enforcement taking effect. Such suspension will terminate when:

- (a) There is a final determination of insufficiency of the petition,
- (b) The petitioners' committee withdraws the petition,
- (c) The City Commission repeals the ordinance,
- (d) After a vote of the electorate on the ordinance has been certified.

Section ?? - Action of petition.

- (a) *Action by Commission.* When an initiative or referendum petition has been finally determined sufficient, the City Commission will promptly reconsider the proposed initiative ordinance or reconsider the referred ordinance by voting its repeal. If the City Commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was determined sufficient it will submit the proposed or referred ordinance to the voters of the city.
- (b) *Submission to voters.* The election vote by the electorate of a proposed or referred ordinance will be held not less than ninety (90) days and not later than one hundred twenty (120) days from the date [that the petition was determined sufficient]. If no regular city election is to be held within the period prescribed in this subsection, the City Commission will provide for a special election; otherwise, the vote will be held at the same time as such regular election, except at an earlier date within the prescribed period. Copies of the proposed or referred ordinance will be made available at the polls.

- (c) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the city by filing with the City Clerk or other official designated by the City Commission a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon filing of such request, the petition shall have no further force or effect and all proceeding thereon shall be terminated.

Section ?? - Results of election.

- (a) *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it is considered adopted upon certification of the election results and will be treated in all respects in the manner as ordinances of the same kind adopted by the City Commission. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (b) *Referendum.* If a majority of the qualified electors voting on a referred ordinance vote against it, it is considered repealed upon certification of the election results.

Sec. 10A. - Referendum required for sale of city-owned recreational facilities and conservation 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, as defined at subsection (2), below, 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~~ binding for a period of _____ years. 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 designated by a resolution of the City Commission and which resolution shall be updated from time to time.
- (3) A referendum election is required prior to the sale, lease for a period of more than 40 years, or other transfer of City owned conservation land, as defined at subsection (4), below, The City Commission must pass an ordinance by a super majority vote to place the matter on the ballot for the voters to decide. The decision of the voters is binding for a period of _____ years. 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.
- (4) "Conservation Lands" as used in this section is defined as lands owned by the City of Fernandina Beach and designated as Conservation within the City's Future Land Use Map series portion of the Comprehensive Plan.

(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.

Commissioner Chip Ross' suggestion for Section 10A ballot questions:

Should the City of Fernandina Beach Charter be amended to provide that City owned conservation land can only be sold or leased for more than 40 years if approved by voters at a referendum election?

Should the City of Fernandina Beach Charter be amended to state land owned by the City of Fernandina Beach designated as Conservation on the Future Land Use Map can only be sold if there is a unanimous vote by the City Commissioners and seventy percent of the voters approve the sale at a referendum election?

Should the City of Fernandina Beach Charter be amended to state land owned by the City of Fernandina Beach designated as Recreation on the Future Land Use Map can only be sold if there is a unanimous vote by the City Commissioners and seventy percent of the voters approve the sale at a referendum election?

CITY MANAGER

Section 25. – Appointment; tenure of office; qualifications; manager pro tem.

Insert the following language in place of the last sentence;

He/she must designate a City Manager Pro Tem subject to the approval of the City Commission. The City Manager Pro Tem will serve as City Manager in the absence or disability of the City Manager.

Section 29. Powers and duties enumerated (j)

Insert the following language in place of current draft:

He/she is responsible for the procurement, management, payment, and contract compliance for all supplies, services, and construction contracts, including any Federal, State, or other grant funded activity, at the direction of the City Commission and in accord with all applicable City, State, or Federal laws and regulations .

ated; election by groups; number; term.

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

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

(a)

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

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

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

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

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

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

(b)

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

Group 1 shall be elected in 2016.

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

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

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

(c)

If there are several candidates in each group, then the candidate receiving a majority vote shall be held elected for that group, provided, however, that in the event the candidate shall not receive a majority vote, then and in that event the two (2) candidates receiving the largest or highest votes shall have their names placed on an election ballot (unless one (1) of the two (2) candidates to be elected shall withdraw from the race, then and in that event no run off or second election shall be called and the remaining candidate shall be declared elected) in a run off or second election and in said run off or second election the candidate receiving the largest or highest votes shall be held elected for that group; provided always, however, that this shall not apply to any candidate or candidates that receive a majority vote in the first or general election. Provided, however, that no group or groups of candidates shall qualify in more than one (1) group in any general election or run off or second election in any one year.

(d)

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

(Laws of Fla., ch. 8949(1921), § 9; Laws of Fla., ch. 17542(1935), § 1; Laws of Fla., ch. 59-1278, § 2; Ord. No. 91-17, § 1, 9-17-91; Ord. No. 2009-06, § 2, 3-7-09; Ord. No. [2015-13](#), § 2, 8-4-15)

• DEPARTMENT OF FINANCE; CITY CONTROLLER

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• Sec. 58. - Department of finance established.

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

(Laws of Fla., ch. 8949(1921), § 58; Ord. No. 91-17, § 1, 9-17-91; Ord. No. [2016-11](#), § 13, 7-5-16)

Editor's note— Ord. No. [2016-11](#), [§ 13](#), adopted July 5, 2016, election of Nov. 8, 2016, amended [§ 58](#) and in so doing changed the title of said section from "Director of department of finance; office established; custodian of municipal moneys" to "Department of finance established," as set out herein.

- **Sec. 59. - Bond.**

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

(Laws of Fla., ch. 8949(1921), § 59; Ord. No. 91-17, § 1, 9-17-91; Ord. No. [2016-11](#), § 14, 7-5-16)

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

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

(Laws of Fla., ch. 8949(1921), § 60; Ord. No. 91-17, § 1, 9-17-91; Ord. No. [2016-11](#), § 15, 7-5-16)

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

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

(Laws of Fla., ch. 8949(1921), § 61; Ord. No. 91-17, § 1, 9-17-91; Ord. No. [2016-11](#), § 16, 7-5-16)

- **Sec. 62. - Payment of moneys; procedure.**

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The City Comptroller shall issue checks to be paid from city funds only in accordance with established procedures, which procedures shall be reviewed and approved by the City Manager

and City Commission. The checks of the City may carry electronic signatures. In a declared emergency, the persons authorized to sign on behalf of the City shall be established by resolution.

(Laws of Fla., ch. 8949(1921), § 62; Ord. No. 91-17, § 1, 9-17-91; Ord. No. [2016-11](#), § 17, 7-5-16)

- **Sec. 63. - Reserved.**

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

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

(Laws of Fla., ch. 8949(1921), § 64; Ord. No. 91-17, § 1, 9-17-91; Ord. No. 98-7, § 1, 2-17-98; Ord. No. [2016-11](#), § 18, 7-5-16)

- **Sec. 65. - Reserved.**

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Editor's note— Ord. No. 2011-19, [§ 7](#), adopted Oct. 4, 2011, election of Nov. 8, 2011, repealed [§ 65](#), which pertained to warrants; how paid and derived from Laws of Fla., ch. 8949(1921), [§ 65](#); Ord. No. 91-17, [§ 1](#), adopted Sept. 17, 1991.

- **Sec. 66. - Reserved.**

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Editor's note— Ord. No. 2011-19, [§ 8](#), adopted Oct. 4, 2011, election of Nov. 8, 2011, repealed [§ 66](#), which pertained to maintenance of separate accounts for funds and appropriations; receipts required in duplicate and derived from Laws of Fla., ch. 8949(1921), [§ 66](#); Ord. No. 91-17, [§ 1](#), adopted Sept. 17, 1991.

- **Sec. 67. - Reserved.**

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Editor's note— Ord. No. 2011-19, [§ 9](#), adopted Oct. 4, 2011, election of Nov. 8, 2011, repealed [§ 67](#), which pertained to special fund for moneys received on account of special assessments and derived from Laws of Fla., ch. 8949(1921), [§ 67](#); Ord. No. 91-17, [§ 1](#), adopted Sept. 17, 1991.