



**AGENDA
CHARTER REVIEW COMMITTEE
REGULAR MEETING
JUNE 4, 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. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF MINUTES

4.1 The minutes from May 26, 2020, are presented for approval.

5. NEW BUSINESS

5.1 **SECTION 9:** Discussion on this section of the Charter.

5.2 **SECTIONS 58-67:** Discussion on these Sections of the Charter.

5.3 **CHARTER REVIEW:** Discussion of adding provision for regular review of the Charter.

6. PUBLIC COMMENT

6.1 Public Comment will be heard beginning at 5:15 pm via live call-in or in person. Emails sent to crc2020@fbfl.org prior to 5:00pm on June 4, 2020 will also be read into the record at this time.

7. OLD BUSINESS

7.1 **SECTION 10A:** Discussion and review of draft changes.

7.2 **SECTION 11:** Review of draft changes.

7.3 **SECTION 21:** Review of draft changes.

7.4 **CITIZEN INITIATIVES:** Continue discussion of citizen initiative language.

7.5 **REVIEW PROPOSED CHANGES TO DATE (TIME PERMITTING):** A review of the proposed changes to the Charter as of May 26, 2020.

8. NEXT MEETING DATE

9. ADJOURNMENT

THE NEXT CHARTER REVIEW MEETING IS SCHEDULED FOR JUNE 8, 2020.

This will be conducted as a virtual meeting with restricted physical access. Written comments emailed to the Charter Review Committee (crc2020@fbfl.org) must be sent no later than 5 PM on June 4, 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 5 PM on June 4, 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:

Join Zoom Meeting

<https://zoom.us/j/97367959430?pwd=dUVNL2EzWGVTS1VmSGsvWlg0WFILUT09>

(Users must have a functional microphone): **973 6795 9430** with Password: **CRC Public**
Or

Zoom Phone Dial-In for Public Comment: + **1 646 558 8656** Meeting ID: **973 6795 9430** Password: **580942**

If you must attend in person at City Hall (204 Ash Street), please arrive at City Hall no later than 4:50 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 Regular Meeting was called to order at 3:01 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 Katie Newton serving as Recording Secretary.
- 3.1 APPROVAL OF MINUTES:
The amended minutes from January 13, 2020, and the minutes from February 10, 2020, and February 25, 2020 were presented for approval.
A motion was made by Member Kosack, seconded by Vice Chairperson Clark, to approve all three minutes presented.
- 4.1 REVIEW OF PROPOSED CHANGES:

Member Davis stated that the PowerPoint and word documents presented had some inconsistencies between them, and that some items she had thought were discussed were not on there at all. City Attorney Bach states that the PowerPoint was the compilation document with the requested changes. There was discussion as to whether to go section by section or to allow the City Attorney to review and make necessary updates.

Section 136: Vice Chair Clark wanted to make sure it was clear that the City Manager was able to initiate an investigation.

Section 17: Vice Chair Clark wanted to add a provision requiring the City Commission conduct performance evaluations annually for the Charter Officers. Member Lasserre suggested making this a duty of the Mayor to ensure they are completed. The other members agreed. Members Bean and Morrison wanted to clarify that the evaluations should not be conducted publicly, but that the evaluation reports should be made available to the public at a later date. **There was consensus by the members to move forward with adding this provision.**

Section 10: Member Kosack suggested adding the same provision regarding evaluations to the duties of the Commission. CA Bach stated that Section 10 states the “powers” of Commission, not “duties”. **Consensus was to add evaluation language there.**

Member Davis and Lasserre discussed changing the tiered penalties listed for interference as referenced in 10(d). They wanted something less punitive than criminal proceedings because they felt it might be why the provisions have rarely been enforced. They suggested the following progressive enforcement: first, formal recognition/public notice at Commission meeting; second, admonishment by Commission; third, forfeiture of office. Vice Chair Clark was concerned with the “legalistic” approach and thinks the voter in the ultimate enforcer. He suggested keeping the provision against interference and taking out penalties. Members Kosack and Morrison liked the progressive enforcement. Member Davis wants to make sure there would be a public hearing before forfeiture. **Consensus was to move forward with adding the progressive enforcement language.**

Section 11: Member Davis submitted language related to ethics issues that she had researched from other peer cities. Member Lasserre reminded the committee that Chapter 112 of the Florida Statutes lays out ethics provisions. Members Bean and Morrison were more comfortable referencing the statutes for incorporation into Charter. Chair Filkoff stated she wasn’t sure the community was clear on what constituted an ethics violation according to statute.

The Committee took a 10-minute break at 4:18pm and resumed at 4:28pm.

- 4.2 CITIZEN INITIATIVES: Member Davis presented her work on this direct democracy provision that she had previously brought up February 25. She stated that 75% of our peer and model cities contain a citizen initiative provision. The threshold for petitions used to be 15% in the model charter but was revised to 5-10%.

All the members expressed their thanks for Member Davis's diligent work on this item. Member Morrison supported incorporation of provision at 20% of voters signing a petition; Member Kosack's research led her to believe that such a provision is important to have to make legislators responsive to their constituents, but it should also be attainable for those who wish to pursue it. Member Lasserre think the state's record on citizen ballot initiatives is not great, considering some of the items that are now incorporated in Florida's constitution. He thinks a 20% threshold is acceptable.

Vice Chair Clark discussed both conceptual and applicability concerns. Conceptually, the form of government is not a direct democracy, but a representative one, and citizen initiatives introduces a "check" on our representatives – and could that have a chilling effect on them to make hard decisions? He wanted to know if it would apply to every ordinance, and time limits for introducing the initiative. Otherwise, everything can be subject to citizen initiative and it stops the process of governance.

Member Bean stated that using social media, a 20% threshold is easily attainable. If 20% of voters agree that something might be worth doing, then he thinks it might be worth looking at. Member Davis, in response to Vice Chair Clark, stated that the time limit to collect petitions would be 30 days after an ordinance has passed. The petitioners have the capability to withdraw the petition if they are able to work with the Commission. Financial ordinances are exempted for continuity of budget planning, as well as emergency ordinances and the City utility rates.

Member Kosack suggested a provision that electronic signatures not be accepted if we think that is important. She further thought this process was daunting and would not be frequently used as it requires a lot of organization. She wanted to clarify whether the percentage needed was registered voters or qualified voters or based on voter turnout at the last election. Member Davis proposed it be registered voters. There was discussion as to whether to have a tiered system. Member Morrison was concerned about the costs of a special election. Member Lasserre was concerned with controversy over rezonings, which are first approved by the Planning Advisory Board and then the Commission twice.

Chair Filkoff wanted to make sure everyone was clear on the proposal: Citizens who want to "override" a form a committee to follow the petition process, which ends in a ballot referendum. During petition gathering, and through to the referendum, the ordinance is suspended. Additionally, the provision allows a citizen group to put an ordinance that has not been discussed by the Commission on a ballot. Member Davis stated that at any time the committee could withdraw their petition and it could be used as a negotiating tool. Limitations on these petitions include finance and emergency ordinances.

Chair Filkoff stated that the "triggers" for the petition are that 1) citizens don't like something that was passed, or 2) citizen wants an ordinance they haven't been able to get on a Commission agenda. Both are new concepts to the community. She asked the committee if anyone was conceptually opposed to this. Vice Chair Clark and Member Lasserre were, and Member Bean stated he was on the fence. Member Lasserre suggested using a straw poll provision instead for new ordinances, and perhaps an appeal process for overturning ordinances that have passed. This is already in place for zoning ordinances.

Member Kosack prefers a lower threshold than 20% but supports the initiative. She does not think it causes tremendous problems in places where it is implemented. Vice Chair Clark believes that zoning ordinances can be very controversial and that the current process through the Planning Advisory Board is effective. He is concerned that emotional reactions will bringing business to a halt. Member Kosack thinks having to find 2000 like-minded individuals to move the referendum forward will limit those kind of reactions. Vice Chair Clark also mentioned that anything beach-related was always controversial. Member Morrison was concerned that this would be used as a "negotiating tool" for special interests.

Chair Filkoff stated that it did not appear a consensus was to be reached today, and encouraged members to do their homework and think about options and come back to the next meeting. If the intent is to make sure the community is active and engaged, there may be an easier way to do that without causing “paralysis by analysis” of every decision made by the Commission.

- 4.3 CHARTER SECTION 10A: City Attorney Bach directed the committee to review the proposal by Commissioner Ross that was included in the packet. Member Lasserre stated that the language was confusing as written and it should be clear that the threshold for approval of lease or sale of conservation and recreation lands was 70% of the voters, which is very high. He does not think this is necessary because the community would not allow the City to sell off Central Park for an apartment complex. It could prevent the City from selling or leasing the gold course to an organization like the North Florida Land Trust. Member Bean asked if it would require a 70% approval to change the section to 70%, and City Attorney Bach stated it is a supermajority of Commissioners and 50% plus one currently; the proposal is for unanimous vote of Commission and then 70% voter approval. Member Davis supported the change because she feels the community is conservation-minded. Vice Chair Clark was concerned with tying future Commissions’ hands, and felt that a supermajority was reasonable: 4 or 5 commissioners and then 60% of voters. He does not think conversation land should be sold, but he also does not know what the future holds. Member Morrison thought it was a politically popular change, but not necessary. Member Kosack felt it was responsible move. Member Bean thought the current language was good. **The consensus was for City Attorney Bach to work on language to move this forward.**
- 4.4 CHARTER SECTIONS 25 & 29: City Attorney Bach asked for consensus on whether Vice Chair Clark’s suggested changes were acceptable. Member Lasserre wanted clarify that a pro tem was available but not required; the consensus was to add these changes.
- 5.1 CHARTER SECTIONS 9, 58-67: City Attorney Bach stated that due to time constrictions, they probably couldn’t finish this discussion, but asked briefly for thoughts on Section 9 relating to elections. Should groups be kept or was the committee interested in a “jungle primary” with the top 3 vote-getters elected?
- Member Davis thought the groups were confusing and should be removed. Member Bean suggested keeping the groups, but moving the election to August (with County Commission) and have any runoffs in November to avoid the cost of special election. Member Lasserre prefers the top three vote-getters being elected. Member Kosack thought the “jungle election:” would be most effective at eliminating runoffs. Vice Chair Clark agreed with Member Bean but raised concern of the amount of people who would vote in August. Member Bean stated it would be more than the last runoff, but he’s open to the “jungle election” option. **Consensus was to have City Attorney Bach draft language to remove the seats**, and she encouraged the committee to talk to Commissioners for their views.
6. PUBLIC COMMENT: No one on the call-in line nor members of the public present who wished to speak.
7. NEXT MEETING DATE: Due to COVID-19 cancellations, the next meetings are scheduled for June 4 to finish new business and take public comment, and June 8 to review final recommendations for the June 16 Commission meeting.
8. ADJOURNMENT: There being no further business to come before the Charter Review Committee, the meeting was adjourned at 6:03 pm.

DRAFT

Charter Review Committee Minutes
Regular Meeting
May 26, 2020
Page 4 of 4

Recording Secretary
Katie Newton

Chairperson
Arlene Filkoff

Section 9 - ~~Created; election by groups; number;~~ Election of Commissioners; 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

- (a) 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.
- (b) City elections ~~are~~ nonpartisan and held every two (2) years in even numbered years and in conjunction with county, state and federal elections. The City Commission has the authority to call for special elections at any time not on the same dates as the City general elections for the purpose of special elections, ballot questions and referenda.
- (c) All members of the City Commission are elected at large by the qualified voters of the City of Fernandina Beach.
- (d) In the case of a tie vote, confirmed by the method of recount(s) required by state law and which affects the outcome of the election, there must be a runoff election to determine the winner.
- (e) Runoff Election. If any runoff election is necessitated, it shall be held in accordance with City ordinance.
- (f) In the event the number of candidates who qualify is the same or less than the vacancies to be filled, each unopposed candidate shall be deemed to have voted for himself/herself and no election shall be held. Any vacancy on the Commission for which no candidate qualifies shall be temporarily filled by appointment of a majority of the new Commission until the next regular election.

~~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 serve as city commissioner of and for group one (1) of said city.~~

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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

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Ranked-choice voting (RCV)

A **ranked-choice voting** system (RCV) is an electoral system in which voters rank candidates by preference on their ballots. If a candidate wins a majority of first-preference votes, he or she is declared the winner. If no candidate wins a majority of first-preference votes, the candidate with the fewest first-preference votes is eliminated. First-preference votes cast for the failed candidate are eliminated, lifting the second-preference choices indicated on those ballots. A new tally is conducted to determine whether any candidate has won a majority of the adjusted votes. The process is repeated until a candidate wins an outright majority.^{[1][2]}

See the sections below for additional information on the following topics:

1. **Background:** This section lists the general steps involved in ranked-choice voting (RCV) and details an example of its application.
2. **Ranked-choice voting in the United States:** This section details the usage of ranked-choice voting systems in the United States.
3. **Support and opposition:** This section details the arguments in favor of and opposed to ranked-choice voting.
4. **Noteworthy events:** This section summarizes events relevant to ranked-choice voting in the United States.
5. **State legislation:** This section lists state legislation dealing with ranked-choice voting.



Electoral system
Ranked-choice voting
Electoral systems by state
Election dates
Election agencies
Election terms

PUBLICPOLICY

Background

How ranked-choice voting works

Note: The above is a simplified example used for illustrative purposes. Specific procedures vary by jurisdiction and according to the nature of the election (i.e., whether it is a single-winner or multi-winner contest).

Related terms

The term *instant-runoff voting* is sometimes used as a synonym for ranked-choice voting. In other contexts, the term *instant-runoff voting* is used to describe ranked-choice voting processes used in single-winner elections. The term *single-transferable voting* is also sometimes used synonymously with ranked-choice voting. *Single-transferable voting* can be more narrowly construed to refer to ranked-choice voting processes used in multi-winner elections.^{[1][3]}

Ranked-choice voting in the United States

As of 2019, one state (Maine) had implemented RCV at the state level. Nine states contained jurisdictions that had implemented RCV at some level. Another four states contained jurisdictions that had adopted but not yet implemented RCV in local elections. See the map and table below for further details.^[4]

Ranked-choice voting usage in the United States, as of 2019 [hide]

State	Ranked-choice voting
Alabama	No
Alaska	No
Arizona	No
Arkansas	No
California	Yes; Oakland, San Francisco, San Leandro, and Berkeley
Colorado	Yes; Telluride, Basalt, Carbondale
Connecticut	No
Delaware	No
Florida	Adopted but not implemented; Sarasota
Georgia	No
Hawaii	No
Idaho	No
Illinois	No
Indiana	No
Iowa	No
Kansas	No
Kentucky	No
Louisiana	No
Maine	Yes; Federal and state elections Municipal elections in Portland
Maryland	Yes; Takoma Park
Massachusetts	Yes; Cambridge, Amherst (adopted but not implemented), Easthampton (adopted but not implemented)
Michigan	Yes; Eastpointe Adopted but not implemented; Ferndale
Minnesota	Yes; Minneapolis, St. Paul, and St. Louis Park (adopted but not implemented)
Mississippi	No
Missouri	No
Montana	No

Ranked-choice voting usage in the United States, as of 2019 [hide]	
State	Ranked-choice voting
Nebraska	No
Nevada	No
New Hampshire	No
New Jersey	No
New Mexico	Yes; Santa Fe and Las Cruces
New York	Adopted but not implemented; New York City
North Carolina	No
North Dakota	No
Ohio	No
Oklahoma	No
Oregon	Adopted but not implemented; Benton County
Pennsylvania	No
Rhode Island	No
South Carolina	No
South Dakota	No
Tennessee	Adopted but not implemented; Memphis
Texas	No
Utah	Pilot program allowing for municipalities to use ranked-choice voting in 2019 elections (participating cities: Payson and Vineyard)
Vermont	No
Virginia	No
Washington	No
West Virginia	No
Wisconsin	No
Wyoming	No

Support and opposition

Support

The Committee for Ranked Choice Voting, which supported the 2016 Maine ballot measure that approved the use of RCV in statewide elections, made the following arguments in favor of RCV:^[5]

“ Ranked choice voting ensures that candidates with the most votes and broadest support win, so voters get what they want. Candidates who are opposed by a majority of voters can never win ranked choice voting elections. ... Ranked choice voting levels the playing field for all candidates and encourages candidates to take their case directly to you with a focus on the issues. Candidates are encouraged to seek second choice rankings from voters whose favorite candidate is somebody else. You are less likely to rank as your second choice a candidate who has issued personal attacks against your favorite candidate.^[6] ”

—Committee for Ranked Choice Voting

Greg Orman, in a 2016 article for *Real Clear Politics*, made the following argument in support of RCV:^[7]

“ In a ranked-choice election, the only way to waste your vote is to actually vote against a candidate. As long as the candidate you like least doesn’t reach the 50 percent threshold, they won’t win. So only positive votes matter. ... Ranked-choice voting effectively allows voters to vote their actual preferences instead of having to vote strategically. This would have a meaningful impact on elections and governing. It would empower independent and third party candidates by eliminating the “wasted vote” argument.^[6] ”

—Greg Orman

FairVote, an organization that advocates for the adoption of electoral reforms such as ranked-choice voting (RCV), argues that RCV, in combination with other electoral reforms, can foster the development of legislative bodies that better represent the diversity of their constituencies:^[8]

“ All states and all congressional elections currently use winner-take-all rules that elevate district lines over voters. Legislatures elected by winner-take-all are characterized by distortions in partisan representation, entrenchment of incumbents in safe seats, regional polarization, and low representation of women and racial and ethnic minorities. When combined with multi-winner districts electing at least three members, ranked-choice voting helps to make elections fairer and more reflective in every district. This ends the cycle of gerrymandering, and creates competitive elections in which every vote really counts.^[6] ”

—FairVote

Opposition

Louis Jacobson, in a 2013 article for *Governing*, summarized some of the arguments against ranked-choice voting (RCV):^[9]

“ To be sure, the system has also inspired opposition. For starters, it's more complicated for voters to understand, at least until they get used to it. In addition, some say there may be value in having an actual final round of campaigning between two candidates. That way, voters can see the top two finishers directly battling each other for public support. These drawbacks have come into sharpest relief when second-place or even third-place finishers in the first round ended up winning the election.^[6] ”

—Louis Jacobson

In a 2016 article for *Democracy*, Simon Waxman contended that RCV is not necessarily more likely to produce more moderate candidates or more diverse legislative bodies, as some proponents of RCV contend:^[10]

“ There is also little reason to believe that RCV will promote legislative moderation—or new campaign tactics—at the federal level, because it usually produces outcomes similar to what one would expect from a standard plurality system. In the 2013 Australian federal election, 90 percent of constituencies elected the candidate with the most first-preference votes, which suggests that choice ranking had little effect on the outcome.^[6] ”

—Simon Waxman

Gordon Weil, a former Maine state agency head and municipal selectman, argued in a 2015 piece for CentralMaine.com that RCV runs counter to the democratic process:^[11]

“ Ranked-choice proponents dislike [other types of] primaries, because fringe candidates can win, producing an unhappy choice in the general election. That sounds like the position of philosopher-kings who really don't trust democracy and certainly want to see the end of political parties. If there's something wrong with [other types of] primaries, find a way to get more people to vote. But don't manipulate their voting. ... If we want decisions guaranteed to be made by a majority, then a runoff is a better idea, because it allows voters to make a clear choice rather than the muddled, computer-run outcome of ranked-choice voting.^[6] ”

—Gordon Weil

State legislation and ballot measures

State legislation

See also: Electoral systems legislation at the state and city levels in the United States, 2019

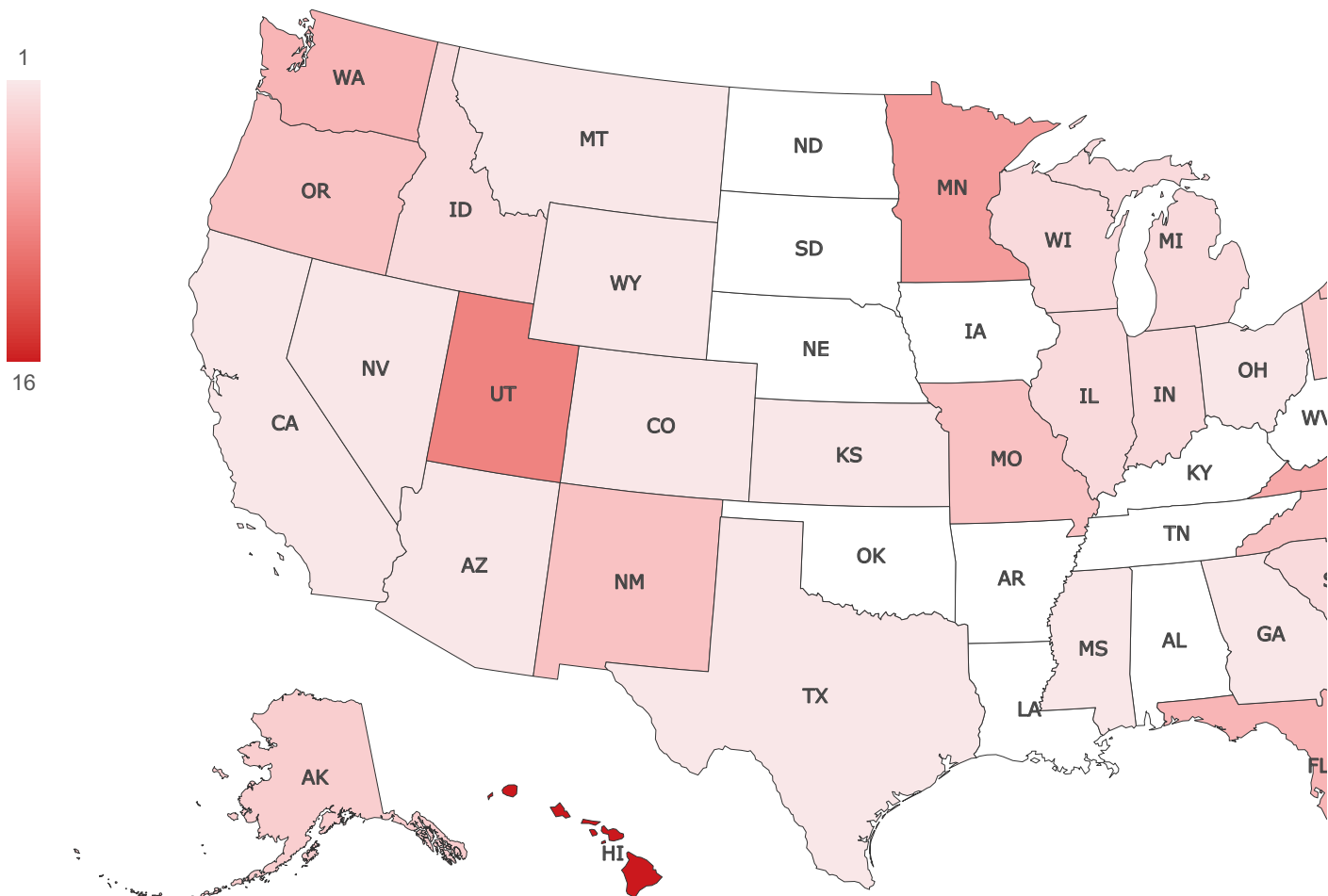
The map below provides the number of ranked-choice voting bills that have been introduced in each state as of May 2020. Hover over a state to see the exact number of bills. A darker shade of red indicates a greater number of relevant bills. In those states shaded in white, relevant bills have not been introduced. For state-specific details, click a state in the map below or select a state from the drop-down menu beneath the map. On doing so, a list of state legislation will display, including information about bill status and links to full text. This information is provided by BillTrack50.com. To return to the map, click "Back" in the upper righthand corner of the legislation list.

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in



Source: Ballotpedia

BALLOT PEDIA



Choose a state



The following is a list of recent ranked-choice voting bills that have been introduced in or passed by state legislatures. To learn more about each of these bills, click the bill title. This information is provided by BillTrack50 and LegiScan .

Note: Due to the nature of the sorting process used to generate this list, some results may not be relevant to the topic. If no bills are displayed below, no legislation pertaining to this topic has been introduced in the legislature recently.

Electoral systems bills in the United States, 2019

AK HB115 - Absentee Voting

An Act relating to absentee voting; and providing for an effective date.

2/14/2020: CROSS SPONSOR(S): BEGICH, WIELECHOWSKI, KAWASAKI, GRAY-JACKSON

AK HB150 - Voting By Mail

An Act requiring state elections and local elections that the state is responsible for conducting to be conducted by mail; requiring certain vote-by-mail ballots and election materials to be provided in certain written languages other than English; establishing...

5/1/2019: REFERRED TO STATE AFFAIRS

AK HB83 - Prohibit Voting By Facsimile

An Act relating to voting by electronic transmission in a state election.

2/14/2020: REFERRED TO STATE AFFAIRS

AZ HB2414 - National popular vote; interstate agreement

National popular vote; interstate agreement

4/22/2019: Assigned to House RULES Committee

CA SB212 - Elections: local voting methods.

An act to amend Sections 5013, 5020, 5027, and 5028 of, and to add Sections 1018, 1019, 1020, 5010, 5032, and 5096 to, the Education Code, to amend Section 8141 of, to add Section 8141.3 to, and to add Division 22 (commencing with Section 24000) to, the...

1/13/2020: Veto sustained.

Ballot measures

The term *ballot measures* describes all questions or issues that appear on election ballots for voters to approve or reject. Ballot measures may apply to state and local jurisdictions (including cities, counties, special districts, etc.). Initiatives permit citizens to propose (or initiate) statutes or constitutional amendments via petition. Referenda allow citizens to refer statutes passed by legislatures to the ballot for enactment or repeal by voters. Legislative referrals appear on voters' ballots as a result of actions taken by legislatures; these can include state statutes, constitutional amendments, and bond issues.

The sections below list ballot measures related to electoral systems and campaign laws in 2019 and 2020. These are proposed measures that may or may not make the ballot. For additional information about the status of these measures, click the links below.

2019

Ballotpedia has tracked the following ballot measure(s) pertaining to electoral systems for 2019.

1. Ohio National Popular Vote for President Initiative (2019)

2020

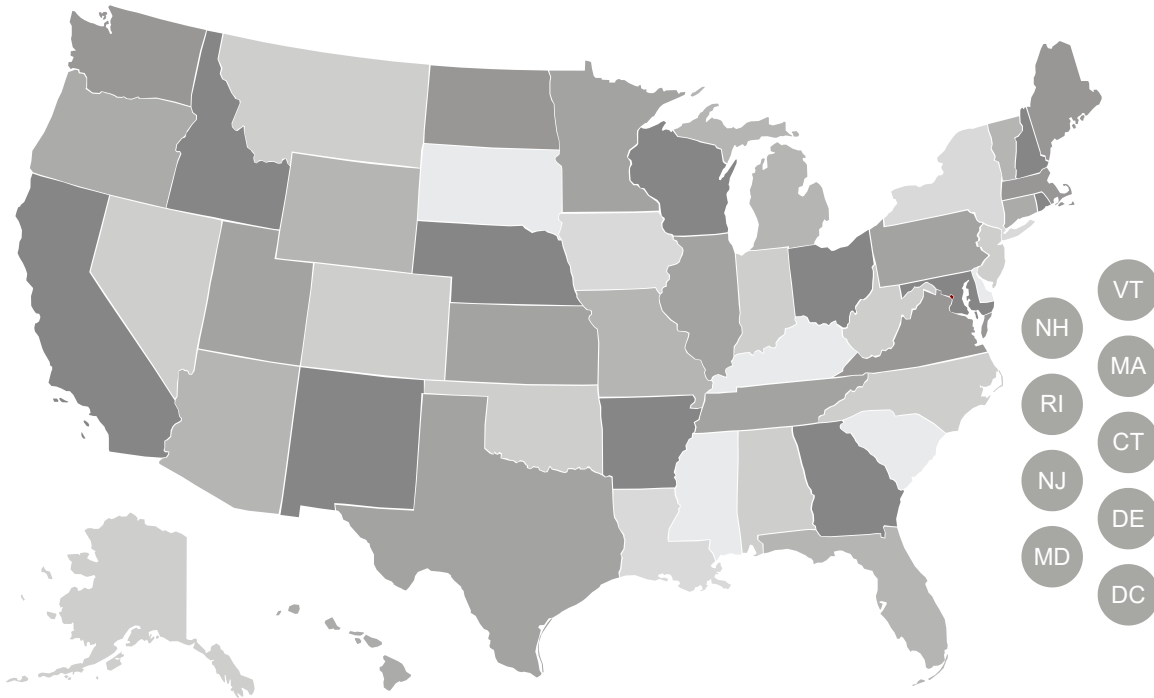
Ballotpedia has tracked the following ballot measure(s) pertaining to electoral systems for 2020.

1. Alaska Top-Four Ranked-Choice Voting and Campaign Finance Laws Initiative (2020)

2. Massachusetts Ranked-Choice Voting Initiative (2020)
3. Nevada Ranked-Choice Voting Initiative (2020)

See also

Select a state on the map below to read more about electoral systems in that state.



- Electoral systems legislation at the state and city levels in the United States, 2017
- Primary systems legislation at the state and city levels in the United States, 2017
- Electoral system

External links

- FairVote, "Data on Ranked Choice Voting"
- ACE: The Electoral Knowledge Network
- Ranked Choice Voting Resource Center
- Electology.org (The Center for Election Science)

Footnotes

1. *FairVote*, "Electoral Systems," accessed July 7, 2017
2. *MinneapolisMN.gov*, "Frequently Asked Questions about Ranked-Choice Voting," accessed July 7, 2017
3. *MinneapolisMN.gov*, "Frequently Asked Questions about Ranked-Choice Voting," accessed July 7, 2017
4. *FairVote*, "Where RCV Is Used," accessed May 18, 2018
5. *Yes on 5; More Voice*, "FAQ," accessed August 3, 2017

Only the first few references on this page are shown above. [Click to show more.](#)

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Broadly speaking, the ranked-choice voting process unfolds as follows for single-winner elections:

1. Voters rank the candidates for a given office by preference on their ballots.
2. If a candidate wins an outright majority of first-preference votes (i.e., 50 percent plus one), he or she will be declared the winner.
3. If, on the other hand, no candidates win an outright majority of first-preference votes, the candidate with the fewest first-preference votes is eliminated.
4. All first-preference votes for the failed candidate are eliminated, lifting the second-preference choices indicated on those ballots.
5. A new tally is conducted to determine whether any candidate has won an outright majority of the adjusted voters.
6. The process is repeated until a candidate wins a majority of votes cast.

Ballot Box Update: ...



The above video explains the ranked-choice voting process, specifically as it applied to the 2016 RCV ballot initiative in Maine.

Example

Assume that there are four candidates for mayor in a hypothetical city. The table below presents the raw first-preference vote totals for each candidate.

Raw first-preference vote tallies in a hypothetical mayoral race			[hide]
Candidate	First-preference votes	Percentage	
Candidate A	475	46.34%	
Candidate B	300	29.27%	
Candidate C	175	17.07%	
Candidate D	75	7.32%	

In the above scenario, no candidate won an outright majority of first-preference votes. As a result, the candidate (Candidate D) with the smallest number of first-preference votes is eliminated. The ballots that listed candidate D as the first preference are adjusted, raising their second-preference candidates. Assume that, of the 75 first-preference votes for Candidate D, 50 listed Candidate A as their second preference and 25 listed Candidate B. The adjusted vote totals would be as follows:

Adjusted vote tallies in a hypothetical mayoral race			[hide]
Candidate	Adjusted first-preference votes	Percentage	
Candidate A	525	51.22%	
Candidate B	325	31.71%	
Candidate C	175	17.07%	

On the second tally, Candidate A secured 51.22 percent of the vote, thereby winning the election.

Multi-Winner Ranked Choice Voting

Ranked choice voting in multi-winner elections (also commonly known as "single transferable vote" or simply "choice voting") gives voters the freedom to rank candidates in order of choice and maximizes the effectiveness of every vote to ensure that as many voters as possible will help elect a candidate they rank highly. It minimizes wasted votes and the impact of tactical voting, allows voters to have more choices, and encourages positive campaigning and coalition-building. It upholds both minority representation and the principle of majority rule. Because of its proven history, its emphasis on candidates rather than parties, and its ability to allow voters to express their full, honest preferences on their ballots, ranked choice voting is the form of fair representation voting (proportional_representation) best suited for use in U.S. elections.

To Vote

Under ranked choice voting, voters rank candidates in order of choice. They mark their favorite candidate as first choice and then indicate their second and additional back-up choices in order of choice. Voters may rank as many candidates as they want, knowing that indicating a later choice candidate will never hurt a more preferred candidate.

To Determine Winners

To find out who wins, votes are counted in a series of rounds to ensure that as few votes as possible are wasted. Each round, one of two things happens: either a winning candidate is identified and elected, in which case the votes they received in excess of what they needed to win transfer to their next choices; or the candidate in last place is eliminated, in which case votes for that candidate transfer to their next choices.

First, we need to know how many votes are enough to guarantee victory, which we call the election threshold. That threshold is the number of votes that mathematically guarantees that the candidate cannot lose. For example, if three candidates will be elected, the threshold is 25% of votes. That's because if one candidate has more than 25% of the vote, it is impossible for three other candidates to get more votes than them (because that would add up to more than 100% of votes). If four candidates will be elected, the threshold is 20% of votes. If five candidates will be elected, it is about 17% of votes.

Initially, every vote counts for its first choice only. If enough candidates have more votes than the threshold to win so that every seat is filled, then those candidates win and the vote counting is over. Otherwise, votes are counted in rounds as follows:

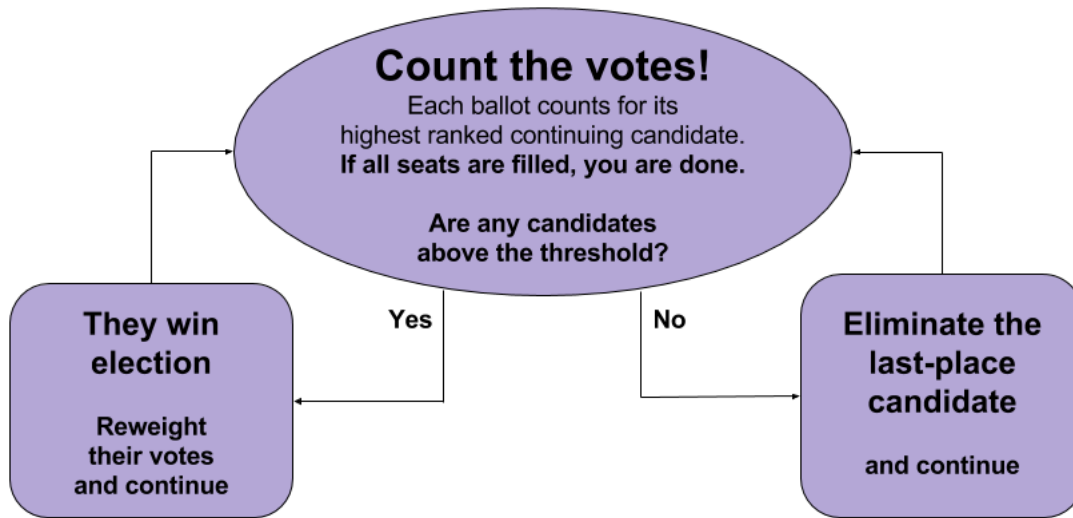
If any candidates have more votes than the election threshold, they are elected. The number of votes they received in excess of the threshold then are added to the totals of continuing candidates. This works by adding a fraction of each vote for the elected candidate to the totals of the candidate ranked next. For example, if a candidate has 10% more votes than the election threshold, every one of their voters will have 10% of their vote count for their next choice. That way, voters aren't punished for honestly ranking a very popular candidate first.

If no candidate has more votes than the election threshold, the candidate with the fewest votes is eliminated. When a voter's top choice is eliminated, their vote instantly counts for their next choice. That way, voters aren't punished for honestly ranking their favorite candidate first, even if that

candidate cannot win.

The process of counting surplus votes repeats until all seats are filled. Here is a flowchart that

FairVote



This method of counting is performed by hand in many places, though it can also be quickly administered using existing voting machines (http://www.fairvote.org/rcv_administration).

Example

The chart below shows the results of a partisan race using ranked choice voting. Six candidates are running for three seats in a hypothetical district where 9,200 votes are cast. Candidates Cathy Chan, Armando Perez, and Brad M. Jackson are Democrats, while candidates Hannah Murphy, Charles Lorenzo, and June Smith are Republicans. The district is majority Democratic; the Democratic candidates collectively earn 60% of first choices. However, there are a substantial number of voters who prefer the Republicans.

In this simulation, Perez is the most mainstream Democratic candidate, while Jackson and Chan have support among Democrats, Independents, and even some Republicans. Similarly, Lorenzo and Smith are both mainstream Republicans, while Murphy has support among Republicans, Independents, and some Democrats.

With 9,200 voters, the election threshold is 2,300 votes (25% of 9,200).

Sample Multi-Winner RCV Election					
Candidate	Round 1	Round 2	Round 3	Round 4	Round 5
Armando Perez Democrat	27.2% 2,500 votes	25.0% 2,300 votes	25.0% 2,300 votes	25.0% 2,300 votes	25.0% 2,300 votes
Cathy Chan Democrat	19.0% 1,750 votes	20.1% 1,850 votes	21.2% 1,950 votes	34.8% 3,200 votes	25.0% 2,300 votes
Hannah Murphy Republican	14.1% 1,300 votes	14.3% 1,320 votes	20.7% 1,900 votes	22.3% 2,050 votes	27.2% 2,500 votes
Charles Lorenzo Republican	14.1% 1,300 votes	14.1% 1,300 votes	17.4% 1,600 votes	17.9% 1,650 votes	18.9% 1,740 votes
Brad M. Jackson Democrat	14.7% 1,350 votes	15.5% 1,430 votes	15.8% 1,450 votes	0.0% 0 votes	0.0% 0 votes
June Smith Republican	10.9% 1,000 votes	10.9% 1,000 votes	0.0% 0 votes	0.0% 0 votes	0.0% 0 votes

Round 1: Armando Perez has more votes than the threshold and wins the first seat.

A count of first choices elects the most popular Democratic candidate, Armando Perez. Perez has 200 more votes than the threshold. **FairVote** (1/2,500 is 200). Of the 2,500 voters who ranked Perez highest, 1,250 ranked Cathy Chan next; 1,000 ranked Brad Jackson next; and 250 ranked Republican Hannah Murphy next. As a result, Chan receives 100 votes (8% of 1,250); Jackson receives 80 votes (8% of 1,000); and Murphy receives 20 votes (8% of 250) in the following round. Perez keeps the other 92% of every ballot as his vote total, which is equal to the election threshold of 2,300 votes.

Round 2: June Smith has the fewest votes and is eliminated.

After Perez's votes transfer to their next choices, no candidate is above the threshold. As a result, the weakest candidate, June Smith, is eliminated. Ballots counting for Smith are added to the totals of their next choices. Of the 1,000 voters who ranked Smith highest, 580 ranked Hannah Murphy next, 300 ranked Charles Lorenzo next, 100 ranked Cathy Chan next, and 20 ranked Brad Jackson next.

Round 3: Brad Jackson has the fewest votes and is eliminated.

After Smith's votes transfer to their next choices, still no new candidate is above the threshold. Now, the weakest candidate is Democrat Brad M. Jackson. He is eliminated, and ballots counting for him are added to the totals of their next choices. Of the 1,450 voters who ranked Jackson highest among the remaining candidates, 1,250 ranked Cathy Chan next; 150 ranked Hannah Murphy next; and 50 ranked Charles Lorenzo next. Some of these voters may have ranked Armando Perez or June Smith next, but as those candidates are elected and eliminated respectively, ballots that would count for them move on to their *next* choice instead.

Round 4: Cathy Chan has more votes than the threshold and wins the second seat.

After receiving the lion's share of back-up support from fellow Democrat Brad Jackson, Cathy Chan is well over the threshold and is elected. She has 900 more votes than the threshold, so 900 votes will transfer to other candidates. This will work by transferring 28.125% of every ballot counting for Chan to its next choice (28.125% of 3,200 is 900). Of the 3,200 voters who ranked Chan highest among the remaining candidates, 1,600 ranked Murphy next, 320 ranked Lorenzo next, and 1,280 only ranked Perez and Jackson next. As a result, Murphy receives 450 votes (28.125% of 1,600); Lorenzo receives 90 votes (28.125% of 320); and 360 votes (28.125% of the 1,280 ballots not ranking any other continuing candidates) are *inactive* and do not contribute to any other candidates.

Round 5: Hannah Murphy has more votes than the threshold and wins the last seat.

After Chan's votes transfer to their next choices, Hannah Murphy has more votes than the threshold and wins the last seat. Because all three seats have been filled, the vote counting can now end; there is no need to transfer Murphy's surplus support.

Final Results: The winners are Democrats Armando Perez and Cathy Chan and Republican Hannah Murphy

The winners are Perez (D), Chan (D), and Murphy (R). If this were a single winner election, the most mainstream Democrat (Perez) easily would have won, leaving all others unrepresented. Instead, two additional candidates are elected, both of whom are rewarded by coalition-building among the district's remaining center-left and center-right populations. Voters were split 61% Democratic and 39% Republican by first choices, and they elected 67% Democrats and 33% Republicans. In the end, 96% of voters can point to a candidate who they supported and helped elect.

Had these three seats been elected by block voting, in which every voter casts three votes for the three candidates they support, the Democrats would have almost certainly swept all three seats, because each Democratic voter could vote for all three Democratic candidates. In fact, even if the three seats were elected by the single vote system

(/fair_representation#other_fair_voting_methods), a weaker form of fair representation voting, Democrats still would have swe
FairVote can vote being split among three candidates. (/)

Had these three seats been filled by dividing the district into three single-winner districts, the outcome would depend on how the district lines were drawn. The districts could have been drawn to elect two Democrats and one Republican, or they could have been gerrymandered to over-represent either party. Regardless, the district elections would probably not be competitive, and each district's primary election would likely weed out the candidates who won by coalition-building.

By using ranked choice voting to elect three seats, the election results fairly represent the district's diversity after a competitive election without any opportunity for partisan gerrymandering.

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Sarasota City Commission seeks more information about 'ranked choice voting'

By Nicole Rodriguez

Staff Writer

@NicRodriguez

Posted Mar 10, 2018 at 3:34 PM

Updated Mar 10, 2018 at 3:34 PM

SARASOTA — The only obstacle inhibiting the city from conducting elections that would eliminate costly runoff contests when voter turnout is notoriously low is state-certified software.

More than a decade ago, city voters approved a system known as “ranked choice voting” by 77.6 percent as part of a package of elections reforms. But the city has yet to implement the system because the machinery and software was unavailable. County-provided voting machines now allow for ranked choice voting, but the software doesn’t exist — at least not yet.

Sarasota County Supervisor of Elections Ron Turner anticipates the county’s voting system vendor, Election Systems & Software, will have software available to tabulate ranked choice voting results sometime this year, he said.

“Once the software becomes available and certified (by the state) and we can legally conduct the election, we are certainly happy to conduct that type of election,” Turner said.

The system allows voters to select their top choice in a given race, but also their second choice, third choice and so on. If a voter’s top choice loses — but no other candidate collects more than 50 percent of the vote — then that vote goes to the person’s second choice.

It’s unclear if or how long it could take the Florida Division of Elections to certify such software, which would be a first for the state.

“There are currently no voting systems certified for use in Florida with RCV,” or ranked choice voting, division spokeswoman Sarah Revell said in an email. “If a certified voting system vendor begins offering RCV, that does not mean it is automatically certified by the state to be used. To be used in any election in Florida, the voting system must be approved by the state.”

Ranked choice voting is used to elect city officers in 11 cities in seven states, according to Fair Vote, a nonpartisan advocate for electoral reforms. Maine is set to become the first state to allow voters to use the system in a statewide primary election, according to The Portland Press Herald.

Ballot design rules set by the state might need to change to accommodate ranked choice ballots in a format that is not confusing for voters. And it's unclear if using ranked choice voting would require a change to state law, or if Secretary of State Ken Detzner has that power. Revell did not respond to specific questions by the Herald-Tribune about a potential change in state laws.

“Secretary Detzner is focused on ensuring a smooth and secure election in 2018,” she said.

City Attorney Robert Fournier believes state laws won't need a revision.

“I've always taken the position that RCV elections are permissible for municipalities, but may not be permissible for state or county elections,” he said.

The state constitution requires general elections for county and state officials to be determined by a plurality of votes cast, not a majority, Fournier noted. Municipalities aren't bound by the restriction, he said.

The City Commission last week requested Fournier to contact Turner and the state to gather information on ranked choice voting elections, its associated costs or savings and report back to them. Once ranked choice voting software is certified by the state, the city has two years to implement the system, according to the charter amendment approved by voters.

Proponents of the voting system like it because it avoids runoff elections, saves municipalities money on runoffs, creates a more civil campaign since candidates must appeal to all voters and allows people to vote for third-party candidates without creating a spoiler effect. That likely would lead to more third-party candidates and more support for them.

It also could have changed the outcome of the 2016 presidential election, said proponent and Sarasota resident John Severini of RCV SRQ.

Libertarian candidate Gary Johnson and Green Party candidate Jill Stein received more combined support in key states — including Florida, Pennsylvania, Wisconsin and Michigan — than Trump's margin of victory in 2016. If these voters were able to choose another candidate after Stein and Johnson had been eliminated, the outcome might have been different.

"Your vote always counts," Severini said.

City Commissioner Hagen Brody, however, has reservations since the system has been implemented in only a handful of cities across the country, he said.

"I have unresolved concerns about the viability of RCV, but ultimately I'm impartial because it's in the city charter," Brody said. "It's up to the state regarding implementation. Aside from that, my focus is increasing voter participation by changing election dates to coincide with elections in November."

Susan MacManus, a political science professor at the University of South Florida, says some people share Brody's concerns. Some view the ballot as confusing, MacManus said, noting the system is largely adopted in highly educated areas.

"It's a difficult concept to grasp," MacManus said.

Fair Vote provides information on the voting system and a sample ballot for education, Severini said, adding it's a simple and empowering voting method once people get used to it.

"Voters feel more empowered because you don't just have to pick one" candidate, Severini said. "In life, there are choices to every decision you make, whether it's buying a house or a car. It's not one or nothing, so why do we do that with politics?"



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~~ 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

New Suggested Section under General Provisions

Sec. [145.] Charter Review.

At least once every ten (10) years, the City Commission shall appoint a Charter Review Committee of not less than seven (7) members from the City electors to review the City Charter and propose any amendments or revisions, which may be advisable for placement on the election ballot.

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

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 is required prior to the sale or long-term lease for a period of more than 40 years of "recreational facilities" such as golf courses, swimming pools, and parks or "conservation lands", including City-owned lands burdened by a conservation easement. "Recreational facilities" and "conservation lands" are defined in the City's Comprehensive Plan and generally mean lands or places with a Recreation or Conservation designation on the City's Future Land Use Map of the City's Comprehensive Plan.

(2) For a referendum election under this Section 10A, the City Commission must first adopt an ordinance by unanimous vote of the Commission to put a sale or long-term lease of recreational facilities or conservation lands on a ballot for the voters, and the referendum must then pass by 70% of the voters in that referendum election.

~~(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.~~

Amendment 1 to proposed Section 10A (3):

Strike the words “for a period of more than 40 years” from the proposed language of Section 10A (3).

SUMMARY: This amendment results in a super-majority vote of the Commission as well as an affirmative vote of the electorate in order to lease at all any City-owned conservation land.

Alternative amendment to proposed Section 10A (3):

In the proposed language of Section 10A(3), change the words “prior to leasing for a period of more than 40 years or sale” to read “prior to the sale or leasing, other than a leasing for a period of no more than 20 years to a federally recognized for tax purposes nonprofit organization whose primary published goals are the conservation, restoration, preservation, protection and/or environmental mitigation of land, trees and other such natural resources”.

SUMMARY: This amendment results in allowing for a significant term lease of City-owned conservation land to conservation-focused organizations such as the Amelia Tree Conservancy and North Florida Land Trust with only a majority vote of the Commission, but would require a super-majority vote of the Commission as well as an affirmative vote of the electorate in order to lease any City-owned conservation land to any for-profit groups or non-profits that are not focused on the conservation of natural resources.

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

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. City Commissioners are "public officers" under Ch. 112, Florida Statutes (Code of Ethics for Public Officers and Employees) and must abide by all of the ethical standards set forth in these statutes.
- (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.
- (c) Any vacancy in the City Commission 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 has 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.

ADDITIONAL PROVISIONS FOR CONSIDERATION FOR SECTION 11

(originally raised at 2/10/20 meeting)

1. New Language for Sec. 11(b):

The Mayor or any member of the City Commission who violates any standard of conduct or code of ethics established by law for public officials must forfeit their seat. (similar language in Destin charter, e.g.)

2. In Sec. 11(a) language regarding “no interest in the profits or emoluments of any contract or services”, consider either rewriting as follows:

Neither the Mayor nor any City Commissioner, nor any officer or employee of the City, may have a financial interest, direct, indirect or through ownership of stock in any closely-held corporation, in any contract with the City, or in the sale to the City or to a contractor supplying the City any property of any kind, or rights or interest therein or any services of any kind. Any willful violation of this provision constitutes malfeasance in office and is grounds for forfeiture, removal or termination. Any violation of this provision with the knowledge, express or implied, of the person or entity contracting with the City renders such contract voidable by the City Commission or City Manager. (similar language in Atlantic Beach, Gulfport, e.g.)

OR just add into the existing language, the concept “Any willful violation of this provision constitutes malfeasance in office and is grounds for forfeiture, removal or termination.”

3. Add a new Sec. 11(c) as follows:

Any City Commissioner charged with conduct constituting grounds for forfeiture of office is entitled to a public hearing on request, and notice of such hearing is to be published in a newspaper of general circulation in the City at least one week in advance of the hearing. (similar language in Oldsmar, Key Biscayne, e.g.)

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 or ordinance. In case of a serious medical condition, as provided by Florida law, a Commissioner may be permitted to vote in real time by communication media technology instead of being physically present. 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 ~~must~~ be signed by the presiding officer and the City Clerk of the city commission.

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) 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.

From: [Lynn Tipton](#)
To: [Katie Newton](#)
Subject: RE: Question
Date: Thursday, May 28, 2020 11:41:19 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Katie,

I know we've never surveyed this, but it is not a frequent practice. Most cities amend their charters less than once a decade – I learned that from the National Civic League during a workshop they held a few years ago. If that still holds true, then I would imagine citizen petitions are less common than once per decade.

If anyone has surveyed it, it might be data kept by the National Civic League; their website is www.ncl.org and they are based in Denver, CO.

Lynn

Lynn Tipton

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Florida League of Cities, Inc.
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www.flcities.com



From: Katie Newton <knewton@fbfl.org>
Sent: Thursday, May 28, 2020 11:13 AM
To: Tammi E. Bach <tbach@fbfl.org>; Lynn Tipton <LTipton@flcities.com>
Subject: RE: Question

Hi Ms. Tipton:

Do you have any statistics on how often the provision is being used in municipalities that have citizen initiatives? Some members are concerned that it will grind all city business to a halt if used frequently.

Thanks,

Katie

Katie Newton
Legal Assistant

City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034
(904) 310-3277 | knewton@fbfl.org
www.fbfl.us



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From: Tammi E. Bach <tbach@fbfl.org>
Sent: Thursday, May 28, 2020 10:43 AM
To: Lynn Tipton <L.Tipton@flcities.com>
Cc: Katie Newton <knewton@fbfl.org>
Subject: RE: Question

Very helpful! Thanks, Lynn!

Tammi E. Bach, J.D., B.C.S.
Board Certified Specialist City, County & Local Government Law
City Attorney
City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034
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From: Lynn Tipton <L.Tipton@flcities.com>
Sent: Thursday, May 28, 2020 10:23 AM
To: Tammi E. Bach <tbach@fbfl.org>
Cc: Katie Newton <knewton@fbfl.org>
Subject: RE: Question

Good morning, Tammi and Katie:

I hope you are both doing well!

While I don't think this issue has been statistically surveyed either through the League's CMRI division nor through the National Civic League, I looked on my own at 10 from the list of peer cities (using the larger list I had developed when I spoke at your meeting – narrowing it to the 5 larger than Fernandina Beach and 5 smaller). If you look on slide 9 from the power point, you'll see the chart – use that chart and this list will make sense:

Minneola: Article VIII provides initiative by petition
Gulfport: No
North Palm Beach: No

South Miami: Section 9.1 refers to the Miami-Dade County charter for initiatives by petition

South Daytona: No

Fernandina Beach -

Wilton Manors: Article XV provides for petition process

Key Biscayne: Article VI initiative process by petition

Florida City: refers to the Miami-Dade County Charter, which provides for county procedures to do initiatives (not by the city's charter but by county process)

Panama City Beach: no

Destin: yes – Article VI – petition process

I would add, from these ten cities that Florida City is a council-strong mayor government and not Council-Manager form, so it is less of a peer. The others are coastal and council-manager in form. For the closest comparisons, there should be a review of services within these cities, and we don't have that level of detail at FLC (exact departments, numbers of employees, etc.).

I hope this is helpful; please let me know if you wish to discuss this or if I may be of assistance in any way,

Lynn

Lynn Tipton

Director, FLC University

Florida League of Cities, Inc.

407.367-4025

ltipton@flcities.com

www.flcities.com



From: Tammi E. Bach <tbach@fbfl.org>

Sent: Wednesday, May 27, 2020 7:22 PM

To: Lynn Tipton <LTipton@flcities.com>

Cc: Katie Newton <knewton@fbfl.org>

Subject: Question

Hello, Lynn!! My Charter Review Commission wants to know what percentage of our peer cities have any citizen initiative/petition provisions in their charters?

Tammi E. Bach, J.D., B.C.S.

Board Certified Specialist City, County & Local Government Law

City Attorney

City of Fernandina Beach

204 Ash Street

Fernandina Beach, FL 32034

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public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.



Citizens' Guide to Initiative & Referendum



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Introduction

Citizens in one-in-four New Jersey municipalities have the right to put a proposal on the ballot for a direct vote by the people as well as to call a vote of town residents in order to repeal an ordinance adopted by the local government. This powerful tool of direct democracy, called initiative, is designed to give citizens a voice in government when local elected officials are unresponsive or overly influenced by special interests.

Initiative was devised during the progressive era of the early twentieth century when the traditional notion of representative democracy was deemed insufficient because the institutions of government were thought to have been hijacked by big money and large economic interests. They remain an excellent way for citizens to constructively participate and see their proposals enacted into law.

On the local level, initiative campaigns do not require large amounts of money; they just require interested citizens who are willing to dedicate some of their time to making their community better. After all, local governments make critical decisions that help determine quality of life including whether property taxes are affordable, whether children are safe from crime and whether open space is preserved.

In New Jersey, citizens have not taken full advantage of the right to initiative. While, in most cases, these procedures should probably be **used as a last resort after more traditional techniques such as contacting ones elected officials and making presentations at local government meetings have been tried**, they are proven tools for realizing policy goals and making elected officials more responsive.

Often just gathering the signatures required to place an initiative on the ballot is sufficient to force local governments to act. For example, in Hamilton, citizens gathered 4,000 signatures to put an ordinance on the ballot to sever the link between political contributions and the awarding of professional service contracts. The council and mayor, which had been resisting this reform, turned around and adopted it.

This handbook is designed to demystify the initiative process and provide instructions for citizens so that they can use these powerful tools. It describes how The Citizens Campaign will get you started with what you need and tips for successful initiatives.

Although this handbook focuses “Faulkner Act” municipalities, where citizens have the right to put a proposal on the ballot for a direct vote by the community as well as

to call a vote of town residents in order to repeal an ordinance adopted by the local government, initiative can also be a valuable tool in non-Faulkner Act towns. We've provided a list of Faulkner Act municipalities and more information about non-Faulkner Act municipalities.

What is Initiative?

Initiative is the right of voters to propose any ordinance and adopt or reject the same at the polls¹, thereby giving ordinary citizens the right to a direct vote of the people on changes they propose within their communities.

Such direct democratic power is guaranteed to all registered voters in municipalities with initiative; it provides the right to submit a petition to be placed on the ballot to local government concerning legislative matters such as property taxes and use of public lands.

In order for the petition to be valid, a threshold number of signatures of registered voters must be gathered-- a number equaling at least 10% of the turn-out in the most recent state assembly election. The proposed ordinance is then reviewed by the local council and is either adopted or placed on the ballot to be voted on by the community at the next general election.

Step-by-Step Guide to the Initiative Process

Creating an Initiative Petition

Whether proposing a ban on political fundraising on public property, the creation of a new civic center in your neighborhood or the building of sidewalks in your neighborhood, you have the right to create a petition to gather community support:

Step One: Choose a Committee of Petitioners

A Committee of Petitioners consists of five voters who are responsible for (1) gathering the required number of voter signatures; (2) presenting the petition to the

¹ N.J.S.A. 40:69A-184

county clerk; and (3) ultimately, formally withdrawing the petition if deemed appropriate².

For example, if you were to create a petition calling for public contracting reform through a “pay-to-play” reform law, you would first select a committee of five registered voters. Ideally, each member should represent a significant constituency in the community in order to reach the broadest range of citizens. Once you have your committee together, contact The Citizens Campaign headquarters for a legally drafted petition.

Step Two: Drafting the Petition

The following are tips for drafting a petition:

- Initiative petitions must concern matters that are within the municipality’s control, are not preempted by state or federal law, and are not otherwise exempt from initiative by statute, or law³.
- No zoning ordinance and no amendment or revision to any zoning ordinance is permitted to be submitted or adopted by initiative⁴; this exemption extends to ordinances relating to the master or redevelopment plans of a municipality⁵.
- Initiative petitions may only be submitted on legislative matters, not administrative matters; a legislative matter affects a substantive change in the governance of a community, an administrative matter is more temporal, procedural or executive in nature⁶.
- Remember, a petition is a legal document. A copy of the ordinance **MUST BE** attached to each petition. Follow Title 40 (40:69A-186) for more details on drafting a petition.
- The Citizens Campaign (732-548-9798) has model petitions that you can use to base your petition.

² N.J.S.A. 40:69A-186

³ Cuprowski v. City of Jersey City, 101 N.J. Super. 15, 23 (1968)

⁴ N.J.S.A. 40:55D-62

⁵ Millennium Towers v. Municipal Council, 343 N.J. Super. 327 (2001)

⁶ Cuprowski v. City of Jersey City

Step Three: Gather Voter Signatures

New Jersey requires local initiative petitions to contain a number of signatures of registered voters equaling at least 10 percent of the turn-out in the most recent state assembly election. In other words, if 4,000 people in a particular municipality voted in the most recent state assembly election, 400 signatures would be required. Gathering this threshold percentage of signatures places a proposed ordinance on the ballot in the next general election, unless the Council enacts it. Gathering the signatures of registered voters equaling at least 15% of the turn-out of the most recent state assembly election triggers a special election. (In most, cases, it is preferable to have a ballot initiative voted on in the general election because turn-out tends to be higher than in a special election, and higher turn-out usually benefits proposals crafted with the public interest in mind.)

To determine the minimum number of signatures your petition would require, contact the Board of Elections to obtain the total number of votes cast in your municipality's most recent General Assembly election.

Once you've determined your signature 'goal,' each of the five Committee of Petitioners members and other interested citizens can circulate petitions for signing. When gathering signatures, be sure to keep the following rules in mind:

- Signatures **MUST** appear legible and in ink or indelible pencil (it is best to provide pens to avoid invalid signatures)
- Signatures **MUST** be of only voters registered in the municipality in which the petition is filed (be sure to verify this with each signer to avoid invalid signatures)
- Signatures **MUST** be accompanied by voters home address (without an address, the signature is considered invalid and cannot be counted)

Although not all signatures need to be on the same sheet, a Committee of Petitioners member or volunteer helper must attach an affidavit to each sheet on which he or she gathers signatures, attesting (1) that the signed member personally brought the petition around for signing, (2) that each of the voters on the petition signed it in front of him or her, and (3) that he or she believes each signature to be the genuine signature of the person the signer claimed to be.

A completed signature sheet typically looks like this:

Signature	Name	Address
1. <u>George Dunn</u>	George Dunn	123 Main Street, Lakewood, NJ 08701
2. <u>Karl Goldstein</u>	Karl Goldstein	33 Lake #2, Lakewood, NJ 08701
3. <u>Betsy Jacobs</u>	Betsy Jacobs	9 Ridgeway Dr., Lakewood, NJ 08701
4. <u>Sue Ortiz</u>	Sue Ortiz	58 Chestnut, Lakewood, NJ 08701
5. <u>Dan Williams</u>	Dan Williams	1244 Bath St. #3, Lakewood, NJ 08701

After gathering all necessary signatures, the petition—along with ALL other applicable papers including signed affidavits and signature sheets—is ready to be submitted to the county clerk.

Step Four: File the Petition

The next step is to submit all papers concerning the petition for review by the municipal clerk. This is done by one or more of the Committee of Petitioners members in a single filing and can be done in person or by mail. To avoid delays, be certain that all affidavits are attached and that you have obtained the minimum number of valid signatures.

The clerk then has 20 days to examine the filed petition and see if it fulfills all the requirements, specifically whether the affidavits are included and there are enough valid signatures. The clerk will then “certify” the petition and submit a certificate of his findings to the local council at the next scheduled meeting.

If the clerk finds that the petition does in fact meet all the requirements, the certified petition proceeds to the next step in the process.

If, however, the clerk finds the petition unacceptable, i.e. lacking the needed number of valid signatures, the clerk’s certificate will state why the petition was unacceptable and the clerk is required by law to immediately communicate these details to at least two Committee of Petitioners members⁷. The petitioners are then permitted to amend the initiative petition as detailed below.

⁷ N.J.S.A. 40:69A-187

Step Five: Amend & Resubmit the Petition

Once the clerk has notified at least two Committee members and explained why the petition was deemed unacceptable, the Committee of Petitioners has 10 days to amend and resubmit the initiative.

Say the clerk found that our petition had an inadequate number of valid signatures because the names and addresses provided did not in fact correlate in 56 cases. It is now up to the Committee to gather another 56 valid signatures supporting the petition. If in 10 days, the five members garner enough signatures, they must file a “supplementary petition” that consists of new papers with the new signatures and any relevant affidavits to the county clerk.

Once the supplementary petition is filed, the clerk then has five days to review the amendments and again submit one of two certificates. If the petition is again rejected, the clerk will immediately notify the Committee of Petitioners with details as to why. At this point, the initiative petition may not be reviewed or amended further. However, this does not mean that a new petition on the same subject cannot be filed at a later date; it does suggest, however, that you should evaluate the problem and rectify it before submitting the petition again.

If the petition is accepted, it will then be officially presented to the Municipal Council.

Step Six: Submit the Ordinance to the Local Council

By law, the clerk is required to give all successful petitions and successfully amended petitions to the council immediately. The initiative ordinance is then “read” by the council, so that a second hearing at which the public may speak can be scheduled⁸.

Step Seven: Public Hearing of the Ordinance

Often, the second hearing is the public’s—and certainly the Committee’s—prime lobbying moment. It is here that community members exercise their right to discuss openly and freely all aspects of the ordinance and its effects on the community and on their lives.

⁸ N.J.S.A. 40:69A-190

In the case of our child and traffic safety proposal, we would encourage parents, whose children attend Kellogg Marshall Elementary School to be *present* and argue for the necessity for the additional six street signs.

Whatever proposal you may be advocating, there are a few tips to keep in mind when appearing before the mayor, council and fellow citizens in a public hearing:

- **Know the rules.** Request in advance a copy of the procedures for public hearings, which can be obtained from the municipal clerk's office. Take particular notice of any sign-in requirements and speaking time limits.
- **Be prepared.** Write your comments in advance and recite them until you feel confident with them. Speaking before a large audience may seem intimidating and the more practiced and prepared you are, the better you will perform. It is also good to review possible objections to the ordinance and prepare a response.
- **Be concise.** Time limits, if relevant, will be enforced. Even without time limits, however, you should strive to make your point in roughly five minutes to keep the attention and interest of the audience.
- **Dress appropriately.** Most often, business or business casual attire is preferred. Because you *are* addressing the council, who will most likely be in suits, you should aim to look professional. Follow the old adage, "Dress for success."
- **Be early.** Arriving at least 15 minutes early will give you ample time to introduce yourself to the council, sign-in if necessary, and familiarize yourself with the agenda. It will also prove invaluable time to relax and get acquainted with your fellow citizens.
- **Be respectful.** Shouting and yelling will get you nowhere. To get respect, you must be respectful and polite, so it is best to begin by thanking the council and your fellow constituents for their time and making your point without being argumentative or attacking any persons or beliefs. This is your chance to sway the audience, so just remember you catch more bees with honey.
- **Realize you are on record.** Public hearings are just that, public, so expect to see reporters in the seats jotting notes. It is entirely feasible that you may be quoted in the local papers or filmed for local news broadcasts. And remember,

this is your chance to reach a broader audience, so bear this in mind when drafting your comments and preparing for the hearing.

After the community has had an opportunity to express their opinions in a public hearing, and still the council has not passed the ordinance within 20 days of its being certified by the clerk, the ordinance is then placed on the local ballot.

Step Eight: Referendum: The Public Vote on Ordinance

The final step in enacting an initiative ordinance is to place the ordinance on the municipality's next general election ballot at which time, the community's voting population will be able to vote for *or* against the ordinance.

In order to time the proposed ordinance so it appears on the November general election ballot, the petition needs to be submitted to the municipal clerk by mid-July. This provides sufficient time for all the preliminary steps, including a public hearing and the possibility of the need to correct the petition for inadequacies. It is important to check with the municipal clerk and your own legal advisers to establish the precise date for submission.

All ballots, regardless of election type, appear like this:

To vote upon the public question printed below, if in favor thereof mark a cross (X) or plus (+) or check (✓) in the square at the left of the word Yes, and if opposed thereto mark a cross (X) or plus (+) or check (✓) in the square to the left of the word No.

	Yes.	"Shall the ordinance submitted by initiative petition providing for the posting of public contracting reform commonly referred to as "pay-to-play reform" be enacted into law? This law would limit professional contributions to political parties...."
	No.	

If the majority of those voting on the proposed ordinance vote in favor of adopting it, the ordinance becomes a valid and binding ordinance of the municipality and goes

into effect within 20 days. Once adopted, the ordinance cannot be amended or repealed within three years of its adoption date, unless by vote of the people.

If the majority votes to against adopting the ordinance, it is not passed and has no binding. Citizens, however, are permitted to submit another initiative petition on the same issue at any time.

Timing Your Initiative

Like many life-changing decisions, timing is everything. Initiative petitions are no exception. When planning your initiative, it is vital to take into account scheduling and always, always allow ample time for amendments and delays.

Say you wanted to enact a Citizens Campaign model reform law. In order to do so, we should begin preparing in January so that it may be included on the November ballot. (If a special election were necessary, we would have to begin even sooner and be sure there was not one already held within six months.) The following is a sample timeline for an initiative aiming for the November general election.

	January	Feb thru June	July	Aug - Octobe	Nov
Gather all 5 members of the Committee of Petitioners, Finalize petition provided by the Citizens Campaign					
Contact County Board of Elections for minimum number of valid signatures required for your town					
Copy petitions and circulate among volunteers to gather signatures					
Last chance for Committee of Petitioners to file all notarized petitions					
Clerk has to verify that all signatures are genuine and all addresses belong to voters registered in the municipality					

Clerk submits certificate to accept the petitions to the council for the ordinance's first read at the next council meeting -- OR -- submits a detailed rejection to at least two Committee of Petitioners.					
Committee of Petitioners amend petition, i.e. gather more valid signatures to make up for the rejected ones					
Committee of Petitioners sign all affidavits (if necessary) and file supplementary petitions to county clerk					
Clerk has five days to review amended petition					
Clerk issues certificate of a successful petition and gives it to the Council to set a date for a first read —OR— Rejects petition and notifies Committee of the problem; Petition ends					
First reading & with public hearing held.					
Final day to withdraw petition					
Council passes ordinance, it goes into effect – OR – rejects it so it goes to the ballot in the next general election					
Ordinance published in at least two newspapers circulated in municipality					
Ordinance voted on in general election, Committee of Petitioners Get-Out-the-Vote					
If Voters Decide "Yes" the ordinance gets enacted					

Notice that if you were to need a special election, or would like more time to gather signatures, you should begin the process as early as possible. You should also take into consideration the date you would like the ordinance enacted and may want to work backward to determine your timeline, allowing enough time for scheduled holidays and possible mishaps along the way.

If timing is tight, you may run into a problem if the original petition is rejected, so be certain to try and avoid this by planning ahead.

For example, if we fell behind our timeline and did not submit the original petition until the July deadline, and needed to amend it, we would have missed getting our

ordinance on the November ballot. We would then need to hold special election, since the next general one would be more than 90 days away.

This would pose a major problem, since we only gathered enough signatures to cover 10 percent of the voting population and special elections require 15 percent. We may have realized this during the ten-day amendment window, but we may not have gathered enough signatures in that limited time. So, as you can see, a little bit of petition planning goes a long way.

Timing Tips

Here are a few more timing points to consider:

- **Make a realistic timeline.** After the Committee of Petitioners has been selected, sit down and devise a realistic timeline with mini-deadlines to follow. By remaining realistic, i.e. not expecting to gather all signatures in one day, the petitioners will have an easier time reaching the mini-deadlines, such as gathering 200 signatures by the fifth day, and filing the petition on time.
- **Allot extra time for delays and amendments.** Because there is always the chance that the clerk may find your initial petition defective, be sure to allow plenty of time to amend and resubmit the petition.
- **Have petitions ready in advance.** Initiative petitions can be drafted at least a month before being circulated, so use this time to finalize the petition and make copies. Referenda petitions are on tight deadlines, so if you are aware that the ordinance you wish to challenge may pass, have the petition ready well ahead of time so you may circulate it immediately after the ordinance's passage.
- **Plan ahead.** If aiming to have an ordinance appear on a general election ballot, time your petition submittal accordingly. This means, submitting the signatures by mid-July.

Withdrawing an Initiative

After an initiative petition has been submitted to the council, it may be withdrawn so long as the Committee of Petitioners files a paper requesting that the petition be

withdrawn signed by four of the five members. This request must be made within 10 days of the council's decision to either pass the ordinance or put it to public vote.

Once a petition request has been correctly submitted, the ordinance is withdrawn immediately and the original petition ceases to have any force or effect.

Although it is not required that the Committee of Petitioners give a specific reason, possible reasons for requesting to withdraw a petition may include:

- **Insufficient or incorrect information.** If you file an initiative to rectify a problem, and later find that the basis for or the wording of your proposed ordinance was incorrect, you may wish to withdraw the petition and redraft the petition with the correct information.
- **Amendment to the ordinance.** Amending one ordinance may save the need for future initiative petitions, and would be grounds for withdrawal. This withdrawal, then, would prevent our having to file a separate petition.
- **Schedule conflict.** As we now know, timing a petition is everything. So, if we were to file our street sign petition late and then require a special election to be held, we may wish to withdraw the petition and resubmit it when it could be included in the general election so as to avoid having to garner additional signatures.
- **Similar ordinance introduced by the council.** If during the course of an initiative petition's review an ordinance similar to that in the initiative were to be passed by the council, you have several things to consider. Does the council's version call for the exact same things as yours? Is the council's version weaker than yours? You could either withdraw the petition or continue with your initiative to override the council's version. The Citizens Campaign offers strategy support in these situations.

Tips and Strategies for Success

The following outlines tips for conducting successful initiative campaigns. Included are the keys to gathering a sufficient number of valid signatures, how to best address questions of timing, how to find expert legal advice and comply for the technical

requirements, and strategies for insuring your side prevails once an initiative is on the ballot.

Gathering a Sufficient Number of Valid Signatures

The most labor-intensive part of an initiative campaign is gathering sufficient signatures to insure that your proposal qualifies for the ballot.

As a general rule of thumb, it is important to **obtain at least 20% more** signatures than are required. This is because some of the signatures are likely to be ruled invalid because signers are not registered to vote or have not provided a correct address.

The best place to gather signatures are central locations, which are frequented by substantial numbers of adult town residents. Supermarkets and train stations may be good locations but you want to ask people if they are a registered voter in your municipality. Another good way to gather signatures is to go door-to-door in your neighborhood. This method of signature-gathering becomes even more efficient, if you have a street list of current voters which can usually be purchased from the municipal clerk.

For planning purposes, gathering signatures at central locations yields roughly 15 per hour, while gathering them door-to-door yields about 8 per hour. (Of course, door-to-door is likely to yield a higher percentage of valid signatures especially if one uses a street list.) These estimates can be adjusted once signature-gathering is underway. For example, a petition on an issue in which there is already a lot of strong community feeling is likely to yield signatures at a slightly faster rate.

Gain support from and utilize the membership of local civic organizations such as the League of Women Voters, AARP, PTO/PTA's, parents involved in their child's sports activities, and local activist groups. It is important to provide training to all volunteer petitioners. The training should include tips for getting the maximum number of signatures and for ensuring that the highest possible percentage of signatures obtained are valid. Some suggestions for increasing this percentage are found below:

- **Ask all citizens if they are registered to vote in your municipality.** Before allowing people to sign any petition, verify that they are registered voters in your municipality; this will stop out-of-town and unregistered residents from mistakenly signing the petition.

- **Stress the importance of providing the real address.** Assure signers that their address will not be used for any other purpose other than to verify their signing eligibility and residency within the municipality.

Recruiting Legal Help & Complying with Technical Requirements

There are key stages in the initiative process in which it is greatly beneficial to have expert legal assistance. These include reviewing the petition language, insuring that all the technical requirements for filing the petition and required attachments are met, challenging any of the rulings of the clerk and the council if deemed legally wrong, and helping to negotiate specific ordinance language if the council decides to adopt the ordinance, rather than have it go to the ballot, and wants certain minor changes. If your group does not have access to volunteer legal assistance, depending on the content of the proposed ordinance, pro bono legal help may be provided by the Center for Civic Responsibility.

Below are some tips for insuring that required attachments are filed correctly

Correct Attachments

It is crucial to include ALL attachments and papers when filing your petition. Because all papers are submitted in a single filing, however, it is easy to mistakenly neglect to include vital papers, such as signature sheets or affidavits. Failure to submit all relevant papers will result in the petition's rejection. To avoid such consequences, keep these tips in mind:

- **Sign affidavits immediately.** Each signature sheet requires the signed affidavit of the petitioner who gathered the signatures. Because many sheets can be simultaneously distributed, have each petitioner sign the required affidavits for his or her sheets immediately after they are filled. Delays may lead to their forgetting to do so.
- **Assign petition gatherer.** Reducing the number of people involved in collecting the papers can dramatically reduce the potential for a mistake. Select one Committee member to be the official 'gatherer' responsible for collecting all petition papers, including signature sheets and affidavits. The member will also

review each sheet to ensure that there are enough signatures and that all affidavits are attached.

- **Assign petition filer.** This Committee member will act as the gatherer's second pair of eyes. He or she will double check the petition papers to ensure nothing is missing. He or she will then assemble all the papers together and file the petition with the county clerk.

Winning when Initiatives Reach the Ballot (the “Referendum”)

It is tempting to rest once your initiative is placed on the ballot in the form of a referendum. However, there are proactive steps you can take to increase your chances of success. They are summarized below:

- **Generate Editorial Support:** Arrange a meeting with the editorial page editors of the newspapers that cover your municipality and make a solid case for why the newspaper should support your proposal. A positive editorial can help move voters in your direction.
- **Win Organization Endorsements:** For any proposed initiative, there are usually organizations that are likely supporters. For example, if the proposed initiative calls for an increase in open space, town environmental groups are excellent targets. Ask for an endorsement and for the group to publicize the endorsement by issuing a media release and by informing all their members.
- **Foster positive word of mouth:** Ask any supporter to contact 10 of their friends and neighbors and urge them to vote for the proposal.
- **Generate positive e-mail activity:** Send out an e-mail alert asking briefly explaining the proposal and ask not only for the person's vote, but for them to forward your message to anyone on their e-mail list who is a town resident.
- **Poll Greet on Election Day:** Recruit and train volunteers to greet voters and polling places on Election Day and urge them to support the proposal. Greeters need to stand 100 feet from the polls, but at many polling places this restriction does not preclude greeting efforts. The greeters should have an information sheet to give interested voters.

Faulkner Act Municipalities

* Towns where citizens successfully conducted an initiative to pass a Citizens Campaign model law.

Atlantic County

Atlantic City
Brigantine City
Estell Manor City
Galloway Township

Bergen County

Fair Lawn Borough
Mahwah Township
Ridgewood Village
River Vale Township
Saddle Brook Township
Teaneck Township
Washington Township

Burlington County

Burlington City
Burlington Township
Delran Township
Eastampton Township
Evesham Township
Florence Township
Maple Shade Township
Medford Township
Moorestown Township
Mount Holly Township
Mount Laurel Township
Pemberton Township
Springfield Township
Willingboro Township

Camden County

Berlin Township
Camden City
Cherry Hill Township
Gloucester Township

Cape May County

Avalon Borough
Cape May City
Lower Township
Ocean City

Cumberland County

Bridgeton City
Vineland City

Essex County

Belleville Township
Cedar Grove Township
Fairfield Township
Irvington Township
Livingston Township
Montclair Township
Newark City
Orange City

Gloucester County

Logan Township
Monroe Township*
Washington Township

Hudson County

Bayonne City
Hoboken City*
Jersey City
Weehawkin Township

Hunterdon County

Clinton Township
Lambertville City

Mercer County

East Windsor Township
Ewing Township
Hamilton Township*
Lawrence Township*
Trenton City
West Windsor Township

Middlesex County

East Brunswick Township
Edison Township*
Monroe Township
New Brunswick City
North Brunswick Township
Old Bridge Township
Perth Amboy City
Piscataway Township
Spotswood Borough
South Amboy City
South Brunswick Township*
Woodbridge Township*

Monmouth County

Aberdeen Township
Belmar Borough
Bradley Beach Borough

Highlands Borough
Howell Township
Keansburg Borough
Marlboro Township
Ocean Township
Tinton Falls Borough

Morris County

Chester Township
Denville Township
East Hanover Twp.
Jefferson Township
Lincoln Park Borough
Mine Hill Township
Morristown Town
Mount Olive Township
Mountain Lakes Borough
Parsippany-Troy Hills Town
Pequannock Township
Randolph Township
Rockaway Township
Roxbury Township

Ocean County

Berkeley Township*
Brick Township
Island Heights Borough
Long Beach Township
Manchester Township*
Stafford Township
Toms River*

Passaic County

Hawthorne Borough
Passaic City
Paterson City
Ringwood Borough

Wayne Township
West Milford Township
West Paterson Borough

Somerset County

Bridgewater Township
Franklin Township
North Plainfield Borough

Sussex County

Byram Township
Newton Town
Sparta Township
Vernon Township
Verona Township

Union County

Clark Township
Elizabeth City
Hillside Township
Rahway City
Scotch Plains Township

Warren County

Allamuchy Township
Deptford Township
Greenwich Township
Lopatcong Township
Phillipsburg Township
Pohatcong Township
Washington Borough
West Orange Township

Information for Non-Faulkner Act Municipalities

For every one New Jersey municipality that has adopted the Faulkner Act, there are an additional 3 that have not. In these municipalities, where citizens are not granted the right to self-propose ordinances, there are other useful courses of action to affect the passage and proposal of ordinances in your community.

You should check your town or city's Charter to see whether it provides citizens' the right to initiative. The threshold may be set very high and require many more signatures than in Faulkner Act towns. You should contact the Center for Civic Responsibility (732-548-9798) for strategy assistance if this is the case. In all municipalities citizens can organize an efforts to change their form of government to fall under the Faulkner Act. Contact the Center for the information.

In non-Faulkner Act municipalities, ordinances are proposed directly by a council member for first 'reading' at a municipal council meeting. It is important to remember that just because you cannot submit an ordinance petition yourself, does not mean that you are without power to enact change in your neighborhood. Rather, it puts even more importance on your being an active member of your community by

keeping abreast of local issues, staying in contact with your local council members and remaining informed of public hearing announcements published in your local newspaper. And, it means that if you recognize a problem in your community you would like to see addressed, you should contact the your council members to express your concerns and encourage them to propose the necessary legislation.

For example, if you wish to enact legislation outlawing the use of hand-held cellular phones while driving, you should contact your local council member(s) and request that they propose such an ordinance at the next council meeting. This may be done either by phone, letter or email. Bear in mind that council members are often busy and prefer written correspondence. Do, however, follow up with a phone call to ensure your request has been received and reviewed. Do, also, ask for a commitment from the council member and a timeframe in which you can expect the issue to be brought before the committee. To reach your elected officials, contact your municipal offices and ask for their contact information; phone numbers, office addresses and emails are readily available and easily accessible. You may also check your township's website for a complete list of elected officials and their contact information.

When approaching council members, be certain to remain respectful and present a well-researched proposal. In this instance, you will want to provide each with the number of automobile accidents that occurred in your neighborhood while drivers were talking on their cell phones to demonstrate the high need for the ordinance. If relevant, you may also wish to provide examples of similar legislation already passed in near-by communities, including the fine charged for violating the ordinance.

Once the ordinance is proposed by the council member to the committee at its initial reading, it is then published in full text in the local newspaper two weeks prior to the date of the ordinance's second, public hearing. Given the two-week period between the publication and hearing dates, you have ample time to generate public support for the ordinance, draft a statement to present to the committee and get media attention on the subject.

Although citizens in non-Faulkner Act municipalities do not directly propose ordinances, they are entitled to speak at the hearing and bring public as well as media attention to the issue – an equally vital right. Because the proposed legislation will undoubtedly affect the members of the community, it is essential to the democratic process that council members are aware of the people's concerns in order to best represent them; as an engaged citizen, it is your responsibility to exercise your right

and voice your concerns before the committee. When appearing before the council at a public hearing, be sure to keep the following tips in mind:

- **Know the rules.** Request in advance a copy of the procedures for public hearings, which can be obtained from the municipal clerk's office. Take particular notice of any sign-in requirements and speaking time limits.
- **Be prepared.** Write your comments in advance and recite them until you feel confident with them. Speaking before a large audience may seem intimidating and the more practiced and prepared you are, the better you will perform. It is also good to review possible objections to the ordinance and prepare a response.
- **Be concise.** Time limits, if relevant, will be enforced. Even without time limits, however, you should strive to make your point in roughly five minutes to keep the attention and interest of the audience.
- **Dress appropriately.** Most often, business or business casual attire is preferred. Because you are addressing the council, who will most likely be in suits, you should aim to look professional. Follow the old adage, "Dress for success."
- **Be early.** Arriving at least 15 minutes early will give you ample time to introduce yourself to the council, sign-in if necessary, and familiarize yourself with the agenda. It will also prove invaluable to have time to relax and get acquainted with your fellow citizens.
- **Be respectful.** Shouting and yelling will get you nowhere. To get respect, you must be respectful and polite, so it is best to begin by thanking the council and your fellow constituents for their time and making your point without being argumentative or attacking any persons or beliefs. This is your chance to sway the audience, so just remember you catch more bees with honey.
- **Realize you are on record.** Public hearings are just that, public, so expect to see reporters in the seats jotting notes. It is entirely feasible that you may be quoted in the local papers or filmed for local news broadcasts. And remember this is your chance to reach a broader audience, so bear this in mind when drafting your comments and preparing for the hearing.

Following the public hearing, the ordinance is put to the municipal committee for election. In most cases, with the exception of budgetary matters, the ordinance is

passed or rejected by a majority vote. If approved, the full-text ordinance is again published in the local newspaper and takes effect immediately following its publication.

The Citizens Campaign Model Laws are Available for Download at
www.TheCitizensCampaign.org

LEARN ABOUT IMPACTED CITY SERVICES & COMMUNITY RESOURCES

Access to Phoenix City Hall is now by appointment only. Learn which City of Phoenix services and facilities are still open and which are impacted. See also new Resources page.

City of Phoenix



Initiative, Referendum and Recall Information

The following is also provided in [Spanish](#) Lo siguiente también puede leerse en [español](#).

Initiative, Referendum and **Recall** are three powers reserved to the voters to enable them, by petition, to propose or repeal legislation or to remove an elected official from office.

Proponents of an initiative, referendum or recall effort must apply with the City Clerk for an official petition serial number. Pursuant to state law (A.R.S. Titles 16 and 19), prior to beginning any political activity pertaining to initiative, referendum or recall efforts, a **statement of organization** must be filed with the City Clerk to register the political committee.

The City Clerk Department provides a packet of information that contains the necessary forms and additional information regarding these three important processes. Please call the City Clerk Department, Elections Division, at 602-262-6837 or 7-1-1 Relay System for additional information or to schedule a time to meet to review the packet of information.

Initiative

Initiative is a power reserved to the voters to propose legislation, by petition, that would enact, amend or repeal a City Charter or Code provision. If the required number of signatures is obtained on

a petition, the City Council must either adopt the proposed measure or refer it to the voters at a special election (or the next regular election if it is within six months). If approved by voters, the measure becomes law. City of Phoenix initiative petitions must be filed with the City Clerk within two years of obtaining the petition serial number.

Referendum

Referendum is a power reserved to the voters that allows the voters, by petition, to demand the reconsideration and repeal of any legislative action of the City Council, except an emergency measure, before it becomes effective. If a petition with the required number of valid signatures is filed within 30 days of the council action, the ordinance or action is suspended from becoming effective. The City Council then has the duty to reconsider the action and either repeal it or submit it to the voters for approval or rejection. The measure would be submitted to the voters at the next regular election, unless the Council chooses to call a special election for the referendum. The measure does not become law unless it is approved by voters.

Recall

Recall is a power reserved to the voters that allows the voters, by petition, to demand the removal of an elected official. If a recall petition with the required number of valid signatures is filed, the officer may resign or run for retention at a special election against any candidates whose names qualify to appear on the recall ballot.

A public official cannot be subjected to recall until the official has held office for at least six months from first assuming office. A second or subsequent recall cannot be initiated during the term of a public officer who has been successful in a recall election unless those proposing the new recall pay the cost of the prior recall election.

CONTACT US

Phone: 602-262-6837

Email: phoenixelections@phoenix.gov

Fax: 602-495-5847

Address: 200 W. Washington St., 15th floor, Phoenix, AZ 85003-1611

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Map and Directions

Call (602) 262-6011

TTY: 711

Submit Contact Form

About Phoenix

Phoenix is the 5th largest city in the United States. We're a vibrant, growing city and a great place to live, work, and play! Explore our website for news and to learn about city services. Follow us on social media.



Charter Review Committee 2020

Proposed Changes

Last updated May 28, 2020

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, then later 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.*

Pursuant to Florida law, the City is permitted to annex additional properties in accordance with procedures established by state and local laws. 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; and
- (b) The City of Fernandina Beach 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.
- (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.
- Incorporate Sec. 45 here due to relevance.

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 consist~~ s of five (5) citizens, who ~~shall be~~ are elected at large in the manner ~~hereinafter~~ provided in this Charter. The commission ~~shall constitute~~ s 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;~~ Election of Commissioners; 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

- (a) 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.
- (b) City elections are nonpartisan and held every two (2) years in even numbered years and in conjunction with county, state ~~and~~ federal elections. The City Commission has the authority to call for special elections at any time not on the same dates as the City general elections ~~for the purpose of~~ special elections, ballot questions and referenda.
- (c) All members of the City Commission are elected at large by the qualified voters of the City of Fernandina Beach.
- (d) In the case of a tie vote, confirmed by the method of recount(s) required by state law and which affects the outcome of the election, there must be a runoff election to determine the winner.
- (e) Runoff Election. If any runoff election is necessitated, it shall be held in accordance with City ordinance.
- (f) In the event the number of candidates who qualify is the same or less than the vacancies to be filled, each unopposed candidate shall be deemed to have voted for himself/herself and no election shall be held. Any vacancy on the Commission for which no candidate qualifies shall be temporarily filled by appointment of a majority of the new Commission until the next regular election.

~~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 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 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 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 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 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 shall be held elected for that group, provided, However, that in the event the a 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 withdraws 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.~~

Section 10 – Powers generally; dealing with administrative service through Charter Officers required; penalties for 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~~ must 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. City Commissioners must each complete an annual performance evaluation for each Charter Officer.

~~(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~~ must 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~~ is, upon first offense, be grounds for ~~sanction~~ recognition and discussion by the Commission of the violation, any second or subsequent offense or ~~violation~~ within a Commissioner's term is grounds for sanction by the City Commission, and a third offense within the same Commissioner's term is grounds for forfeiture of commission seat by the offending Commissioner. Prior to forfeiture of a commission seat, any Commissioner accused of violating this Section is entitled to a public hearing conducted in accordance with the City's rules of procedure for quasi-judicial hearings as adopted by ordinance. shall constitute 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 conservation

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 is required prior to the sale or long-term lease for a period of more than 40 years of "recreational facilities" such as golf courses, swimming pools, and parks or "conservation lands", including City-owned lands burdened by a conservation easement. "Recreational facilities" and "conservation lands" are defined in the City's Comprehensive Plan and generally mean lands or places with a Recreation or Conservation designation on the City's Future Land Use Map of the City's Comprehensive Plan.

(2) For a referendum election under this Section 10A, the City Commission must first adopt an ordinance by unanimous vote of the Commission to put a sale or long-term lease of recreational facilities or conservation lands on a ballot for the voters, and the referendum must then pass by 70% of the voters in that referendum election.

~~(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.~~

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.

DELETE

- ~~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.~~

Rationale – Section 10B Changes

- Redundant and covered by state law.

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

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. City Commissioners are "public officers" under Ch. 112, Florida Statutes (Code of Ethics for Public Officers and Employees) and must abide by all of the ethical standards set forth in these statutes.
- (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.
- (c) Any vacancy in the City Commission 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 has 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.

Rationale – Section 11

- Clean up legalese
- Moves Section 14 to Section 11
- Moves Section 15 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.

DELETE and Reserve Sec. 15.

- ~~Any vacancy in the City Commission shall 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 be made by the Governor. Vacancies resulting from a recall election shall be filled as required by state law.~~

Rationale – Section 15

- Move to Section 11

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 at that same election. 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, and 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 majority vote and for any reason including but not limited to Florida Sunshine Law violations, 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.~~

~~(f) On the occasion that all eligible candidates but one should withdraw from the straw ballot, election, there shall be no straw ballot election and the one remaining candidate shall be considered the primary candidate for the position of Mayor at the organizational meeting.~~

~~(g) (f) 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 16

- 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, including but not limited to ensuring that every Commissioner completes an annual performance evaluation for each Charter Officer. ~~and The Mayor 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.

DELETE AND RESERVE

- 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 or ordinance. In case of a serious medical condition, as provided by Florida law, a Commissioner may be permitted to vote in real time by communication media technology instead of being physically present. 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~~ 90 days after executing the Oath of Office, the City Manager ~~shall~~ must become a resident of the City. The City Manager must have prior experience managing at least one government organization with at least 250 employees and several departments, be a member in good standing of a professional organization such as the International City/County Management Association, and the Commission must consider more than one (1) qualified candidate for City Manager. 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 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. 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.~~

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~~ contract 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 and five-year capital improvement plan.
 - ~~(h) To perform such other duties as may be prescribed under this Charter or as may be required of him by ordinance or resolution of the City Commission.~~
 - ~~(i) 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.~~
- He/she is responsible for the procurement, sale of surplus, 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 accordance with all applicable City, State, or Federal laws and regulations.
- (j) (i) 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 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.~~ 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 or be admitted within six months of taking the Oath of Office. It is preferred that the City Attorney be board certified in City, County and Local Government Law by the Florida Bar Association.

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~~ Department— 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~~ department 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 department, 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. In case of riot, conflagration or like emergency, the City Manager may appoint additional police personnel for temporary service. A referendum election is required prior to the City dissolving the police department of the City or contracting out law enforcement services to another agency.

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~~ Department; 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~~ department of the City ~~shall~~ consists 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, 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~~ department subject to such rules and regulations as may be prescribed by the City Manager or by ordinance of the City; ~~he shall have~~ the fire chief 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. A referendum election is required prior to the City dissolving the fire department of the City or contracting out fire/rescue services to another agency.

Rationale – Section 44

- Clean up legalese

Section 45 - ~~Public utilities.~~ Reserved.

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.

DELETE and Reserve Sec. 45.

- ~~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 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~~ holds office at the pleasure of the City Commission. The City Clerk ~~shall~~ must be chosen on the basis of administrative qualifications. The City Clerk must be a member in good standing of a professional organization such as the Florida Association of City Clerks. 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 designate a properly qualified person to temporarily execute the functions of the office.~~

Rationale – Section 46

- Move to Sec. 7 because that is where municipal powers are stated.

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 Mayor or 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 renewed by the approval of 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~~ preserves, ~~invests~~ invests and ~~deposits~~ 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~~ and 5-year capital improvement plan 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 by majority vote 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