

City of Madeira Beach

Agenda

**Charter Review Committee Meeting
Monday, October 7, 2019 @ 1:00 PM
Commission Chambers**



The Charter Review Committee of the City of Madeira Beach, Florida will meet in the Patricia Shontz Commission chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

	Page
1. CALL TO ORDER	
2. ROLL CALL	
3. PUBLIC COMMENT	
4. APPROVAL OF MINUTES:	
A. 11-16-2018, Minutes Joint CRC-CSC 12-03-2018, Minutes CRC Citizens Forum	3 - 31
5. CHARTER AMENDMENTS TO BE PLACED ON THE MARCH 17, 2020 MUNICIPAL ELECTION	
A. Charter Amendment modifying the Candidate Qualifying Period for General Municipal Elections Memo-Qualifying Period Amendment Charter Section 3.3, Nomination of Board of Commissioners Charter Section 3.4, Manner of holding elections F.S. 99.061, Method of Qualifying for nomination or election to federal, state, county, or district office F.S. 100.361, Municipal Recall	32 - 47
B. Charter Amendment increasing the term of office for District Commissioners from 2 to 4 years Memo-Commissioner District term from 2 to 4 years (002) Charter Section 2.2, Board of Commissioners created; qualifications; term of office; and vacancies Charter Section 3.4, Manner of holding elections	48 - 53
C. Charter Amendment – Runoff Election Alternative for Tied Elections Memo-Runoff Election Alternative for Tied Elections Charter Section 3.4, Manner of holding elections	54 - 57
D. Current City Charter New City Charter 2019	58 - 89
6. ADJOURNMENT	

One or more Elected or Appointed Officials may be in attendance.

Any person who decides to appeal any decision of the Charter Review Committee with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the minutes to be transcribed verbatim; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation to participate in this meeting should call 727-391-9951 or fax a written request to 727-399-1131

Minutes
Joint meeting of the
Charter Review Committee / Civil Service Commission

November 16, 2018; 11:30 a.m.
City of Madeira Beach Commission Chamber
300 Municipal Drive Madeira Beach, FL 33708

A joint meeting of the Charter Review Committee and Civil Service Commission was held on Friday, November 16, 2018 at 11:30 a.m. in the Commission Chambers. The meeting was called to order by Chair Doreen Moore at approximately 11:30 a.m.

Staff members present: Clara VanBlargan, City Clerk; Attorney Mathew McConnell, Dickman Law Firm, Ralf Brookes, City Attorney

1. Call to Order

Chair Doreen Moore called the meeting to order 11:30 a.m.

2. Roll Call

The City Clerk called the roll and the following members were present:

Charter Review Committee

- Doreen Moore
- Grace Critelli - Absent
- Paul Tilka
- June Mohns
- Gerri Clyatt
- John Hendricks

Civil Service Commission

- Pam Rasmussen
- Grace Critelli - Absent
- Paul Tilka
- John Hendricks

3. Approval of the Minutes

Chair Pam Rasmussen, Civil Service Commission, motioned to approve the October 19, 2018 Joint Charter Review Committee/Civil Service Commission meeting minutes. Paul Tilka, member to the Civil Service Commission and the Charter Review Committee, seconded the motion. The motion passed unanimously.

4. Discussion of Charter Amendments for the March 12, 2019 Municipal Ballot

The Civil Service Commission and the Charter Review Committee came to a consensus for the residents of Madeira Beach to decide if Alternate 1 or Alternate 2 to be placed on the ballot for the March 2019 Election. The Charter Amendment Citizen Forum will take place on Monday, December 3, 2018, at 6:00pm in the Commissioner Chambers.

Alternate 1

This Charter amendment would retain the Civil Service Commission the power to issue advisory opinion on employee grievances and the ability to inquire into the implementation of such personnel rules as considered necessary to ensure compliance, but remove other references from the charter merit principal and personnel rules from the charter.

Alternate 2

This Charter amendment would retain the Civil Service Commission the power to issue final decisions on employee termination grievances and remove the City Manager's power to issue final decisions to terminate employees, and remove other references from the charter merit principal and personnel rules from the charter.

5. Public Comment

6. Meeting Schedule

There being no further discussion, the meeting was adjourned at 1:35 p.m.

Doreen Moore, Chair, Charter Review Committee

Pam Rasmussen, Chair, Civil Service Commission

ATTEST:

Clara VanBlargan, City Clerk

Minutes
Charter Review Committee
December 3, 2018; 6:00 p.m.
City of Madeira Beach Commission Chamber
300 Municipal Drive Madeira Beach, FL 33708

The Charter Review Committee Citizens Forum meeting was called to order by Chair Doreen Moore at approximately 6:00 p.m.

Staff members present: Andrea Gamble, Deputy Clerk; Ralf Brookes, City Attorney; and Jonathan Evans, City Manager

1. Roll Call

The Deputy Clerk called the roll and the following members were present:

- Doreen Moore
- Paul Tilka
- Grace Critelli
- Gerri Clyatt
- June Mohns – Absent
- John Hendricks

City Attorney Ralf Brooks explained to the Board and Citizens that the amendments for today's workshop will be going before the Board of Commissioners on Thursday, December 6, 2018

2. Citizen Forum – Charter Amendments

City Attorney Ralf Brookes read all the amendments to be placed on the March 12, 2019, Municipal Ballot and explained what the amendments meant. He also answered all questions and concerns from the Citizens.

Charter Amendment #3

Helen Palladeno, 13319 Boca Ciega Avenue, had concerns on who knowingly violated the Sunshine Law. Charter Review Committee Chairperson, Doreen Moore and City Attorney Ralf Brooks explained knowingly.

Linda Hein, 401 150th Avenue, had concerns with commission members knowingly breaking the Sunshine Law.

Bill Gay, 423 150th Avenue, Apt 1503, had concerns with the Election Laws. City Attorney Brooks explained if it should not pass, the charter will remain as is.

Charter Amendment #4

Paul Tilka, 14091 N Bayshore Drive, said the number of residents should be the number of electors.

Charter Amendment #9

Vice Mayor Deby Weinstein had concerns with the title Vice Mayor asked if it does this automatically goes to one commissioner to another after time has been served.

Charter Amendment #10

Helen Palladeno, 13319 Boca Ciega Avenue, asked what prompted the need to have removed the City Treasurer Finance Director from the list of Charter Officers. City Attorney Brookes explained that the Finance Director reports to the City Manager.

Charter Amendment #14

Vice Mayor Deby Weinstein had concerns with the percentage of signatures. Ms. Doreen Moore explained the comparisons with other Cities.

Charter Amendment #15

Linda Hein, 401 150th Avenue, had concerns with grievances with the Civil Service Commission. The City Attorney explained that most other Cities do not have a Civil Service Commission Board.

Doreen Moore, Chair

Clara VanBlargan, City Clerk

**CITY OF MADEIRA BEACH
ORDINANCE NO. 2018-16**

AN ORDINANCE OF THE CITY OF MADEIRA BEACH FLORIDA PROVIDING FOR BALLOT TITLES, BALLOT QUESTIONS AND TEXT FOR PROPOSED REFERENDUM QUESTIONS TO BE PLACED ON MARCH 12, 2019 MUNICIPAL ELECTION BALLOT THAT WOULD AMEND THE CHARTER TO CHANGE AND AMEND THE CITY OF MADEIRA BEACH CHARTER TO PROVIDE THAT _____; PROVIDING EFFECTIVE DATES; PROVIDING FOR SEVERABILITY.

WHEREAS, the **BOARD OF COMMISSIONERS** has considered and reviewed the proposed Charter amendments, received public comment through public forum, workshop, and at least one (1) public hearing on the proposed referendum ballot questions; and

WHEREAS, the **BOARD OF COMMISSIONERS** has determined that it is in the best interest of the residents of the City to allow voters the opportunity to vote at referendum on whether to amend the Charter, through adoption of this Ordinance and the submittal of these Charter amendments to the citizens for voter approval pursuant to §166.031, Florida Statutes; and

WHEREAS, the **BOARD OF COMMISSIONERS** has determined that the adoption of this Ordinance is in the best interest of the public health, safety and welfare.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AS FOLLOWS:

Section 1. BALLOT QUESTIONS. The following measure shall be placed on the election ballot for March 12, 2019 to be voted upon by the qualified electors of the City of Madeira Beach, Florida and this amendment shall become effective immediately upon approval by a majority of the electors voting on this referendum question:

BALLOT QUESTION #1

Simple Majority Vote

This charter amendment would require a simple majority vote of a quorum, or members present and eligible to vote, instead of three affirmative votes for most actions of the Board of Commissioners including Ordinances, Resolutions and other routine actions of the Board.

Should the Charter be amended?

☐ Yes

☐ No

CHARTER AMENDMENT #1

Amended Charter text (underline and ~~strikethrough~~):

Voting. Unless otherwise expressly provided by this Charter, Ordinances, Resolutions and other actions requiring a vote of the Board of Commissioners shall require a majority affirmative roll call vote ~~three (3) affirmative votes for passage, and shall be by roll call vote upon request of any member of the Board of Commissioners.~~

BALLOT QUESTION #2

Term Limits

This charter amendment would amend the charter to establish new consecutive terms limits. The Mayor and District Commissioners shall serve no more than three (3) consecutive regular terms and shall not seek re-election for a period of two (2) years for either Mayor or District Commissioner.

Should the Charter be amended?

☐ Yes
☐ No

CHARTER AMENDMENT #2

Amended Charter text (underline and ~~strikethrough~~):

[new] Section 3.5. Consecutive Term Limit: The Mayor and District Commissioners shall serve no more than three (3) consecutive elected terms of office and shall not seek re-election for a period of two (2) years for either Mayor or District Commissioner. These term restrictions shall not include appointed, non-regular terms of office.

BALLOT QUESTION #3

Forfeiture of Office for Knowing Violations

This charter amendment would provide that a Commissioner shall forfeit office if the commissioner is found to have knowingly violated the Sunshine Laws, Ethics Laws, or Public Records Laws

Should the Charter be amended?

☐ Yes

☐ No

CHARTER AMENDMENT #3

Amended Charter text (underline and ~~strikethrough~~):

Section 2.2.D.

2. ***Forfeiture of Office.*** A Commissioner shall forfeit his the Commissioner's office if he the Commissioner:

(e) Is found to have knowingly violated the Sunshine Laws, Ethics Laws, or Public Records Laws.

BALLOT QUESTION #4

Forfeiture of Office after 3 Unexcused Absences

This charter amendment would provide that a Commissioner shall forfeit office if the commissioner fails to attend three (instead of four) consecutive regular, scheduled meetings, or regular scheduled workshop meetings without being excused by the Board of Commissioners.

Should the Charter be amended?

_____ Yes

_____ No

CHARTER AMENDMENT #4

Amended Charter text (underline and ~~strikethrough~~):

Section 2.2.D.

2. *Forfeiture of Office.* A Commissioner shall forfeit his the Commissioner's office if he the Commissioner:

(d) Fails to attend ~~four~~ three consecutive regular, scheduled meetings, or regular scheduled workshop meetings of the Board of Commissioners without being excused by the Board of Commissioners.

BALLOT QUESTION #5

Forfeiture Proceedings by Special Magistrate

This charter amendment would establish a forfeiture of office procedure referring forfeiture allegations against a Board of Commissioner to a public hearing held before a Special Magistrate, who shall have power to subpoena witnesses, administer oaths and require production of evidence and make a final decision as to forfeiture of office that would then be subject to judicial review.

Should the Charter be amended?

☐ Yes

☐ No

CHARTER AMENDMENT #5

Amended Charter text (underline and ~~strikethrough~~):

Section 2.3 Judge of ~~qualifications~~ forfeiture and action.

~~The Board of Commissioners shall be the judge of the election and the qualifications of its members and of the grounds for forfeiture of their office and for the purpose shall have power to subpoena witnesses, administer oaths and require production of evidence. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing. Decisions made by the Board of Commissioners under this section shall be subject to review by Courts of competent jurisdiction within this State.~~

A Board of Commission member may be charged with forfeiture of office by motion, second and a simple majority vote of the Board of Commissioners and the forfeiture matter will then be referred to a Special Magistrate. The charged Commissioner may within five (5) business days either request a public hearing before the Special Magistrate or resign. The Special Magistrate shall hold a public hearing on the forfeiture matter no later than 30 days after the Commissioner's request is filed with the City Clerk. Notice of the public forfeiture of office hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the Special Magistrate hearing. The decision of the Special Magistrate is final, but the Special Magistrate's final decision may be subject to judicial review by the Circuit Court of Pinellas County.

BALLOT QUESTION #6

Adjustment of District Boundaries every 5 Years

This charter amendment would require that every five years the Board of Commissioners shall by Ordinance review and if necessary, change the existing municipal district boundaries to ensure that each district shall be approximately equal in number of residents.

Should the Charter be amended?

_____ Yes

_____ No

CHARTER AMENDMENT #6

Amended Charter text (underline and ~~strikethrough~~):

Section 3.2 Election district.

Each district shall be approximately equal in number of electors:

- A. The Board of Commissioners shall divide the territory lying within the municipal boundaries of the City of Madeira Beach, Florida, into four (4) areas to be known as districts. These four (4) districts shall be created by the Board of Commissioners by dividing the territory lying within the municipal boundaries of the City of Madeira Beach, Florida, so that each district shall contain, as nearly as possible, the same number of electors. The district shall be numbered from one (1) through four (4), in order, from South to North, with District No. 1, being that district lying most southerly with the municipal boundaries. Upon completion of the division of the municipal territory into four (4) districts, the Board of Commissioners shall forthwith prepare a map setting forth the four (4) districts, showing their numbers and boundaries, and file same with the City Clerk.
- B. Every five years the Board of Commissioners shall, ~~in the year 1978~~, by Ordinance either change the existing boundaries of said districts as it may deem equitable ~~expedient~~ or to reaffirm the old district boundaries so that each district shall contain as nearly as possible the same number of electors; and similar Ordinances either changing or affirming the said district boundary lines for this purpose shall be passed every ~~four~~ five years thereafter. If, prior to the passage of any Ordinance or Ordinances and applicable to district boundary lines and made mandatory by this section, it ~~should appear to~~ if determined by the Board of Commissioners that there is an imbalance of electors exceeding fifteen (15) percent of the said district, or such imbalance that in their judgment and opinion, a new

Ordinance changing the boundaries of said districts -should be passed in order to equalize as nearly as possible the number of electors in each district, by Ordinance, change the boundaries of said district for such purposes. No change in districts shall be made within six (6) months ~~next~~ preceding an election in the City.

BALLOT QUESTION #7

Collection of Signatures to Run for Office

This charter amendment would amend the candidate qualifications to allow candidates to collect signatures of registered voters to run for office city wide, instead of collecting signatures within their district, since candidates are elected at large throughout the City. The commission candidate would have to still reside in the municipal district to fill that district commission seat.

Should the Charter be amended?

☐ Yes

☐ No

CHARTER AMENDMENT #7

Amended Charter text (underline and ~~strikethrough~~):

Section 3.3 Nomination of Board of Commissioners.

Candidate Petitions Forms, Candidates for the office of Mayor and District Commissioner shall submit a Candidate Petition Form. ~~be nominated by petition~~. Each candidate may seek or be nominated for election by a Candidate Petition Form ~~forms~~ signed by qualified voters of the City of Madeira Beach, Florida, not less in number than one hundred (100) signed by electors at large in the boundaries of the City limits. Each signature shall be executed in ink and the form shall indicate the place of the petitioner's residence. All petition forms shall contain the name of the candidate and the office and district number for which the candidate is being nominated. In lieu of 100 signed ~~a nomination petition~~ Candidate Petition Forms containing ~~one hundred (100)~~ qualified electors' signatures, a candidate may qualify by payment of a qualifying fee of (\$50.00) and submitting 50 ~~a nomination petition~~ Candidate Petition Forms containing ~~fifty (50)~~ qualified electors' signatures shall be required. ~~In the case of a candidate for District Commissioner, his/her petitions shall be signed by electors within his/her district.~~ All candidates for Mayor

and District Commissioners shall have Candidate Petition Forms signed by electors at large in the boundaries of the City limits. No candidate may seek election to more than one elective City of Madeira Beach, Florida, office in any given election.

BALLOT QUESTION #8

Adopt State Law for Recall Procedures

This charter amendment would adopt the recall provisions set forth in Florida Statutes section 100.361 (Municipal Recall).

Should the Charter be amended?

☐ Yes

☐ No

CHARTER AMENDMENT #8

Amended Charter text (underline and ~~strikethrough~~):

[new] Section 4.12. Recall

The Recall of elected officials shall be governed by Florida Statutes Section 100.361, as may be amended from time to time.

BALLOT QUESTION #9

Induction of newly elected Commissioners

This charter amendment would require the induction of new Board of Commissioners, and appointment of a Vice Mayor at the first regular or special meeting, which shall be held on or before the last day of the month in which the election was held. Rules of Board procedure shall be adopted within 60 days following each election.

Should the Charter be amended?

☐ Yes

☐ No

CHARTER AMENDMENT #9

Amended Charter text (underline and ~~strikethrough~~):

Section 4.8 Induction of Board of Commissioners into office; meetings.

The first meeting of each newly elected member of the Board of Commissioners for induction into office shall be at a ~~on the first regular~~ Board of Commissioners meeting to be held on or before the last day of the month in which the election was held ~~following the election~~. The Board of Commissioners may hold such special and regular meetings at such times as they may prescribe, but not less frequently than once each month. Meetings of the Board of Commissioners shall be open to the public in accordance with the Florida Statutes.

Section 4.5 Rules of procedure; quorum; meetings.

B. Rules. The Board of Commissioners shall determine its own rules and order of business, ~~by resolution, at the Board of Commissioners first regular meeting~~ within 60 days following each election.

BALLOT QUESTION #10

Remove City Treasurer from list of Charter Officers

This charter amendment would remove the City Treasurer / Finance Director from the list of Charter Officers that are hired and fired by the Board of Commissioners thereby placing the authority to hire and fire the City Treasurer /Finance Director directly under the authority of the City Manager.

Should the Charter be amended?

☐ Yes
☐ No

CHARTER AMENDMENT #10

Amended Charter text (underline and ~~strikethrough~~):

Section 65.4 City Treasurer.

~~The Board of Commissioners shall appoint a City Treasurer, who shall also serve the director of finance department (Finance Director). There shall be a director of finance who in turn shall also be the City Treasurer. The director of finance shall be appointed by the City Manager subject to Board of Commissioner's approval. The director of finance and shall be accounting department head, responsible for the personnel and equipment of finance, accounting, cashiering, licensing, billing and collecting sums due the City and related financial accounting and systems operations. The director of finance shall be personally responsible for maintaining current and accurate accounting records of City activities, in accordance with accepted municipal accounting practices and governing city laws. He The City Treasurer and Finance Director shall issue monthly financial reports to the Board of Commissioners. All matters concerning the fiscal and financial conditions of the City shall be his responsibility and He of the City Treasurer and Finance Director, who shall assist the City Manager and advise the Board of Commissioners in preparing the annual financial budget, the monthly financial reports, showing comparison of revenue and expenditures to anticipated revenues and appropriation expenditures. He The City Treasurer and Finance Director shall be responsible for advising the City Manager and the Board of Commissioners as soon as possible concerning significant deviation. The director of finance shall be personally responsible for adequate safeguards for City assets, including cash, inventories, equipment and pertinent records concerning the same, as well as records of all receivables and liabilities of the City. Adequate safeguards shall include the proper internal control procedures and sufficient insurance concerning any theft, casualty and liability exposure. The director of finance shall be the custodian of all monies of the City and responsible for promptly depositing all receipts in designated bank accounts as well as responsible for prompt payment of current bills and obligations against the City, when approved. The director of finance shall be properly and sufficiently bonded.~~

BALLOT QUESTION #11

Delete Commission Investigation Procedures from Charter

This charter amendment would amend the section of the charter containing investigations by the Board of Commissioners to state "The Board of Commissioners may make investigations into the affairs of the City by appointing a Charter Officer to investigate internal affairs of the City."

Should the Charter be amended?

☐ Yes

☐ No

CHARTER AMENDMENT #11

Amended Charter text (underline and ~~strikethrough~~):

~~Section 4.9~~ 4.10 Investigations.

The Board of Commissioners may make investigations into the affairs of the City by appointing a Charter Officer to investigate internal affairs of the City. ~~and the conduct of any City department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Board of Commissioners shall be guilty of a misdemeanor and punishable by a fine of not more than five hundred (\$500.00) dollars, or by imprisonment for not more than sixty (60) days, or both.~~

BALLOT QUESTION #12

Special Meetings called by City Manager

This charter amendment would allow the City Manager to call special meetings of the City Board of Commissioners.

Should the Charter be amended?

☐ Yes

☐ No

CHARTER AMENDMENT #12

Amended Charter text (underline and ~~striketrough~~):

Section 4.5 Rules of procedure; quorum; meetings.

- A. *Meetings.*** The Board of Commissioners shall meet regularly at such times and places as determined by the Board of Commissioners. The Board of Commissioners may schedule other regular meetings as it deems necessary in accordance with its established rules of procedure. Special meetings may be held ~~on~~ at the call of the Mayor, ~~or by~~ a majority of the Commission members, or by the City Manager with no less than twenty-four (24) hours' notice in writing to each member and the public. Any such notice shall state the subject to be considered at the special meeting which shall be restricted to the items specified in the notice.

BALLOT QUESTION #13

Special Magistrate to replace Board of Adjustment

This charter amendment would replace the Board of Adjustment with a Special Magistrate.

Should the Charter be amended?

☐ Yes

☐ No

CHARTER AMENDMENT #13

Amended Charter text (underline and ~~strikethrough~~):

Section ~~12.3~~ 11.3 Board of Adjustment or Special Magistrate.

The Board of Commissioners shall have the authority to appoint a ~~Board of Adjustment, or Special Magistrate,~~ if judged to be in the best interests of the City. ~~Said Board of Adjustment, if appointed, shall consist of five (5) members and two (2) alternate members who shall hold no other city office or city employment.~~ The ~~Board of Adjustment, or Special Magistrate,~~ shall be established by ordinance which shall set forth the term of office, qualifications, duties, responsibilities and authority of the members. ~~Said~~ The ordinance creating the ~~Board of Adjustment, or Special Magistrate,~~ shall clearly set forth the scope of authority of the ~~Board of Adjustment, or Special Magistrate,~~ establishing its authority to act and render decisions on request for variances and special exception uses from the established zoning or building regulations. All rules of procedure established by the ~~Board of Adjustment, or Special Magistrate,~~ shall be subject to review and approval of the Board of Commissioners.

BALLOT QUESTION #14

Citizens' Initiative and Referendum Procedures

This charter amendment would allow citizens to circulate petitions to propose adoption, require reconsideration or repeal of ordinances by an initiative and referendum vote of the full electorate where not preempted by state law with signatures of at least 10 percent (rather than the current 25 percent) of the total number of electors registered to vote in the last regular City election and establish petition circulator authorized to collect official signatures on petitions.

Should the Charter be amended?

_____ Yes
_____ No

CHARTER AMENDMENT #14

Amended Charter text (underline and ~~strikethrough~~):

Section ~~13.1~~ 12.1 General authority.

A. *Initiative.* The electors of the City shall have power to propose ordinances to the Board of Commissioners and if the Board of Commissioners fails to adopt an ordinance so proposed without any change in substance, where not preempted by state law, to adopt or reject it at a City election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriations of money, levy of taxes or salaries of City officers or employees.

B. *Referendum.* The electors of the City shall have power to require reconsideration by the Board of Commissioners of any adopted ordinance and, if the Board of Commissioners fails to repeal an ordinance so reconsidered, to approve or reject it at a City election where not preempted by state law, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinances relating to appropriation of money or levy of taxes.

Section ~~13.3~~ 12.3 Petitioner.

A *Number of signatures.* Initiative and referendum petitions must be signed by electors of the City equal in number to at least ten percent (10) ~~twenty-five (25)~~ percent of the total number of electors registered to vote at the last regular City election.

B *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink ~~or indelible pencil~~ and shall be followed by the printed name and address of the person signing. ~~Petitions~~ Each petition form shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

C *Designation and Affidavit of Circulator.* The Petitioners Committee shall designate persons who are registered voters in the City, known as circulators, to obtain signatures on the petition forms. Each paper of a petition shall have attached to it when filed, an affidavit executed

by the circulator thereof stating that ~~he~~ the circulator personally circulated the paper, the number of signatures thereon, and that all the signatures were affixed in ~~his~~ the circulator's presence, that ~~he~~ the circulator believes them to be the genuine signature of the persons whose names they purport to be, and that each signer is an elector of the City and had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

D Time for filing referendum petition. Referendum petitions may be filed any time after adoption by the Board of Commissioners of the ordinance sought to be reconsidered.

BALLOT QUESTION #15 [ALTERNATIVE 1]

This charter amendment would retain the Civil Service Commission and the Civil Service Commission's power to hold grievance hearings on discipline and terminations and render advisory opinion on employee grievances to the City Manager, and retain the ability to inquire into the implementation of such personnel rules as considered necessary to ensure compliance, and remove references from the charter merit principal and personnel rules from the charter.

Should the Charter be amended?

☐ Yes

☐ No

CHARTER AMENDMENT #15 [ALTERNATIVE 1]

Amended Charter text (underline and ~~strikethrough~~):

Section ~~6.6~~ 5.7 Personnel systems; Civil Service Commission.

~~A. *Merit principal.* All appointments and promotions of City employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.~~

B. *Civil Service Commission; Membership.* There shall be a Civil Service Commission of the City of Madeira Beach, Florida, which Commission shall be composed of five citizens of said City. The Civil Service Commission shall be appointed by the Board of Commissioners of the City of Madeira Beach, Florida. The term of office for each member shall be three years and shall be staggered so that not more than two terms expire within any one year. Three Commissioners shall constitute a quorum. Members of the Civil Service Commission shall hold no remunerative office or employment under the City of Madeira Beach, Florida. The Board of Commissioners of the City of Madeira Beach, Florida, shall have the authority to remove for cause any and/or all Civil Service Commissioners.

~~C. *Personnel Rules.* The Civil Service Commission shall prepare personnel rules. When concurred in by the City Manager, the rules shall be proposed to the Board of Commissioners, and the Board of Commissioners may by Ordinance adopt them with or without amendment. These rules shall include, but are not limited to:~~

~~1. The classification of all classified City positions based upon the duties,~~

- ~~authority and responsibility of each position, with adequate provisions for classification of any position whenever warranted by circumstances;~~
- ~~2. A pay plan for all classified City positions;~~
 - ~~3. Methods for determining the merits and fitness of candidates for appointment or promotions;~~
 - ~~4. The policies and procedures regulating reduction in force, demotion, suspension and removal of employees;~~
 - ~~5. The hours of **work**, attendance regulation and provisions for sick and vacation leave;~~
 - ~~6. Grievance procedures, including procedures for the hearing of grievances by the Civil Service Commission, which may render advisory opinions based on its findings to the City Manager with a copy to the aggrieved employee. In this respect the Civil Service Commission shall have the power to issue subpoenas to compel attendance by witnesses and to administer oaths;~~
 - ~~7. Other practices and procedures necessary to the administration of the City personnel system;~~
 8. In connection with the aforementioned personnel rules, the Civil Service Commission shall inquire into the implementation of such personnel rules as considered necessary to ensure compliance therewith.
- D. *Duties and powers of the Civil Service Commission.* All duties, powers, reservations ~~on~~ of power, and funding for the Civil Service Commission may be provided for by Ordinance duly passed by the Board of Commissioners of the City of Madeira Beach, Florida.
- E. *Powers to collectively bargain recognized.* Nothing contained in this Charter shall limit the power of the Board of Commissioners of the City of Madeira Beach, Florida, acting through its manager from entering into collective bargaining negotiations with any officers, employees, or group of employees for the purpose of establishing by contract conditions of employment, rules or compensation of said officers, employees, or groups of employees. For the purposes of this Charter, ARTICLE I, Section 6, of the Constitution of the State of Florida is specifically recognized.

BALLOT QUESTION #15 [ALTERNATIVE 2]

This charter amendment would give the Civil Service Commission the power to hold grievance hearings only on terminations but issue final decisions on employee terminations overruling the City Manager's decision and removing the City Manager's final decisions on termination of employees, and remove references from the charter merit principal and personnel rules from the charter.

Should the Charter be amended?

_____ Yes

_____ No

CHARTER AMENDMENT #15 [ALTERNATIVE 2]

Amended Charter text (underline and ~~strikethrough~~):

Section ~~6.6~~ 5.7 Personnel systems; Civil Service Commission.

~~A. Merit principal. All appointments and promotions of City employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.~~

B. Civil Service Commission; Membership. There shall be a Civil Service Commission of the City of Madeira Beach, Florida, which Commission shall be composed of five citizens of said City. The Civil Service Commission shall be appointed by the Board of Commissioners of the City of Madeira Beach, Florida. The term of office for each member shall be three years and shall be staggered so that not more than two terms expire within any one year. Three Commissioners shall constitute a quorum. Members of the Civil Service Commission shall hold no remunerative office or employment under the City of Madeira Beach, Florida. The Board of Commissioners of the City of Madeira Beach, Florida, shall have the authority to remove for cause any and/or all Civil Service Commissioners.

~~C. Personnel Rules. The Civil Service Commission shall prepare personnel rules. When concurred in by the City Manager, the rules shall be proposed to the Board of Commissioners, and the Board of Commissioners may by Ordinance adopt them with or without amendment. These rules shall include, but are not limited to:~~

~~9. The classification of all classified City positions based upon the duties, authority and responsibility of each position, with adequate provisions~~

- ~~for classification of any position whenever warranted by circumstances;~~
- ~~10. A pay plan for all classified City positions;~~
- ~~11. Methods for determining the merits and fitness of candidates for appointment or promotions;~~
- ~~12. The policies and procedures regulating reduction in force, demotion, suspension and removal of employees;~~
- ~~13. The hours of work, attendance regulation and provisions for sick and vacation leave;~~
14. Grievance procedures for termination, including procedures for the hearing of grievances for termination by the Civil Service Commission, which may render ~~advisory opinions~~ final decision based on its findings to the City Manager with a copy to the aggrieved employee. In this respect the Civil Service Commission shall have the power to issue subpoenas to compel attendance by witnesses and to administer oaths;
- ~~15. Other practices and procedures necessary to the administration of the City personnel system;~~
- ~~16. In connection with the aforementioned personnel rules, the Civil Service Commission shall inquire into the implementation of such personnel rules as considered necessary to ensure compliance therewith.~~
- D. Duties and powers of the Civil Service Commission.** All duties, powers, reservations ~~on~~ of power, and funding for the Civil Service Commission may be provided for by Ordinance duly passed by the Board of Commissioners of the City of Madeira Beach, Florida.
- E. Powers to collectively bargain recognized.** Nothing contained in this Charter shall limit the power of the Board of Commissioners of the City of Madeira Beach, Florida, acting through its manager from entering into collective bargaining negotiations with any officers, employees, or group of employees for the purpose of establishing by contract conditions of employment, rules or compensation of said officers, employees, or groups of employees. For the purposes of this Charter, ARTICLE I, Section 6, of the Constitution of the State of Florida is specifically recognized.

And amending

5.4 City Manager

C. Powers and duties. The City Manager shall:

Be the chief administrative officer of the City.

Be responsible to the Board of Commissioners for the administration of all City affairs placed in their charge by or under this Charter.

Have the following powers and duties to:

1. Appoint and, when deemed necessary for the good of the City, suspend or remove all City employees **subject to the Civil Service Commission power to hear and issue final binding decisions by the Civil Service Commission on grievances of terminations.** and appointive administrative officers provided for or under this Charter that the City Manager is empowered to appoint, except as otherwise provided by law, this Charter, contract or personnel rules adopted pursuant to this Charter. The City Manager may authorize any administrative officer who is subject to the City Manager's direction and supervision to exercise those powers with respect to subordinates in that officer's department, office or agency.

Section 2. ELECTION DATE. The following measure shall be placed on the election ballot for March 12, 2019 to be voted upon by the qualified electors of the CITY OF MADEIRA BEACH, Florida and this amendment shall become effective immediately upon approval by a majority of the electors voting on this referendum question:

Section 3. COORDINATION WITH SUPERVISOR OF ELECTIONS. The City Clerk of the City of Madeira Beach, Florida is hereby authorized to take and to coordinate all actions necessary with the Supervisor of Elections in order to ensure that the proposed Amendment(s) to the Charter set forth herein, are properly placed on the Referendum Ballot to be held at the Election to be held on March 12, 2019 in Madeira Beach, Florida. This Referendum shall be conducted according to the requirements of law governing Referendum Elections in the State of Florida for Municipal Charter Amendments.

Section 4. EFFECTIVE DATES.

(a) This Ballot Question Ordinance **placing the charter amendments as referendum on the ballot** as shall become effective immediately upon passage by the Board of Commissioners and shall be placed on the ballot for a vote of the electorate.

(b) The **charter amendments shall only become immediately effective upon approval by a majority of the electors voting on each of the individual ballot questions** in the March 12, 2019 election and shall be incorporated into and become a part of the Charter. If a majority of those voting vote "no" to any particular individual Amendment, that particular proposed Amendment(s) to the Charter shall not be adopted and that particular proposed Amendment(s) to the Charter and its provisions as proposed in this Ordinance, shall be of no force or effect.

Section 5. SEVERABILITY. Each section above is intended to be independently considered and separately voted upon as individual stand-alone questions by the electorate. If any ballot question, or section, paragraph, provision or term of this Ordinance, or any individual ballot title, ballot summary or charter section, or words or any portion thereof, shall be determined by a Court of competent jurisdiction to be invalid, such decision shall not otherwise affect the validity of the remaining portions of this Ordinance and sections of the Charter that were not declared to invalid.

Section 6. REPEAL OF ORDINANCES IN CONFLICT. Any portion of any ordinance in conflict with the Charter, to the extent of such conflict, is hereby repealed and compliance is required with the Charter as may be amended by the voters.

FIRST READING: _____

ADVERTISED: _____

SECOND READING: _____

PASSED AND DULY ADOPTED, with a quorum present and voting, this _____ day of _____ 201_, by a vote of ____ yeas and ____ nays.

CITY OF MADEIRA BEACH FLORIDA, BY AND THROUGH THE CITY BOARD OF COMMISSIONERS

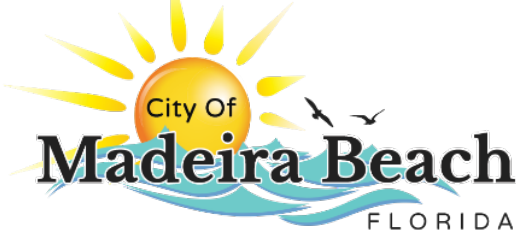
Maggi Black, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM AND CONTENT:

RALF BROOKES, ATTORNEY, City Attorney



MEMORANDUM

TO: Charter Review Committee

FROM: Clara VanBlargan, City Clerk/Election Official

DATE: October 4, 2019

RE: Charter Amendment modifying the Candidate Qualifying Period for General Municipal Elections

Background

City Charter, Section 3.3, Subsection A, states that every person who shall desire to become a candidate for nomination under the provisions of this Charter to the office of Mayor and District Commissioner, shall qualify to become such candidate by filing with the City Clerk not more than 90 days and not less than 60 days before the date of the election. Because the ballot language deadline is sooner, it is not possible to have a 30-day qualifying period in the year the Presidential Preference Primary is held. It is only 17 days, which includes four Holidays:

- | | |
|--------------------------------|----------------|
| o Tuesday, December 24, 2019 | Christmas Eve |
| o Wednesday, December 25, 2019 | Christmas Day |
| o Tuesday, December 31, 2019 | New Year's Eve |
| o Wednesday, January 1, 2020 | New Year's Day |

3rd Tuesday, March 17, 2020 Municipal Election – Qualifying Period

- Begins at NOON, Wednesday, December 18, 2019 and ends at NOON, Friday, January 3, 2020. [period of 17 days before the election, which includes four holidays]

Having a qualifying period with four Holidays may impact the Supervisor of Elections due to limited staff being available to verify signatures on petition forms by the ballot language deadline. This qualify period timeline may limits the number of people wanting to become a candidate for nomination under the provisions of this Charter to the office of Mayor and District Commissioner due to vacation with family and friends. It limits quality time spent with family and friends during the Christmas and New Year's Holidays.

Things to consider:

- In accordance with Florida Statutes, 99.061, the number of days to qualify as a Candidate for nomination or election to federal, state, county, or district office is five days.
- In accordance with Florida Statutes, 99.061(7)(A)(8), the qualifying officer may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period.

City Charter Section 3.4(B) requires that an ordinance be adopted prescribing the manner of holding both a general and special election. However, the timeline set forth in Florida Statutes 100.361(4), Municipal Recall, does not allow time for an **ordinance** to be adopted prescribing the manner of holding the election and it only allows a week for a Candidate Qualifying Period to be held. It is necessary to change ordinance to resolution so there will only be one reading.

Qualifying period of Peer Cities that have Municipal Elections in March:

- **City of Treasure Island** – The qualification papers shall be available in the City Clerk’s Office on the 17th business day preceding the scheduled ballot language deadline until noon of the 7th business day preceding the scheduled ballot language deadline. deadline for ballot language to be submitted to the Elections office. The qualifying period is for 10 days, which is 9-weeks prior to their election held on the second Tuesday in March. This Charter language applies to the regularly scheduled Municipal Elections and the year in which the Presidential Preference Primary is held.
- **City of St. Pete Beach** - application shall be filed no less than 45 days before the date of the election. The city commission shall set the dates for the qualification period by resolution not later than 90 days prior to the date of the election. The qualifying period is for 8 days, which is 12 to 13-weeks prior to their election held on the second Tuesday in March. The qualifying period varies. For the 2017 March Election, the qualifying period was from noon, December 1, 2016 through noon, December 8, 2016. For the 2019 March Election, the qualifying period was from noon, November 29, 2018 through noon, December 7, 2018.
- **City of Indian Rocks Beach** – For a regular election, no person may qualify as a candidate prior to noon of the first Monday in December, but no later than noon of the second Monday in December, preceding the next regular city election. The qualifying period is for 7 days, which is 13-weeks prior to their election held on the second Tuesday in March.
- **City of Gulf Port** – Any qualified elector desiring to run for the office of mayor or council member shall file with the city clerk at any time after 8:30 a.m. of the first day of qualifying, which shall be the first Monday in December, nor later than 12:00 Noon on the final day of qualifying, which shall be the second Monday of December prior to the election. The qualifying period is for 7 days, which is 13-weeks prior to their election held on second Tuesday in March.
- **City of South Pasadena** - For regular City elections, qualifying shall begin on the first business day of November and end 14 days later. Both the opening and closing of qualifying shall be at the hour of 12:00 noon. When special elections are held, the qualifying periods shall be as set forth in the resolution calling for the election. The qualifying period is 14-days, which is 16-weeks prior to their election held on the second Tuesday in March.

- **City of Madeira Beach** – four weeks (not more than 90 days and not less than 60 days before the date of the election in which the Candidate desires to become a candidate). The qualifying period is for 4-weeks, which is 8-weeks prior to the election held on the second Tuesday in March. The Christmas and New Year’s holidays occur during the qualifying period

Recommended modification to City Charter Section 3.3, Nomination of Board of Commissioners, Subparagraph (A), Filing:

It is recommended modifying City Charter, Section 3.3, Subsection A to read:

(A)Filing. Every person who shall desire to become a candidate for nomination under the provisions of this Charter to the office of Mayor and District Commissioner, shall qualify to become such candidate by filing with the City Clerk ~~not more than 90 days and not less than 60 days before the date of the election~~ no sooner than noon on the first Monday in December, and no later than noon on the second Monday in December, preceding the regular City election. The City Clerk may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period. The City Clerk shall make available Candidate Qualifying Packets containing general candidate information, election materials, petition forms, and filing papers no later than on the third Monday in November preceding the regular City election. Under no circumstances shall the City Clerk accept any nomination petitions or filing fees after the close of the filing period as stated herein. Every person's application is to have his/her name printed upon the ballot **as a** candidate for nomination to the office for which he/she aspires, in which application, he/she shall declare from the district he/she is a candidate or so declare if he/she is a candidate for Mayor. All applications shall be accompanied by an affidavit the candidate is an elector and a resident of the City of Madeira Beach, Florida, for two (2) years immediately prior to the date of said application and has been a resident of said district for which he/she declares himself/herself to be a candidate for a period of six (6) months prior to the date of said application. With said application shall be filed a petition which shall indicate prominently the district from which the Petitioner is a candidate, **or** if he/she be a candidate for Mayor.

In accordance with Florida Statutes, 99.061(7)(A)(8), the qualifying officer may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period. Candidate Qualifying Packets are available from the City Clerk no later than the third Monday in November. This would be 14 days prior to the beginning of the recommended qualifying period, which is consistent with the Florida Statutes. This statutory provision allows more time to get qualified signatures on the petition forms.

Recommended modification to City Charter, Section 3.4, Manner of Holding Elections, Subsection B:

Revised – July, 2019

The Board of Commissioners shall, by ~~Ordinance~~ resolution, prescribe the manner of holding both general and special elections not inconsistent with the provisions hereof and said Board of Commissioners shall also by Ordinance, provide such polling place or places as they deem expedient.

Fiscal Impact

The fiscal impact to adopt an ordinance placing charter amendments on the March 17, 2020 Municipal Election ballot is the cost of advertisement in the newspaper.

Attachment(s):

- City Charter Section 3.3, Nomination of Board of Commissioners
- City Charter Section 3.4, Manner of holding elections
- Florida Statutes 99.061, Method of Qualifying for nomination or election to federal, state, county, or district office
- Florida Statutes 100.361, Municipal Recall

into four (4) districts, the Board of Commissioners shall forthwith prepare a map setting forth the four (4) districts, showing their numbers and boundaries, and file same with the City Clerk.

- B. Every five years the Board of Commissioners shall, by Ordinance either change the existing boundaries of said districts as it may deem equitable or to reaffirm the old district boundaries so that each district shall contain as nearly as possible the same number of electors; and similar Ordinances either changing or affirming the said district boundary lines for this purpose shall be passed every five years thereafter. If, prior to the passage of any Ordinance or Ordinances and applicable to district boundary lines and made mandatory by this section, if determined by the Board of Commissioners that there is an imbalance of electors exceeding fifteen (15) percent of the said district, or such imbalance that in their judgment and opinion, a new Ordinance changing the boundaries of said districts should be passed in order to equalize as nearly as possible the number of electors in each district, by Ordinance, change the boundaries of said district for such purposes. No change in districts shall be made within six (6) months preceding an election in the City.

(Ord. No. 282, 2-3-1966; Ord. No. 441, 12-10-1974; Ord. No. 592, 9-16-80; Ord. No. 691, 9-16-1986; Ord. No. 743, 2-20-1990; Ord. No. 816, 5-17-1994; Ord. No. 981, 7-8-2003; Ord. No. 998, 12-14-2004/3-8-2005; Ord. No. 1114, § 2, 8-14-2007; Ord. No. 1128, 6-10-2008; Ord. No. 2014-11, § 4, 10-14-2014; Ord. No. 2018-16, § 1, 1-8-2019)

Editor's note—Ord. No. 998, adopted December 14, 2004, renumbered § 3.1 as § 3.2. The historical notation has been preserved for reference purposes.

Section 3.3 Nomination of Board of Commissioners.

(A) *Filing.* Every person who shall desire to become a candidate for nomination under the provisions of this Charter to the office of Mayor and District-Commissioner, shall qualify to become

such candidate by filing with the City Clerk not more than 90 days not less than 60 days before the date of the election. Under no circumstances shall the City Clerk accept any nomination petitions or filing fees after the close of the filing period as stated herein. Every person's application is to have his/her name printed upon the ballot as a candidate for nomination to the office for which he/she aspires, in which application, he/she shall declare from the district he/she is a candidate or so declare if he/she is a candidate for Mayor. All applications shall be accompanied by an affidavit the candidate is an elector and a resident of the City of Madeira Beach, Florida, for two (2) years immediately prior to the date of said application and has been a resident of said district for which he/she declares himself/herself to be a candidate for a period of six (6) months prior to the date of said application. With said application shall be filed a petition which shall indicate prominently the district from which the Petitioner is a candidate, or if he/she be a candidate for Mayor.

(B) *District Commissioners.* Should any District Commissioner desire to become a candidate for the office of Mayor, said District Commissioner shall resign his/her office of District Commissioner not less than sixty (60) days before the election in which he/she desires to become a candidate for Mayor. Provided, however, such compulsory resignation shall not apply to a District Commissioner whose term as commissioner expires at or before the time he/she would take office as Mayor, if elected. The resignation shall be filed in the office of the City Clerk. The vacancy created by such resignation shall be filled as provided in 2.2(C) of said Charter.

(C) *Candidate Petition Forms.* Candidates for the office of Mayor and District Commissioner shall submit Candidate Petition Forms. Each candidate may seek or be nominated for election by Candidate Petition Forms signed by qualified voters of the City of Madeira Beach, Florida, not less in number than one hundred (100). Each signature shall be executed in ink and the form shall indicate the place of the petitioner's residence. All petition forms shall contain the

name of the candidate and the office and district number for which the candidate is being nominated.

In lieu of 100 signed Candidate Petition Forms containing qualified electors' signatures, a candidate may qualify by payment of a qualifying fee of (\$50.00) and submitting 50 Candidate Petition Forms containing qualified electors' signatures shall be required.

In the case of a candidate for District-Commissioner, his/her petitions shall be signed by electors within his/her district.

No candidate may seek election to more than one elective City of Madeira Beach, Florida, office in any given election.

(Ord. No. 851, 1-2-1996; Ord. No. 915, 9-21-99; Ord. No. 999, 12-9-03; Ord. No. 1032, § 1, 11-30-2004; Ord. No. 1059, § 1, 11-8-2005; Ord. No. 1120, § 1, 10-23-2007/3-11-2008; Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

Section 3.4 Manner of holding elections.

A. All elections shall be held in the city on the second Tuesday in March of each year for the purpose of electing successors to elective offices. Elections for Commissioners of Districts One (1) and Two (2) shall be held in even numbered years. Elections for Commissioners of Districts Three (3) and Four (4) shall be held in odd numbered years. The term for the Commissioners of Districts shall be for two (2) years. The term for Mayor-Commissioner shall be for three (3) years allowing the seat to alternate with the Commissioners of Districts. The effective date of the first election will be on March 14, 2000 and every three years thereafter (next election being March 11, 2003).

B. The Board of Commissioners shall, by Ordinance, prescribe the manner of holding both general and special elections not inconsistent with the provisions hereof and said Board of Commissioners shall also by Ordinance, provide such polling place or places as they deem expedient.

The Pinellas County Canvassing Board shall be designated as the Canvassing Board for all elections under this Charter. The actions of the

Canvassing Board shall be reported to the Board of Commissioners at their next meeting following the election. The Board of Commissioners shall meet following the certification for the purpose of declaring the results of said election.

C. The provisions of the general laws of the State of Florida pertaining to state and municipal elections relating to the qualifications of electors, registrations, transfer of electors from one district to another, manner of voting, duties of election officers, canvassing of returns and all other particulars in respect to the management of election, except as otherwise provided in this Charter and the Ordinances adopted hereunder pertaining to elections shall so far as the same may be applicable, govern all City elections.

D. No informalities in conducting City elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this Charter.

E. At the election provided for in paragraph (A) above, the names of all candidates qualifying as provided for in, Section 3.2 shall be placed upon the ballot in the respective districts in which said candidates are qualified or for the office of Mayor if each candidate has qualified for such office. At said election such elector of the City may vote in each contest appearing upon such ballot, that is to say, a voter may vote for one candidate for Mayor if such contest appears upon the ballot and for one candidate for each District Commissioner in each contest that appears upon the ballot. In the event that no candidate for each office shall secure a majority of the votes cast in each contest for office, then and in that event, another election shall be held on the second Tuesday in April at which election only the names of the two candidates having the highest number of votes in the first election in which no candidate received a majority of the votes cast in each contest shall be placed upon the ballot. At the second election provided for herein, electors may vote for each contest appearing on the ballot. In the event two candidates for each office should receive an equal number of votes for the same office, in the second election provided for above, another election shall be called and held on the fourth Tuesday following

name of the candidate and the office and district number for which the candidate is being nominated.

In lieu of 100 signed Candidate Petition Forms containing qualified electors' signatures, a candidate may qualify by payment of a qualifying fee of (\$50.00) and submitting 50 Candidate Petition Forms containing qualified electors' signatures shall be required.

In the case of a candidate for District-Commissioner, his/her petitions shall be signed by electors within his/her district.

No candidate may seek election to more than one elective City of Madeira Beach, Florida, office in any given election.

(Ord. No. 851, 1-2-1996; Ord. No. 915, 9-21-99; Ord. No. 999, 12-9-03; Ord. No. 1032, § 1, 11-30-2004; Ord. No. 1059, § 1, 11-8-2005; Ord. No. 1120, § 1, 10-23-2007/3-11-2008; Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

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B. The Board of Commissioners shall, by Ordinance, prescribe the manner of holding both general and special elections not inconsistent with the provisions hereof and said Board of Commissioners shall also by Ordinance, provide such polling place or places as they deem expedient.

The Pinellas County Canvassing Board shall be designated as the Canvassing Board for all elections under this Charter. The actions of the

Canvassing Board shall be reported to the Board of Commissioners at their next meeting following the election. The Board of Commissioners shall meet following the certification for the purpose of declaring the results of said election.

C. The provisions of the general laws of the State of Florida pertaining to state and municipal elections relating to the qualifications of electors, registrations, transfer of electors from one district to another, manner of voting, duties of election officers, canvassing of returns and all other particulars in respect to the management of election, except as otherwise provided in this Charter and the Ordinances adopted hereunder pertaining to elections shall so far as the same may be applicable, govern all City elections.

D. No informalities in conducting City elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this Charter.

E. At the election provided for in paragraph (A) above, the names of all candidates qualifying as provided for in, Section 3.2 shall be placed upon the ballot in the respective districts in which said candidates are qualified or for the office of Mayor if each candidate has qualified for such office. At said election such elector of the City may vote in each contest appearing upon such ballot, that is to say, a voter may vote for one candidate for Mayor if such contest appears upon the ballot and for one candidate for each District Commissioner in each contest that appears upon the ballot. In the event that no candidate for each office shall secure a majority of the votes cast in each contest for office, then and in that event, another election shall be held on the second Tuesday in April at which election only the names of the two candidates having the highest number of votes in the first election in which no candidate received a majority of the votes cast in each contest shall be placed upon the ballot. At the second election provided for herein, electors may vote for each contest appearing on the ballot. In the event two candidates for each office should receive an equal number of votes for the same office, in the second election provided for above, another election shall be called and held on the fourth Tuesday following

such election at which election the names of the candidates receiving the same number of votes shall again be placed upon the ballot. In the event two or more candidates for any office are tied for the highest number of votes and should receive an equal number of votes for the same office in the first election provided for above, then at the second election the names of the high candidates receiving the same number of votes shall again be placed upon the ballot, and so on in like fashion until one of the candidates receives a majority of the number of votes cast. Provided, however, that if one candidate received the highest number of votes, but is short of a majority and there are two or more candidates who are tied for the next highest number of votes then those tied shall be decided by lot under the direction of the incumbent Board of Commissioners, as to which one of the tied candidates shall run against the one receiving the highest number in the said second election.

F. Notice of the holding of such elections shall be given by publication in a newspaper having general circulation throughout the City of a notice of the calling and holding of such election, which notice shall give the time and place where such election shall be held and the names and issues on the ballot; and which notice shall be published one time, not less than ten (10) days nor more than twenty (20) days prior to the holding of the first of such elections.
(Ord. No. 890, 1-20-1998/3-10-1998; Ord. No. 979, § 1, 1-28-2003; Ord. No. 1077, § 1, 5-23-2006/11-7-2006; Ord. No. 2018-09, § 1, 8-20-2018)

Section 3.5 Consecutive term limit.

Beginning on March 13, 2019, any seated Mayor and District Commissioners shall serve no more than three (3) consecutive elected terms of office and shall not thereafter seek re-election for a period of two (2) years for either Mayor or District Commissioner. These term restrictions shall not include appointed, non-regular terms of office.
(Ord. No. 2018-16, § 1, 1-8-2019)

ARTICLE IV. BOARD OF COMMISSIONERS

Section 4.1 General powers.

The Commissioners of the City of Madeira Beach shall have and exercise all powers conferred by general law, upon municipal officers, not inconsistent with the terms of this Charter.

State law reference—Municipal home rule powers, Florida Statutes ch. 166.

Section 4.2 Oath of office.

All officers of the City of Madeira Beach, before entering upon the duties of their office, shall by oath or affirmation subscribed to faithfully perform the duties of their office and the Constitution of the laws of the State of Florida and the United States of America.

State law reference—Oath, Florida Statutes § 876.05.

Section 4.3 Mayor.

The Mayor shall preside at meetings of the Board of Commissioners, shall have voice and vote in the proceedings of the Commission, shall be recognized as the official head of the City of Madeira Beach, Florida, government for all ceremonial purposes, for service of process, and as the City of Madeira Beach, Florida, official designated to represent the City of Madeira Beach, Florida, in all agreements with other entities or certifications to other government entities, but shall have no administrative duties except as required to carry out the responsibilities herein.

(Ord. No. 1001, 12-14-2004/3-8-2005)

Editor's note—Ord. No. 1001, adopted December 14, 2004, amended § 4.3 in its entirety to read as herein set out. Formerly, § 4.3 pertained to the mayor-commissioner and derived from original codification.

Section 4.4 Vice-Mayor.

The Board of Commissioners shall appoint a Vice-Mayor at its first regular meeting following the election. The term of Vice-Mayor shall be for one (1) year. The Vice-Mayor shall act as Mayor during the absence or disability of the Mayor. Should the Vice-Mayor be required to act as Mayor for a period in excess of thirty (30) days,

Select Year:

The 2019 Florida Statutes

[Title IX](#)
ELECTORS AND ELECTIONS

[Chapter 99](#)
CANDIDATES

[View Entire Chapter](#)

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(1) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a federal, state, or multicounty district office, other than election to a judicial office as defined in chapter 105 or the office of school board member, shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the Department of State, or qualify by the petition process pursuant to s. [99.095](#) with the Department of State, at any time after noon of the 1st day for qualifying, which shall be as follows: the 120th day prior to the primary election, but not later than noon of the 116th day prior to the date of the primary election, for persons seeking to qualify for nomination or election to federal office or to the office of the state attorney or the public defender; and noon of the 71st day prior to the primary election, but not later than noon of the 67th day prior to the date of the primary election, for persons seeking to qualify for nomination or election to a state or multicounty district office, other than the office of the state attorney or the public defender.

(2) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a county office, or district office not covered by subsection (1), shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the supervisor of elections of the county, or shall qualify by the petition process pursuant to s. [99.095](#) with the supervisor of elections, at any time after noon of the 1st day for qualifying, which shall be the 71st day prior to the primary election, but not later than noon of the 67th day prior to the date of the primary election. Within 30 days after the closing of qualifying time, the supervisor of elections shall remit to the secretary of the state executive committee of the political party to which the candidate belongs the amount of the filing fee, two-thirds of which shall be used to promote the candidacy of candidates for county offices and the candidacy of members of the Legislature.

(3) Notwithstanding the provisions of any special act to the contrary, each person seeking to qualify for election to a special district office shall qualify between noon of the 71st day prior to the primary election and noon of the 67th day prior to the date of the primary election. Candidates for single-county special districts shall qualify with the supervisor of elections in the county in which the district is located. If the district is a multicounty district, candidates shall qualify with the Department of State. All special district candidates shall qualify by paying a filing fee of \$25 or qualify by the petition process pursuant to s. [99.095](#). Notwithstanding s. [106.021](#), a candidate who does not collect contributions and whose only expense is the filing fee or signature verification fee is not required to appoint a campaign treasurer or designate a primary campaign depository.

(4)(a) Each person seeking to qualify for election to office as a write-in candidate shall file his or her qualification papers with the respective qualifying officer at any time after noon of the 1st day for qualifying, but not later than noon of the last day of the qualifying period for the office sought.

(b) Any person who is seeking election as a write-in candidate shall not be required to pay a filing fee, election assessment, or party assessment. A write-in candidate is not entitled to have his or her name printed on any ballot; however, space for the write-in candidate's name to be written in must be provided on the general election ballot. A person may not qualify as a write-in candidate if the person has also otherwise qualified for nomination or election to such office.

(5) At the time of qualifying for office, each candidate for a constitutional office shall file a full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution, which must be verified under oath or affirmation pursuant to s. 92.525(1)(a), and a candidate for any other office, including local elective office, shall file a statement of financial interests pursuant to s. 112.3145.

(6) The Department of State shall certify to the supervisor of elections, within 7 days after the closing date for qualifying, the names of all duly qualified candidates for nomination or election who have qualified with the Department of State.

(7)(a) In order for a candidate to be qualified, the following items must be received by the filing officer by the end of the qualifying period:

1. A properly executed check drawn upon the candidate's campaign account payable to the person or entity as prescribed by the filing officer in an amount not less than the fee required by s. 99.092, unless the candidate obtained the required number of signatures on petitions pursuant to s. 99.095. The filing fee for a special district candidate is not required to be drawn upon the candidate's campaign account. If a candidate's check is returned by the bank for any reason, the filing officer shall immediately notify the candidate and the candidate shall have until the end of qualifying to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.

2. The candidate's oath required by s. 99.021, which must contain the name of the candidate as it is to appear on the ballot; the office sought, including the district or group number if applicable; and the signature of the candidate, which must be verified under oath or affirmation pursuant to s. 92.525(1)(a).

3. If the office sought is partisan, the written statement of political party affiliation required by s. 99.021(1)(b).

4. The completed form for the appointment of campaign treasurer and designation of campaign depository, as required by s. 106.021.

5. The full and public disclosure or statement of financial interests required by subsection (5). A public officer who has filed the full and public disclosure or statement of financial interests with the Commission on Ethics or the supervisor of elections prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

(b) If the filing officer receives qualifying papers during the qualifying period prescribed in this section which do not include all items as required by paragraph (a) prior to the last day of qualifying, the filing officer shall make a reasonable effort to notify the candidate of the missing or incomplete items and shall inform the candidate that all required items must be received by the close of qualifying. A candidate's name as it is to appear on the ballot may not be changed after the end of qualifying.

(c) The filing officer performs a ministerial function in reviewing qualifying papers. In determining whether a candidate is qualified, the filing officer shall review the qualifying papers to determine whether all items required by paragraph (a) have been properly filed and whether each item is complete

on its face, including whether items that must be verified have been properly verified pursuant to s. [92.525\(1\)\(a\)](#). The filing officer may not determine whether the contents of the qualifying papers are accurate.

(8) Notwithstanding the qualifying period prescribed in this section, a qualifying office may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period.

(9) Notwithstanding the qualifying period prescribed by this section, in each year in which the Legislature apportions the state, the qualifying period for persons seeking to qualify for nomination or election to federal office shall be between noon of the 71st day prior to the primary election, but not later than noon of the 67th day prior to the primary election.

(10) The Department of State may prescribe by rule requirements for filing papers to qualify as a candidate under this section.

(11) The decision of the filing officer concerning whether a candidate is qualified is exempt from the provisions of chapter 120.

History.—ss. 25, 26, ch. 6469, 1913; RGS 329, 330; CGL 386, 387; ss. 4, 5, ch. 13761, 1929; s. 1, ch. 16990, 1935; CGL 1936 Supp. 386; ss. 1, chs. 19007, 19008, 19009, 1939; CGL 1940 Supp. 4769(3); s. 1, ch. 20619, 1941; s. 1, ch. 21851, 1943; s. 1, ch. 23006, 1945; s. 1, ch. 24163, 1947; s. 3, ch. 26870, 1951; s. 11, ch. 28156, 1953; s. 4, ch. 29936, 1955; s. 10, ch. 57-1; s. 1, ch. 59-84; s. 1, ch. 61-373 and s. 4, ch. 61-530; s. 1, ch. 63-502; s. 7, ch. 65-378; s. 2, ch. 67-531; ss. 10, 35, ch. 69-106; s. 5, ch. 69-281; s. 1, ch. 69-300; s. 1, ch. 70-42; s. 1, ch. 70-93; s. 1, ch. 70-439; s. 6, ch. 77-175; s. 1, ch. 78-188; s. 3, ch. 81-105; s. 2, ch. 83-15; s. 2, ch. 83-25; s. 1, ch. 83-251; s. 29, ch. 84-302; s. 1, ch. 86-7; s. 6, ch. 89-338; s. 8, ch. 90-315; s. 32, ch. 91-107; s. 536, ch. 95-147; s. 1, ch. 95-156; s. 9, ch. 99-318; s. 9, ch. 99-326; s. 3, ch. 2001-75; s. 11, ch. 2005-277; s. 51, ch. 2005-278; s. 7, ch. 2005-286; s. 16, ch. 2007-30; s. 14, ch. 2011-40.

Note.—Former ss. 102.32, 102.33, 102.351, 102.36, 102.66, 102.69.

The 2019 Florida Statutes

[Title IX](#)
ELECTORS AND
ELECTIONS

[Chapter 100](#)
GENERAL, PRIMARY, SPECIAL, BOND, AND
REFERENDUM ELECTIONS

[View Entire
Chapter](#)

100.361 Municipal recall.—

(1) **APPLICATION; DEFINITION.**—Any member of the governing body of a municipality or charter county, hereinafter referred to in this section as “municipality,” may be removed from office by the electors of the municipality. When the official represents a district and is elected only by electors residing in that district, only electors from that district are eligible to sign the petition to recall that official and are entitled to vote in the recall election. When the official represents a district and is elected at-large by the electors of the municipality, all electors of the municipality are eligible to sign the petition to recall that official and are entitled to vote in the recall election. Where used in this section, the term “district” shall be construed to mean the area or region of a municipality from which a member of the governing body is elected by the electors from such area or region. Members may be removed from office pursuant to the procedures provided in this section. This method of removing members of the governing body of a municipality is in addition to any other method provided by state law.

(2) RECALL PETITION.—

(a) *Petition content.*—A petition shall contain the name of the person sought to be recalled and a statement of grounds for recall. The statement of grounds may not exceed 200 words, and the stated grounds are limited solely to those specified in paragraph (d). If more than one member of the governing body is sought to be recalled, whether such member is elected by the electors of a district or by the electors of the municipality at-large, a separate recall petition shall be prepared for each member sought to be recalled. Upon request, the content of a petition should be, but is not required to be, provided by the proponent in alternative formats.

(b) *Requisite signatures.*—

1. In a municipality or district of fewer than 500 electors, the petition shall be signed by at least 50 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

2. In a municipality or district of 500 or more but fewer than 2,000 registered electors, the petition shall be signed by at least 100 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

3. In a municipality or district of 2,000 or more but fewer than 5,000 registered electors, the petition shall be signed by at least 250 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

4. In a municipality or district of 5,000 or more but fewer than 10,000 registered electors, the petition shall be signed by at least 500 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

5. In a municipality or district of 10,000 or more but fewer than 25,000 registered electors, the petition shall be signed by at least 1,000 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

6. In a municipality or district of 25,000 or more registered electors, the petition shall be signed by at least 1,000 electors or by 5 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

All signatures shall be obtained, as provided in paragraph (e), within a period of 30 days, and all signed and dated petition forms shall be filed at the same time, no later than 30 days after the date on which the first signature is obtained on the petition.

(c) *Recall committee.*—Electors of the municipality or district making charges contained in the statement of grounds for recall, as well as those signing the recall petition, shall be designated as the recall committee. A specific person shall be designated in the petition as chair of the committee, and this person shall act for the committee. The recall committee and the officer being recalled are subject to the provisions of chapter 106.

(d) *Grounds for recall.*—The grounds for removal of elected municipal officials shall, for the purposes of this act, be limited to the following and must be contained in the petition:

1. Malfeasance;
2. Misfeasance;
3. Neglect of duty;
4. Drunkenness;
5. Incompetence;
6. Permanent inability to perform official duties; and
7. Conviction of a felony involving moral turpitude.

(e) *Signature process.*—Only electors of the municipality or district are eligible to sign the petition. Each elector signing a petition shall sign and date his or her name in ink or indelible pencil. Each petition shall contain appropriate lines for each elector's original signature, printed name, street address, city, county, voter registration number or date of birth, and date signed. The form shall also contain lines for an oath, to be executed by a witness who is to verify the fact that the witness saw each person sign the counterpart of the petition, that each signature appearing thereon is the genuine signature of the person it purports to be, and that the petition was signed in the presence of the witness on the date indicated.

(f) *Filing of signed petitions.*—All signed petition forms shall be filed at the same time, no later than 30 days after the date on which the first signature is obtained on the petition. The person designated as chair of the committee shall file the signed petition forms with the auditor or clerk of the municipality or charter county, or his or her equivalent, hereinafter referred to as "clerk." The petition may not be amended after it is filed with the clerk.

(g) *Verification of signatures.*—

1. Immediately after the filing of the petition forms, the clerk shall submit such forms to the county supervisor of elections. No more than 30 days after the date on which all petition forms are submitted to the supervisor by the clerk, the supervisor shall promptly verify the signatures in accordance with s. 99.097, and determine whether the requisite number of valid signatures has been obtained for the petition. The committee seeking verification of the signatures shall pay in advance to the supervisor the sum of 10 cents for each signature checked or the actual cost of checking such signatures, whichever is less.

2. Upon filing with the clerk, the petition and all subsequent papers or forms required or permitted to be filed with the clerk in connection with this section must, upon request, be made available in alternative formats by the clerk.

3. If the supervisor determines that the petition does not contain the requisite number of verified and valid signatures, the clerk shall, upon receipt of such written determination, so certify to the governing body of the municipality or charter county and file the petition without taking further action, and the matter shall be at an end. No additional names may be added to the petition, and the petition shall not be used in any other proceeding.

4. If the supervisor determines that the petition has the requisite number of verified and valid signatures, then the procedures outlined in subsection (3) must be followed.

(3) **RECALL PETITION AND DEFENSE.**—

(a) *Notice.*—Upon receipt of a written determination that the requisite number of signatures has been obtained, the clerk shall at once serve upon the person sought to be recalled a certified copy of the petition. Within 5 days after service, the person sought to be recalled may file with the clerk a defensive statement of not more than 200 words.

(b) *Content and preparation.*—Within 5 days after the date of receipt of the defensive statement or after the last date a defensive statement could have been filed, the clerk shall prepare a document entitled “Recall Petition and Defense.” The “Recall Petition and Defense” shall consist of the recall petition, including copies of the originally signed petitions and counterparts. The “Recall Petition and Defense” must contain lines which conform to the provisions of paragraph (2)(e), and the defensive statement or, if no defensive statement has been filed, a statement to that effect. The clerk shall make copies of the “Recall Petition and Defense” which are sufficient to carry the signatures of 30 percent of the registered electors. Immediately after preparing and making sufficient copies of the “Recall Petition and Defense,” the clerk shall deliver the copies to the person designated as chair of the committee and take his or her receipt therefor.

(c) *Requisite signatures.*—Upon receipt of the “Recall Petition and Defense,” the committee may circulate them to obtain the signatures of 15 percent of the electors. All signatures shall be obtained and all signed petition forms filed with the clerk no later than 60 days after delivery of the “Recall Petition and Defense” to the chair of the committee.

(d) *Signed petitions; request for striking name.*—The clerk shall assemble all signed petitions, check to see that each petition is properly verified by the oath of a witness, and submit such petitions to the county supervisor of elections. Any elector who signs a recall petition has the right to demand in writing that his or her name be stricken from the petition. A written demand signed by the elector shall be filed with the clerk, and, upon receipt of the demand, the clerk shall strike the name of the elector from the petition and place his or her initials to the side of the signature stricken. However, a signature may not be stricken after the clerk has delivered the “Recall Petition and Defense” to the supervisor for verification of the signatures.

(e) *Verification of signatures.*—Within 30 days after receipt of the signed “Recall Petition and Defense,” the supervisor shall determine the number of valid signatures, purge the names withdrawn, and certify whether 15 percent of the qualified electors of the municipality have signed the petitions. The supervisor shall be paid by the persons or committee seeking verification the sum of 10 cents for each name checked.

(f) *Reporting.*—If the supervisor determines that the requisite number of signatures has not been obtained, the clerk shall, upon receipt of such written determination, certify such determination to the governing body and retain the petitions. The proceedings shall be terminated, and the petitions shall

not again be used. If the supervisor determines that at least 15 percent of the qualified electors signed the petition, the clerk shall, immediately upon receipt of such written determination, serve notice of that determination upon the person sought to be recalled and deliver to the governing body a certificate as to the percentage of qualified electors who signed.

(4) **RECALL ELECTION.**—If the person designated in the petition files with the clerk, within 5 days after the last-mentioned notice, his or her written resignation, the clerk shall at once notify the governing body of that fact, and the resignation shall be irrevocable. The governing body shall then proceed to fill the vacancy according to the provisions of the appropriate law. In the absence of a resignation, the chief judge of the judicial circuit in which the municipality is located shall fix a day for holding a recall election for the removal of those not resigning. Any such election shall be held not less than 30 days or more than 60 days after the expiration of the 5-day period last-mentioned and at the same time as any other general or special election held within the period; but if no such election is to be held within that period, the judge shall call a special recall election to be held within the period aforesaid.

(5) **BALLOTS.**—The ballots at the recall election shall conform to the following: With respect to each person whose removal is sought, the question shall be submitted: “Shall be removed from the office of by recall?” Immediately following each question there shall be printed on the ballots the two propositions in the order here set forth:

“ (name of person) should be removed from office.”

“ (name of person) should not be removed from office.”

(6) **FILLING OF VACANCIES; SPECIAL ELECTIONS.**—

(a) If an election is held for the recall of members elected only at-large, candidates to succeed them for the unexpired terms shall be voted upon at the same election and shall be elected in the same manner as provided by the appropriate law for the election of candidates at general elections. Candidates shall not be elected to succeed any particular member. If only one member is removed, the candidate receiving the highest number of votes shall be declared elected to fill the vacancy. If more than one member is removed, candidates equal in number to the number of members removed shall be declared elected to fill the vacancies; and, among the successful candidates, those receiving the greatest number of votes shall be declared elected for the longest terms. Cases of ties, and all other matters not herein specially provided for, shall be determined by the rules governing elections generally.

(b) If an election is held for the recall of members elected only from districts, candidates to succeed them for the unexpired terms shall be voted upon at a special election called by the chief judge of the judicial circuit in which the districts are located not less than 30 days or more than 60 days after the expiration of the recall election. The qualifying period, for purposes of this section, shall be established by the chief judge of the judicial circuit after consultation with the clerk. Any candidate seeking election to fill the unexpired term of a recalled district municipal official shall reside in the district represented by the recalled official and qualify for office in the manner required by law. Each candidate receiving the highest number of votes for each office in the special district recall election shall be declared elected to fill the unexpired term of the recalled official. Candidates seeking election to fill a vacancy created by the removal of a municipal official shall be subject to the provisions of chapter 106.

(c) When an election is held for the recall of members of the governing body composed of both members elected at-large and from districts, candidates to succeed them for the unexpired terms shall be voted upon at a special election as provided in paragraph (b).

(d) However, in any recall election held pursuant to paragraph (b) or paragraph (c), if only one member is voted to be removed from office, the vacancy created by the recall shall be filled by the governing body according to the provisions of the appropriate law for filling vacancies.

(7) **EFFECT OF RESIGNATIONS.**—If the member of the governing body being recalled resigns from office prior to the recall election, the remaining members shall fill the vacancy created according to the appropriate law for filling vacancies. If all of the members of the governing body are sought to be recalled and all of the members resign prior to the recall election, the recall election shall be canceled, and a special election shall be called to fill the unexpired terms of the resigning members. If all of the members of the governing body are sought to be recalled and any of the members resign prior to the recall election, the proceedings for the recall of members not resigning and the election of successors to fill the unexpired terms shall continue and have the same effect as though there had been no resignation.

(8) **WHEN PETITION MAY BE FILED.**—No petition to recall any member of the governing body of a municipality shall be filed until the member has served one-fourth of his or her term of office. No person removed by a recall, or resigning after a petition has been filed against him or her, shall be eligible to be appointed to the governing body within a period of 2 years after the date of such recall or resignation.

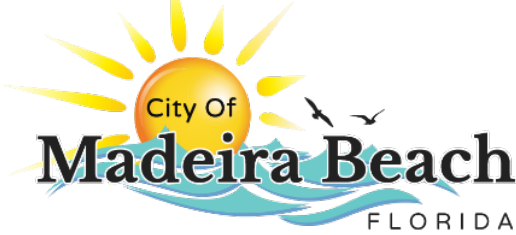
(9) **RETENTION OF PETITION.**—The clerk shall preserve in his or her office all papers comprising or connected with a petition for recall for a period of 2 years after they were filed.

(10) **OFFENSES RELATING TO PETITIONS.**—No person shall impersonate another, purposely write his or her name or residence falsely in the signing of any petition for recall or forge any name thereto, or sign any paper with knowledge that he or she is not a qualified elector of the municipality. No person shall employ or pay another to accept employment or payment for circulating or witnessing a recall petition. Any person violating any of the provisions of this section commits a misdemeanor of the second degree and shall, upon conviction, be punished as provided by law.

(11) **INTENT.**—It is the intent of the Legislature that the recall procedures provided in this act shall be uniform statewide. Therefore, all municipal charter and special law provisions which are contrary to the provisions of this act are hereby repealed to the extent of this conflict.

(12) **PROVISIONS APPLICABLE.**—The provisions of this act shall apply to cities and charter counties whether or not they have adopted recall provisions.

History.—ss. 1, 2, ch. 74-130; s. 1, ch. 77-174; s. 12, ch. 77-175; s. 1, ch. 77-279; s. 1, ch. 81-312; s. 20, ch. 83-217; s. 17, ch. 89-338; s. 15, ch. 90-315; s. 549, ch. 95-147; s. 14, ch. 95-280; s. 1, ch. 2000-249; s. 5, ch. 2001-40; s. 8, ch. 2002-281; s. 13, ch. 2008-95.



MEMORANDUM

TO: Charter Review Committee

FROM: Clara VanBlargan, City Clerk/Election Official

DATE: October 4, 2019

RE: Charter Amendment increasing the term of office for District Commissioners from 2 to 4 years

Background

At the Board of Commissioners workshop meeting in May 2019, Commissioners discussed potentially increasing the two (2) year term of office for District Commissioners to a four (4) year term beginning with the election in 2021 and keeping the Mayor's term as is currently established as a three (3) years term of office.

Amendment to City Charter, Section 2.2 Board of Commissioners created; qualifications; term of office; vacancies, Subsection B:

B. *Qualifications and Term of Office.* The Commission members shall have been qualified electors and residents of the City of Madeira Beach, Florida, for two (2) years immediately prior to their qualifying for election, and in addition, each District-Commissioner shall be a resident of said district in which the candidate seeks to be a candidate for a period of six (6) months prior to the date of said application. The term of office for all District Commissioners shall be for a period of ~~two~~ four (2 4) years. The Mayor may reside at the time of the election anywhere within the City of Madeira Beach, Florida; and the term of office for the Mayor shall be for a period of three (3) years. The terms of all members of the Commission, including the Mayor, will begin at the Board of Commissioners first regular meeting following the election, and shall continue until their successor has been duly elected and installed under this Charter. All vacancies occurring in the Commission between elections shall be filled in accordance with Section 2.2(E) of this Charter.

Amendment to the City Charter, Section 3.4, Manner of Holding Elections, Subsection A:

A. All elections shall be held in the city on the second Tuesday in March of each year for the purpose of electing, successors to elective offices. Elections for Commissioners of Districts One (1) and Two (2) shall be held in even numbered years. Elections for Commissioners of Districts Three (3) and Four (4) shall be held in odd numbered years. The term for the Commissioners of Districts shall be for ~~two~~ four (2 4) years. The term for Mayor-Commissioner shall be for three (3) years allowing the seat to alternate with the Commissioners of Districts. The effective

date of the first election for four (4) year terms will be in March 2021 ~~on March 14, 2000 and every three years thereafter (next election being March 11, 2018).~~

Current Term of Office: District Commissioners 2-yrs & Mayor 3-yrs

<u>Seat Expires</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
Commissioner District 1	Yes		Yes		Yes
Commissioner District 2	Yes		Yes		Yes
Commissioner District 3		Yes		Yes	
Commissioner District 4		Yes		Yes	
Mayor	Yes			Yes	

Recommended Term of Office for District Commissioners 4-yrs (beginning 2021)

<u>Seat Expires</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>	<u>2030</u>
Comm District 1	Yes		Yes				Yes				Yes
Comm District 2	Yes		Yes				Yes				Yes
Comm District 3		Yes				Yes				Yes	
Comm District 4		Yes				Yes				Yes	
Mayor	Yes			Yes			Yes			Yes	

Beginning a four-year term in 2021, the Elections for Commissioners of Districts One (1) and Two (2) will be held in even numbered years and Commissioners of Districts Three (3) and Four (4) will be held in odd numbered years (City Charter, Section 3.4(A). This language will remain the same.

Fiscal Impact

The fiscal impact to adopt an ordinance placing charter amendments on the March 17, 2020 Municipal Election ballot is the cost of advertisement in the newspaper.

Attachment(s):

- City Charter, Section 2.2, Board of Commissioners created; qualifications; term of office; vacancies
- City Charter Section 3.4, Manner of holding elections

economic development shall not be deemed to constitute a public purpose for which private property may be taken by the City of Madeira Beach though the power of eminent domain. (Ord. No. 1083, § 1, 5-23-2006/11-7-2006)

ARTICLE II. FORM OF GOVERNMENT

Section 2.1 Form of government.

Form of government of the City of Madeira Beach provided for in this Act shall be the commission-manager plan. The Board of Commissioners shall consist of five (5) members who shall be electors of said City, and elected as hereinafter prescribed.

Section 2.2 Board of Commissioners created; qualifications; term of office; and vacancies.

A. Board Created. There shall be a Board of Commissioners with all legislative powers of the City of Madeira Beach, Florida, vested therein, composed of Commission members occupying districts numbered one (1) through (4), and a Mayor. The Board of Commissioners, including the Mayor, shall be elected at large by the qualified voters of the City of Madeira Beach, Florida.

B. Qualifications and Term of Office. The Commission members shall have been qualified electors and residents of the City of Madeira Beach, Florida, for two (2) years immediately prior to their qualifying for election, and in addition, each District-Commissioner shall be a resident of said district in which the candidate seeks to be a candidate for a period of six (6) months prior to the date of said application. The term of office for all District Commissioners shall be for a period of two (2) years. The Mayor may reside at the time of the election anywhere within the City of Madeira Beach, Florida; and the term of office for the Mayor shall be for a period of three (3) years. The terms of all members of the Commission, including the Mayor, will begin at the Board of Commissioners first regular meeting following the election, and shall continue until their successor has been duly elected and installed under this Charter. All

vacancies occurring in the Commission between elections shall be filled in accordance with Section 2.2(E) of this Charter.

C. Vacancies, forfeiture of office; filling of vacancies.

1. **Vacancies.** The office of a Commissioner shall become vacant upon the Commissioner's death, resignation, removal from office in any matter authorized by law or forfeiture of the office.
2. **Forfeiture of Office.** A Commissioner shall forfeit the Commissioner's office if the Commissioner:
 - (a) Lacks at any time during the Commissioner's term of office any qualifications for the office prescribed by this Charter or by law, except that any District-Commissioner who changes residence from one district to another within the City during the course of the Commissioner's term of office or if the district boundaries are redrawn during the term of office, the District-Commissioner shall be permitted to serve out the Commissioner's term,
 - (b) Violates any expressed prohibition of this Charter,
 - (c) Is convicted of a felony or a misdemeanor involving moral turpitude, or
 - (d) Fails to attend three consecutive regular meetings, or regular workshop meetings of the Board of Commissioners without being excused by the Board of Commissioners.
 - (e) Is found to have knowingly violated the Sunshine Laws, Ethics Laws, or Public Records Laws by the Florida Ethics Commission or a court of competent jurisdiction.
3. **Filling of Vacancies.** In the event of a vacancy in the office of the Mayor, the Vice-Mayor shall assume the office of Mayor. A vacancy of the office of District Commissioner or a vacancy occurring in

the office of Mayor because the Vice-Mayor declines to accept the office of Mayor, shall be filled by a District Commissioner within 30 days of its occurrence by a majority vote of the remaining members of the Board of Commissioners. A District Commissioner is nominated to the office of Mayor because of a vacancy in the office of Mayor, the person so nominated shall not be required to resign as District Commissioner prior to being selected as Mayor. Any person selected to fill such a vacancy shall possess all the qualifications required of a Commission member by this charter and by law. Any person selected for the office of Mayor shall serve until the next regular election of the City, at which time a general election for the office of Mayor for a complete term of office will be held. The person selected to fill a vacancy in the office of District Commissioner shall serve the unexpired term of the office.

Notwithstanding the requirements of ARTICLE VII, Section 7.3 (e) that a quorum of the Board of Commissioners consists of three (3) members, if at any time the membership of the Board of Commissioners is reduced to less than three (3), the remaining members may convene under the provisions of this section to appoint additional members to raise the membership to three (3). (Ord. No. 727, 10-4-1988/11-9-1988; Ord. No. 826, 12-6-1994; Ord. No. 829, 12-6-1994/3-11-1997; Ord. No. 890, 1-20-1998/3-10-1998; Ord. No. 996, 12-14-2004/3-8-2005; Ord. No. 2018-09, § 1(Exh. A), 8-20-2018; Ord. No. 2018-16, § 1, 1-8-2019)

Section 2.3 Judge of forfeiture and action.

A Board of Commission member may be charged with forfeiture of office by motion, second and a simple majority vote of the Board of Commissioners and the forfeiture matter will then be referred to a Special Magistrate. The charged Commissioner may within five (5) business days either request a public hearing before the Special Magistrate or resign. The Special Magistrate shall hold a public hearing on the forfeiture matter no later than 30 days after the

Commissioner's request is filed with the City Clerk. Notice of the public forfeiture of office hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the Special Magistrate hearing. The decision of the Special Magistrate is final.

(Ord. No. 2018-16, § 1, 1-8-2019)

Editor's note—Ord. No. 2018-16, § 1, adopted Jan. 8, 2019, amended § 2.3 of the Charter and in so doing changed the title of said section, as set out herein.

ARTICLE III. ELECTION PROCEDURE AND CANDIDATES*

Section 3.1 Nonpartisan elections.

All qualifications and elections for the Offices of the Board of Commissioners shall be conducted on a nonpartisan basis without regard for or designation of political party affiliation of any nominee or any nomination petition or ballot. (Ord. No. 998, 12-14-2004/3-8-2005)

Section 3.2 Election district.

Each district shall be approximately equal in number of electors:

- A. The Board of Commissioners shall divide the territory lying within the municipal boundaries of the City of Madeira Beach, Florida, into four (4) areas to be known as districts. These four (4) districts shall be created by the Board of Commissioners by dividing the territory lying within the municipal boundaries of the City of Madeira Beach, Florida, so that each district shall contain, as nearly as possible, the same number of electors. The district shall be numbered from one (1) through four (4), in order, from South to North, with District No. 1, being that district lying most southerly with the municipal boundaries. Upon completion of the division of the municipal territory

**Editor's note*—Ord. No. 2018-09, § 1(Exh. A), adopted Aug. 20, 2018, amended Art. III and in so doing changed the title of said article, as set out herein.

State law reference—Florida Election Code, Florida Statutes chs. 97—106.

name of the candidate and the office and district number for which the candidate is being nominated.

In lieu of 100 signed Candidate Petition Forms containing qualified electors' signatures, a candidate may qualify by payment of a qualifying fee of (\$50.00) and submitting 50 Candidate Petition Forms containing qualified electors' signatures shall be required.

In the case of a candidate for District-Commissioner, his/her petitions shall be signed by electors within his/her district.

No candidate may seek election to more than one elective City of Madeira Beach, Florida, office in any given election.

(Ord. No. 851, 1-2-1996; Ord. No. 915, 9-21-99; Ord. No. 999, 12-9-03; Ord. No. 1032, § 1, 11-30-2004; Ord. No. 1059, § 1, 11-8-2005; Ord. No. 1120, § 1, 10-23-2007/3-11-2008; Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

Section 3.4 Manner of holding elections.

A. All elections shall be held in the city on the second Tuesday in March of each year for the purpose of electing successors to elective offices. Elections for Commissioners of Districts One (1) and Two (2) shall be held in even numbered years. Elections for Commissioners of Districts Three (3) and Four (4) shall be held in odd numbered years. The term for the Commissioners of Districts shall be for two (2) years. The term for Mayor-Commissioner shall be for three (3) years allowing the seat to alternate with the Commissioners of Districts. The effective date of the first election will be on March 14, 2000 and every three years thereafter (next election being March 11, 2003).

B. The Board of Commissioners shall, by Ordinance, prescribe the manner of holding both general and special elections not inconsistent with the provisions hereof and said Board of Commissioners shall also by Ordinance, provide such polling place or places as they deem expedient.

The Pinellas County Canvassing Board shall be designated as the Canvassing Board for all elections under this Charter. The actions of the

Canvassing Board shall be reported to the Board of Commissioners at their next meeting following the election. The Board of Commissioners shall meet following the certification for the purpose of declaring the results of said election.

C. The provisions of the general laws of the State of Florida pertaining to state and municipal elections relating to the qualifications of electors, registrations, transfer of electors from one district to another, manner of voting, duties of election officers, canvassing of returns and all other particulars in respect to the management of election, except as otherwise provided in this Charter and the Ordinances adopted hereunder pertaining to elections shall so far as the same may be applicable, govern all City elections.

D. No informalities in conducting City elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this Charter.

E. At the election provided for in paragraph (A) above, the names of all candidates qualifying as provided for in, Section 3.2 shall be placed upon the ballot in the respective districts in which said candidates are qualified or for the office of Mayor if each candidate has qualified for such office. At said election such elector of the City may vote in each contest appearing upon such ballot, that is to say, a voter may vote for one candidate for Mayor if such contest appears upon the ballot and for one candidate for each District Commissioner in each contest that appears upon the ballot. In the event that no candidate for each office shall secure a majority of the votes cast in each contest for office, then and in that event, another election shall be held on the second Tuesday in April at which election only the names of the two candidates having the highest number of votes in the first election in which no candidate received a majority of the votes cast in each contest shall be placed upon the ballot. At the second election provided for herein, electors may vote for each contest appearing on the ballot. In the event two candidates for each office should receive an equal number of votes for the same office, in the second election provided for above, another election shall be called and held on the fourth Tuesday following

such election at which election the names of the candidates receiving the same number of votes shall again be placed upon the ballot. In the event two or more candidates for any office are tied for the highest number of votes and should receive an equal number of votes for the same office in the first election provided for above, then at the second election the names of the high candidates receiving the same number of votes shall again be placed upon the ballot, and so on in like fashion until one of the candidates receives a majority of the number of votes cast. Provided, however, that if one candidate received the highest number of votes, but is short of a majority and there are two or more candidates who are tied for the next highest number of votes then those tied shall be decided by lot under the direction of the incumbent Board of Commissioners, as to which one of the tied candidates shall run against the one receiving the highest number in the said second election.

F. Notice of the holding of such elections shall be given by publication in a newspaper having general circulation throughout the City of a notice of the calling and holding of such election, which notice shall give the time and place where such election shall be held and the names and issues on the ballot; and which notice shall be published one time, not less than ten (10) days nor more than twenty (20) days prior to the holding of the first of such elections.
(Ord. No. 890, 1-20-1998/3-10-1998; Ord. No. 979, § 1, 1-28-2003; Ord. No. 1077, § 1, 5-23-2006/11-7-2006; Ord. No. 2018-09, § 1, 8-20-2018)

Section 3.5 Consecutive term limit.

Beginning on March 13, 2019, any seated Mayor and District Commissioners shall serve no more than three (3) consecutive elected terms of office and shall not thereafter seek re-election for a period of two (2) years for either Mayor or District Commissioner. These term restrictions shall not include appointed, non-regular terms of office.
(Ord. No. 2018-16, § 1, 1-8-2019)

ARTICLE IV. BOARD OF COMMISSIONERS

Section 4.1 General powers.

The Commissioners of the City of Madeira Beach shall have and exercise all powers conferred by general law, upon municipal officers, not inconsistent with the terms of this Charter.

State law reference—Municipal home rule powers, Florida Statutes ch. 166.

Section 4.2 Oath of office.

All officers of the City of Madeira Beach, before entering upon the duties of their office, shall by oath or affirmation subscribed to faithfully perform the duties of their office and the Constitution of the laws of the State of Florida and the United States of America.

State law reference—Oath, Florida Statutes § 876.05.

Section 4.3 Mayor.

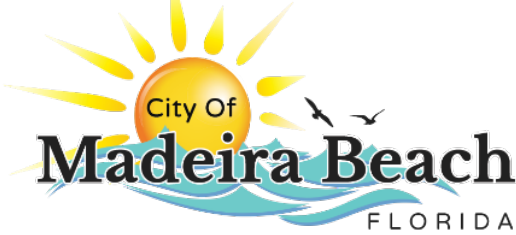
The Mayor shall preside at meetings of the Board of Commissioners, shall have voice and vote in the proceedings of the Commission, shall be recognized as the official head of the City of Madeira Beach, Florida, government for all ceremonial purposes, for service of process, and as the City of Madeira Beach, Florida, official designated to represent the City of Madeira Beach, Florida, in all agreements with other entities or certifications to other government entities, but shall have no administrative duties except as required to carry out the responsibilities herein.

(Ord. No. 1001, 12-14-2004/3-8-2005)

Editor's note—Ord. No. 1001, adopted December 14, 2004, amended § 4.3 in its entirety to read as herein set out. Formerly, § 4.3 pertained to the mayor-commissioner and derived from original codification.

Section 4.4 Vice-Mayor.

The Board of Commissioners shall appoint a Vice-Mayor at its first regular meeting following the election. The term of Vice-Mayor shall be for one (1) year. The Vice-Mayor shall act as Mayor during the absence or disability of the Mayor. Should the Vice-Mayor be required to act as Mayor for a period in excess of thirty (30) days,



MEMORANDUM

TO: Charter Review Committee

FROM: Clara VanBlargan, City Clerk/Election Official

DATE: October 4, 2019

RE: Charter Amendment – Runoff Election Alternative for Tied Elections

Background

According to the Pinellas County Supervisor of Elections Office, there are five cities left in the County that have a runoff provision in their City Charter and the City of Madeira Beach is one of them. At the September Pinellas County Municipal Clerks meeting, the Clerks were informed by Julie Marcus, Deputy Supervisor of Elections, that if one of the five cities end up needing a runoff election following the March 17, 2020 Municipal Election they will not be able to assist with the runoff election.

Because the City of Madeira Beach passed a Charter Amendment in March 2019, designating the Pinellas County Canvassing Board to canvass the City's elections that will be a problem. It is necessary to place a Charter Amendment on the March 17, 2020, Municipal Ballot for the electorates of the City of Madeira Beach to decide if they would like the runoff provision removed from the City Charter.

Amendment to the City Charter, Section 3.4, Manner of Holding Elections, Subsection E deleting requirements for runoff election:

E. At the election provided for in paragraph (A) above, the names of all candidates qualifying as provided for in, Section 8.2 shall be placed upon the ballot in the respective districts in which said candidates are qualified or for the office of Mayor if each candidate has qualified for such office. At said election such elector of the City may vote in each contest appearing upon such ballot, that is to say, a voter may vote for one candidate for Mayor if such contest appears upon the ballot and for one candidate for each District Commissioner in each contest that appears upon the ballot. Any candidate receiving a majority of all votes cast in the election shall be declared the winner. In the event that no candidate for a particular office shall receive a majority of all votes cast at the election, then and in that event, the candidate who receives the greatest number of votes shall be declared the winner. If in any election the returns, as certified by the Pinellas County Canvassing Board, result in a tie vote, the election shall be decided by lot, which shall mean that the name of each candidate who has tied shall be placed on a piece of paper, which shall be placed in a container so that the candidates' names are not visible. A member of the canvassing board shall then select one (1) piece of paper from the container. The candidate whose name appears on that piece of paper shall be

~~declared elected. In the event that no candidate for each office shall secure a majority of the votes cast in each contest for office, then and in that event, another election shall be held on the second Tuesday in April at which election only the names of the two candidates having the highest number of votes in the first election in which no candidate received a majority of the votes cast in each contest shall be placed upon the ballot. At the second election provided for herein, electors may vote for each contest appearing on the ballot. In the event two candidates for each office should receive an equal number of votes for the same office, in the second election provided for above, another election shall be called and held on the fourth Tuesday following such election at which election the names of the candidates receiving the same number of votes shall again be placed upon the ballot. In the event two or more candidates for any office are tied for the highest number of votes and should receive an equal number of votes for the same office in the first election provided for above, then at the second election the names of the high candidates receiving the same number of votes shall again be placed upon the ballot, and so on in like fashion until one of the candidates receives a majority of the number of votes cast. Provided, however, that if one candidate received the highest number of votes, but is short of a majority and there are two or more candidates who are tied for the next highest number of votes then those tied shall be decided by lot under the direction of the incumbent Board of Commissioners, as to which one of the tied candidates shall run against the one receiving the highest number in the said second election.~~

Fiscal Impact

The fiscal impact to adopt an ordinance placing charter amendments on the March 17, 2020 Municipal Election ballot is the cost of advertisement in the newspaper.

Attachment(s):

- City Charter Section 3.4, Manner of holding elections

name of the candidate and the office and district number for which the candidate is being nominated.

In lieu of 100 signed Candidate Petition Forms containing qualified electors' signatures, a candidate may qualify by payment of a qualifying fee of (\$50.00) and submitting 50 Candidate Petition Forms containing qualified electors' signatures shall be required.

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PART I
CHARTER*

Article I. General

Sec. 1.1	Creation and powers.
Sec. 1.2	Extraterritorial powers.
Sec. 1.3	Construction.
Sec. 1.4	Open meetings.
Sec. 1.5	Description of corporate limits.
Sec. 1.6	Inter-governmental relations.
Sec. 1.7.	Limitation on exercise of powers.
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Article III. Election Procedure and Candidates

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Sec. 4.12	Recall.

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Sec. 5.1	City Clerk, City Attorney, City Manager and City Treasurer; Charter Officers.
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***Editor's note**—Printed herein is the Charter of the City of Madeira Beach, as adopted by Ordinance Number 446 on January 14, 1975, by referendum on March 11, 1975. Amendments to the charter are indicated by a parenthetical history note following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citation to state statutes has been used. Additions made for clarity are indicated by brackets.

State law reference—Municipal home rule powers, Florida Statutes ch. 166.

MADEIRA BEACH CODE

Sec. 5.3	City Attorney.
Sec. 5.4	City Manager.
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Sec. 13.3 Petitioner.
Sec. 13.4 Procedure after filing.
Sec. 13.5 Referendum petitions, suspension of effect of ordinance.
Sec. 13.6 Action on petition.
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Sec. 14.1 Personal financial interest.
Sec. 14.2 Prohibited.
Sec. 14.3 Charter amendment.
Sec. 14.4 Separability.

Article XV. Reserved

ARTICLE I. GENERAL

Section 1.1 Creation and powers.

The inhabitants of the City of Madeira Beach, Florida within the corporate limits as now established or as hereinafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity under the name "City of Madeira Beach, Florida" and, under that name, shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law. (Ord. No. 994, §§ 1—6, 12-14-2004/3-8-2005)

Editor's note—Ord. No. 994, §§ 1—6, adopted December 14, 2004, amended § 1.1 in its entirety to read as herein set out. Formerly, § 1.1 pertained to the name of city and derived from original codification.

Section 1.2 Extraterritorial powers.

In addition to the powers enumerated herein, the City of Madeira Beach, Florida, shall be vested with all the powers granted by General or Special Acts of Legislature of the State of Florida, the Constitution of the State of Florida and as otherwise provided by law.

(Ord. No. 994, §§ 1—6, 12-14-2004/3-8-2005)

Editor's note—Ord. No. 994, §§ 1—6, adopted December 14, 2004, amended § 1.2 in its entirety to read as herein set out. Formerly, § 1.2 pertained to territorial limits and derived from Ord. No. 874, adopted May 20, 1997. Provisions relating to territorial limits can be found at § 1.5.

Section 1.3 Construction.

The powers of the City of Madeira Beach, Florida, under this Charter shall be construed liberally in favor of the City of Madeira Beach, Florida, limited only by the Constitution, the Florida Statutes, and specific limitations contained herein and the specific mention hereafter of a particular power in the Charter shall not be construed as limiting in any way the general powers stated in this Article.

(Ord. No. 994, §§ 1—6, 12-14-2004/3-8-2005)

Editor's note—Ord. No. 994, §§ 1—6, adopted December 14, 2004, amended § 1.3 in its entirety to read as herein set out. Formerly, § 1.3 pertained to secession of rights and liabilities and derived from original codification.

Section 1.4 Open meetings.

All meetings of the Board of Commissioners shall be open to the public as prescribed by State Law, and the rules of the Commission shall provide that citizens of the City of Madeira Beach, Florida, shall have a reasonable opportunity to be heard at any such Commission meeting in regard to any matter. All meetings of appointed boards and commissions shall also be open to the public as prescribed by law.

(Ord. No. 994, §§ 1—6, 12-14-2004/3-8-2005)

Editor's note—Ord. No. 994, §§ 1—6, adopted December 14, 2004, amended § 1.4 in its entirety to read as herein set out. Formerly, § 1.4 pertained to general powers and derived from original codification.

Section 1.5 Description of corporate limits.

The boundaries of the City of Madeira Beach, Florida, shall be as follows:

From a point of Beginning at the intersection of the centerline of State Road 699 and the centerline of 155th Avenue run northeasterly along the centerline of 155th Avenue and an extension thereof to an intersection with the centerline of the right-of-way of the INTRA COASTAL Waterway; thence southeasterly along the centerline of the right-of-way of the INTRA COASTAL Waterway to an intersection with the southwesterly extension of the north property line of Lot 1 of the Replat of Blocks 3 and 4 Edgewater Estates, Unit 12, as recorded in Plat Book 48, page 29, in the Public Records of Pinellas County, Florida; thence northeasterly along the extension of and the north line of the aforesaid Lot 1 to a point, said point being located south 53°37'25" west, a distance of 140.00 feet from the northeasterly corner of and along the north line of aforesaid Lot 1 of the Replat of Blocks 3 and 4 Edgewater Estates, Unit 12, thence north 36°22'35" west, a distance of 300.00 feet to a point; thence north 53°37'25" east a distance of 140.00 feet to a point, thence south 36°22'35" east a distance of 300.00 feet to a point, said point being the northeasterly corner of aforesaid Lot 1; thence northeasterly along the extension of the north line of aforesaid Lot 1 to an intersection with the centerline of Duhme Road; thence south 36°22'35" east

along the centerline of Duhme Road to a point of the said centerline which is 69.30 feet north 36°23'35" west and 50.56 feet south 45°86'00" west of the intersection of the easterly right-of-way of Duhme Road and the north right-of-way line of Edgewater Boulevard; thence north 45°06'00" east 317.56 feet; thence south 87°11'49" east 180 feet; thence south 16°41'46" east 79.60 feet; thence north 42°300'; thence south 48°150' to the northwest corner of Lot 7 Edgewater Estates Unit 3; thence along northerly line of said Lot 7 south 48°114' (s); thence southwesterly along the easterly line of Lots 7, 8, 9, and 10 to the southeast corner of Lot 10 Edgewater Estates, Unit 3 as recorded in Plat Book 26, page 10, in the Public Records of Pinellas County, Florida, to an intersection with the north right-of-way line of Edgewater Boulevard, thence south 02°48'11" west 30.0 feet to an intersection with the centerline of Edgewater Boulevard; thence south 87°11'49" east 64.50 feet to an intersection with the centerline of State Road 699; thence north 41°58'57" east 111.80 feet to a point, which is south 41°58'57" west 1399.97 feet and north 00°34'24" east 139.34 feet from the center of Section 3, Township 31 South, Range 15 East; thence south 48°01'03" east 50 feet to the southerly right-of-way line of State Road 666, thence south 55°03'22" east 847.45 feet; thence south 31°56'38" west to an intersection with the centerline of the right-of-way of the INTRA COASTAL Waterway in Boca Ciega Bay; thence southeasterly and northeasterly along the said centerline of the INTRA COASTAL Waterway to an intersection with the northeasterly extension of the John's Pass Channel, said point also being on the northern boundary of the City Limits of Treasure Island and the aforesaid extension of John's Pass Channel to a point in the water of the Gulf of Mexico, and point being 3 miles west of the shoreline of City of Madeira Beach, Florida; thence northwesterly parallel to the aforesaid shoreline to a point of intersection with the westerly extension of the centerline of 155th Avenue; thence northeasterly along the westerly extension of

the centerline of 155th Avenue to the Point of Beginning lying within Township 31 South, Range 15 East, Pinellas County, Florida.

(Ord. No. 994, §§ 1—6, 12-14-2004/3-8-2005)

Editor's note—Ord. No. 994, §§ 1—6, adopted December 14, 2004, amended § 1.5 in its entirety to read as herein set out. Formerly, § 1.5 pertained to construction and derived from original codification. Provisions relating to construction can be found at § 1.3.

Section 1.6 Inter-governmental relations.

The City of Madeira Beach, Florida, may exercise any of its powers to perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or with the United States or any agency thereof.

(Ord. No. 994, §§ 1—6, 12-14-2004/3-8-2005)

Section 1.7 Limitation on exercise of powers.

The Board of Commissioners shall submit to a referendum vote of the electors of the City, at an election to be called by the Board of Commissioners, and shall require a majority vote of the electorate in favor before approving:

- (1) The sale of any real property owned or possessed by the City, or
- (2) The sale, conveyance, or lease for a term that exceeds ten (10) years of any land owned or possessed by the City.

Only after a favorable referendum vote, by a majority of the electors' votes cast, may such a property interest be sold, leased or conveyed; provided, however, that the City shall have the power to convey a public utility easement without requiring a referendum vote of the electors of the City.

(Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

Section 1.8. Use of power of eminent domain.

No private property shall be taken by the City of Madeira Beach, except for a public purpose and with full compensation therefore paid to each owner or secured by deposit in the registry of the court and available to the owner. Private

economic development shall not be deemed to constitute a public purpose for which private property may be taken by the City of Madeira Beach though the power of eminent domain. (Ord. No. 1083, § 1, 5-23-2006/11-7-2006)

ARTICLE II. FORM OF GOVERNMENT

Section 2.1 Form of government.

Form of government of the City of Madeira Beach provided for in this Act shall be the commission-manager plan. The Board of Commissioners shall consist of five (5) members who shall be electors of said City, and elected as hereinafter prescribed.

Section 2.2 Board of Commissioners created; qualifications; term of office; and vacancies.

A. Board Created. There shall be a Board of Commissioners with all legislative powers of the City of Madeira Beach, Florida, vested therein, composed of Commission members occupying districts numbered one (1) through (4), and a Mayor. The Board of Commissioners, including the Mayor, shall be elected at large by the qualified voters of the City of Madeira Beach, Florida.

B. Qualifications and Term of Office. The Commission members shall have been qualified electors and residents of the City of Madeira Beach, Florida, for two (2) years immediately prior to their qualifying for election, and in addition, each District-Commissioner shall be a resident of said district in which the candidate seeks to be a candidate for a period of six (6) months prior to the date of said application. The term of office for all District Commissioners shall be for a period of two (2) years. The Mayor may reside at the time of the election anywhere within the City of Madeira Beach, Florida; and the term of office for the Mayor shall be for a period of three (3) years. The terms of all members of the Commission, including the Mayor, will begin at the Board of Commissioners first regular meeting following the election, and shall continue until their successor has been duly elected and installed under this Charter. All

vacancies occurring in the Commission between elections shall be filled in accordance with Section 2.2(E) of this Charter.

C. Vacancies, forfeiture of office; filling of vacancies.

1. **Vacancies.** The office of a Commissioner shall become vacant upon the Commissioner's death, resignation, removal from office in any matter authorized by law or forfeiture of the office.
2. **Forfeiture of Office.** A Commissioner shall forfeit the Commissioner's office if the Commissioner:
 - (a) Lacks at any time during the Commissioner's term of office any qualifications for the office prescribed by this Charter or by law, except that any District-Commissioner who changes residence from one district to another within the City during the course of the Commissioner's term of office or if the district boundaries are redrawn during the term of office, the District-Commissioner shall be permitted to serve out the Commissioner's term,
 - (b) Violates any expressed prohibition of this Charter,
 - (c) Is convicted of a felony or a misdemeanor involving moral turpitude, or
 - (d) Fails to attend three consecutive regular meetings, or regular workshop meetings of the Board of Commissioners without being excused by the Board of Commissioners.
 - (e) Is found to have knowingly violated the Sunshine Laws, Ethics Laws, or Public Records Laws by the Florida Ethics Commission or a court of competent jurisdiction.
3. **Filling of Vacancies.** In the event of a vacancy in the office of the Mayor, the Vice-Mayor shall assume the office of Mayor. A vacancy of the office of District Commissioner or a vacancy occurring in

the office of Mayor because the Vice-Mayor declines to accept the office of Mayor, shall be filled by a District Commissioner within 30 days of its occurrence by a majority vote of the remaining members of the Board of Commissioners. A District Commissioner is nominated to the office of Mayor because of a vacancy in the office of Mayor, the person so nominated shall not be required to resign as District Commissioner prior to being selected as Mayor. Any person selected to fill such a vacancy shall possess all the qualifications required of a Commission member by this charter and by law. Any person selected for the office of Mayor shall serve until the next regular election of the City, at which time a general election for the office of Mayor for a complete term of office will be held. The person selected to fill a vacancy in the office of District Commissioner shall serve the unexpired term of the office.

Notwithstanding the requirements of ARTICLE VII, Section 7.3 (e) that a quorum of the Board of Commissioners consists of three (3) members, if at any time the membership of the Board of Commissioners is reduced to less than three (3), the remaining members may convene under the provisions of this section to appoint additional members to raise the membership to three (3). (Ord. No. 727, 10-4-1988/11-9-1988; Ord. No. 826, 12-6-1994; Ord. No. 829, 12-6-1994/3-11-1997; Ord. No. 890, 1-20-1998/3-10-1998; Ord. No. 996, 12-14-2004/3-8-2005; Ord. No. 2018-09, § 1(Exh. A), 8-20-2018; Ord. No. 2018-16, § 1, 1-8-2019)

Section 2.3 Judge of forfeiture and action.

A Board of Commission member may be charged with forfeiture of office by motion, second and a simple majority vote of the Board of Commissioners and the forfeiture matter will then be referred to a Special Magistrate. The charged Commissioner may within five (5) business days either request a public hearing before the Special Magistrate or resign. The Special Magistrate shall hold a public hearing on the forfeiture matter no later than 30 days after the

Commissioner's request is filed with the City Clerk. Notice of the public forfeiture of office hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the Special Magistrate hearing. The decision of the Special Magistrate is final.

(Ord. No. 2018-16, § 1, 1-8-2019)

Editor's note—Ord. No. 2018-16, § 1, adopted Jan. 8, 2019, amended § 2.3 of the Charter and in so doing changed the title of said section, as set out herein.

ARTICLE III. ELECTION PROCEDURE AND CANDIDATES*

Section 3.1 Nonpartisan elections.

All qualifications and elections for the Offices of the Board of Commissioners shall be conducted on a nonpartisan basis without regard for or designation of political party affiliation of any nominee or any nomination petition or ballot. (Ord. No. 998, 12-14-2004/3-8-2005)

Section 3.2 Election district.

Each district shall be approximately equal in number of electors:

- A. The Board of Commissioners shall divide the territory lying within the municipal boundaries of the City of Madeira Beach, Florida, into four (4) areas to be known as districts. These four (4) districts shall be created by the Board of Commissioners by dividing the territory lying within the municipal boundaries of the City of Madeira Beach, Florida, so that each district shall contain, as nearly as possible, the same number of electors. The district shall be numbered from one (1) through four (4), in order, from South to North, with District No. 1, being that district lying most southerly with the municipal boundaries. Upon completion of the division of the municipal territory

***Editor's note**—Ord. No. 2018-09, § 1(Exh. A), adopted Aug. 20, 2018, amended Art. III and in so doing changed the title of said article, as set out herein.

State law reference—Florida Election Code, Florida Statutes chs. 97—106.

into four (4) districts, the Board of Commissioners shall forthwith prepare a map setting forth the four (4) districts, showing their numbers and boundaries, and file same with the City Clerk.

- B. Every five years the Board of Commissioners shall, by Ordinance either change the existing boundaries of said districts as it may deem equitable or to reaffirm the old district boundaries so that each district shall contain as nearly as possible the same number of electors; and similar Ordinances either changing or affirming the said district boundary lines for this purpose shall be passed every five years thereafter. If, prior to the passage of any Ordinance or Ordinances and applicable to district boundary lines and made mandatory by this section, if determined by the Board of Commissioners that there is an imbalance of electors exceeding fifteen (15) percent of the said district, or such imbalance that in their judgment and opinion, a new Ordinance changing the boundaries of said districts should be passed in order to equalize as nearly as possible the number of electors in each district, by Ordinance, change the boundaries of said district for such purposes. No change in districts shall be made within six (6) months preceding an election in the City.

(Ord. No. 282, 2-3-1966; Ord. No. 441, 12-10-1974; Ord. No. 592, 9-16-80; Ord. No. 691, 9-16-1986; Ord. No. 743, 2-20-1990; Ord. No. 816, 5-17-1994; Ord. No. 981, 7-8-2003; Ord. No. 998, 12-14-2004/3-8-2005; Ord. No. 1114, § 2, 8-14-2007; Ord. No. 1128, 6-10-2008; Ord. No. 2014-11, § 4, 10-14-2014; Ord. No. 2018-16, § 1, 1-8-2019)

Editor's note—Ord. No. 998, adopted December 14, 2004, renumbered § 3.1 as § 3.2. The historical notation has been preserved for reference purposes.

Section 3.3 Nomination of Board of Commissioners.

(A) *Filing.* Every person who shall desire to become a candidate for nomination under the provisions of this Charter to the office of Mayor and District-Commissioner, shall qualify to become

such candidate by filing with the City Clerk not more than 90 days not less than 60 days before the date of the election. Under no circumstances shall the City Clerk accept any nomination petitions or filing fees after the close of the filing period as stated herein. Every person's application is to have his/her name printed upon the ballot as a candidate for nomination to the office for which he/she aspires, in which application, he/she shall declare from the district he/she is a candidate or so declare if he/she is a candidate for Mayor. All applications shall be accompanied by an affidavit the candidate is an elector and a resident of the City of Madeira Beach, Florida, for two (2) years immediately prior to the date of said application and has been a resident of said district for which he/she declares himself/herself to be a candidate for a period of six (6) months prior to the date of said application. With said application shall be filed a petition which shall indicate prominently the district from which the Petitioner is a candidate, or if he/she be a candidate for Mayor.

(B) *District Commissioners.* Should any District Commissioner desire to become a candidate for the office of Mayor, said District Commissioner shall resign his/her office of District Commissioner not less than sixty (60) days before the election in which he/she desires to become a candidate for Mayor. Provided, however, such compulsory resignation shall not apply to a District Commissioner whose term as commissioner expires at or before the time he/she would take office as Mayor, if elected. The resignation shall be filed in the office of the City Clerk. The vacancy created by such resignation shall be filled as provided in 2.2(C) of said Charter.

(C) *Candidate Petition Forms.* Candidates for the office of Mayor and District Commissioner shall submit Candidate Petition Forms. Each candidate may seek or be nominated for election by Candidate Petition Forms signed by qualified voters of the City of Madeira Beach, Florida, not less in number than one hundred (100). Each signature shall be executed in ink and the form shall indicate the place of the petitioner's residence. All petition forms shall contain the

name of the candidate and the office and district number for which the candidate is being nominated.

In lieu of 100 signed Candidate Petition Forms containing qualified electors' signatures, a candidate may qualify by payment of a qualifying fee of (\$50.00) and submitting 50 Candidate Petition Forms containing qualified electors' signatures shall be required.

In the case of a candidate for District-Commissioner, his/her petitions shall be signed by electors within his/her district.

No candidate may seek election to more than one elective City of Madeira Beach, Florida, office in any given election.

(Ord. No. 851, 1-2-1996; Ord. No. 915, 9-21-99; Ord. No. 999, 12-9-03; Ord. No. 1032, § 1, 11-30-2004; Ord. No. 1059, § 1, 11-8-2005; Ord. No. 1120, § 1, 10-23-2007/3-11-2008; Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

Section 3.4 Manner of holding elections.

A. All elections shall be held in the city on the second Tuesday in March of each year for the purpose of electing successors to elective offices. Elections for Commissioners of Districts One (1) and Two (2) shall be held in even numbered years. Elections for Commissioners of Districts Three (3) and Four (4) shall be held in odd numbered years. The term for the Commissioners of Districts shall be for two (2) years. The term for Mayor-Commissioner shall be for three (3) years allowing the seat to alternate with the Commissioners of Districts. The effective date of the first election will be on March 14, 2000 and every three years thereafter (next election being March 11, 2003).

B. The Board of Commissioners shall, by Ordinance, prescribe the manner of holding both general and special elections not inconsistent with the provisions hereof and said Board of Commissioners shall also by Ordinance, provide such polling place or places as they deem expedient.

The Pinellas County Canvassing Board shall be designated as the Canvassing Board for all elections under this Charter. The actions of the

Canvassing Board shall be reported to the Board of Commissioners at their next meeting following the election. The Board of Commissioners shall meet following the certification for the purpose of declaring the results of said election.

C. The provisions of the general laws of the State of Florida pertaining to state and municipal elections relating to the qualifications of electors, registrations, transfer of electors from one district to another, manner of voting, duties of election officers, canvassing of returns and all other particulars in respect to the management of election, except as otherwise provided in this Charter and the Ordinances adopted hereunder pertaining to elections shall so far as the same may be applicable, govern all City elections.

D. No informalities in conducting City elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this Charter.

E. At the election provided for in paragraph (A) above, the names of all candidates qualifying as provided for in, Section 3.2 shall be placed upon the ballot in the respective districts in which said candidates are qualified or for the office of Mayor if each candidate has qualified for such office. At said election such elector of the City may vote in each contest appearing upon such ballot, that is to say, a voter may vote for one candidate for Mayor if such contest appears upon the ballot and for one candidate for each District Commissioner in each contest that appears upon the ballot. In the event that no candidate for each office shall secure a majority of the votes cast in each contest for office, then and in that event, another election shall be held on the second Tuesday in April at which election only the names of the two candidates having the highest number of votes in the first election in which no candidate received a majority of the votes cast in each contest shall be placed upon the ballot. At the second election provided for herein, electors may vote for each contest appearing on the ballot. In the event two candidates for each office should receive an equal number of votes for the same office, in the second election provided for above, another election shall be called and held on the fourth Tuesday following

such election at which election the names of the candidates receiving the same number of votes shall again be placed upon the ballot. In the event two or more candidates for any office are tied for the highest number of votes and should receive an equal number of votes for the same office in the first election provided for above, then at the second election the names of the high candidates receiving the same number of votes shall again be placed upon the ballot, and so on in like fashion until one of the candidates receives a majority of the number of votes cast. Provided, however, that if one candidate received the highest number of votes, but is short of a majority and there are two or more candidates who are tied for the next highest number of votes then those tied shall be decided by lot under the direction of the incumbent Board of Commissioners, as to which one of the tied candidates shall run against the one receiving the highest number in the said second election.

F. Notice of the holding of such elections shall be given by publication in a newspaper having general circulation throughout the City of a notice of the calling and holding of such election, which notice shall give the time and place where such election shall be held and the names and issues on the ballot; and which notice shall be published one time, not less than ten (10) days nor more than twenty (20) days prior to the holding of the first of such elections.

(Ord. No. 890, 1-20-1998/3-10-1998; Ord. No. 979, § 1, 1-28-2003; Ord. No. 1077, § 1, 5-23-2006/11-7-2006; Ord. No. 2018-09, § 1, 8-20-2018)

Section 3.5 Consecutive term limit.

Beginning on March 13, 2019, any seated Mayor and District Commissioners shall serve no more than three (3) consecutive elected terms of office and shall not thereafter seek re-election for a period of two (2) years for either Mayor or District Commissioner. These term restrictions shall not include appointed, non-regular terms of office.

(Ord. No. 2018-16, § 1, 1-8-2019)

ARTICLE IV. BOARD OF COMMISSIONERS

Section 4.1 General powers.

The Commissioners of the City of Madeira Beach shall have and exercise all powers conferred by general law, upon municipal officers, not inconsistent with the terms of this Charter.

State law reference—Municipal home rule powers, Florida Statutes ch. 166.

Section 4.2 Oath of office.

All officers of the City of Madeira Beach, before entering upon the duties of their office, shall by oath or affirmation subscribed to faithfully perform the duties of their office and the Constitution of the laws of the State of Florida and the United States of America.

State law reference—Oath, Florida Statutes § 876.05.

Section 4.3 Mayor.

The Mayor shall preside at meetings of the Board of Commissioners, shall have voice and vote in the proceedings of the Commission, shall be recognized as the official head of the City of Madeira Beach, Florida, government for all ceremonial purposes, for service of process, and as the City of Madeira Beach, Florida, official designated to represent the City of Madeira Beach, Florida, in all agreements with other entities or certifications to other government entities, but shall have no administrative duties except as required to carry out the responsibilities herein.

(Ord. No. 1001, 12-14-2004/3-8-2005)

Editor's note—Ord. No. 1001, adopted December 14, 2004, amended § 4.3 in its entirety to read as herein set out. Formerly, § 4.3 pertained to the mayor-commissioner and derived from original codification.

Section 4.4 Vice-Mayor.

The Board of Commissioners shall appoint a Vice-Mayor at its first regular meeting following the election. The term of Vice-Mayor shall be for one (1) year. The Vice-Mayor shall act as Mayor during the absence or disability of the Mayor. Should the Vice-Mayor be required to act as Mayor for a period in excess of thirty (30) days,

he/she shall receive the compensation of the Mayor retroactive to the date upon which he/she assumed the Mayoral duties.

(Ord. No. 979, § 2, 1-28-2003; Ord. No. 1001, 12-14-2004/3-8-2005)

Section 4.5 Rules of procedure; quorum; meetings.

(A) *Meetings.* The Board of Commissioners shall meet regularly at such times and places as determined by the Board of Commissioners. The Board of Commissioners may schedule other regular meetings as it deems necessary in accordance with its established rules of procedure. Special meetings may be held at the call of the Mayor, by a majority of the Commission members, with no less than twenty-four (24) hours' notice in writing to each member and the public. Any such notice shall state the subject to be considered at the special meeting which shall be restricted to the items specified in the notice.

(B) *Rules.* The Board of Commissioners shall determine its own rules and order of business, within 90 days following each election.

(C) *Voting.* Unless otherwise expressly provided by this Charter, Ordinances, Resolutions, and other actions requiring a vote of the Board of Commissioners shall require three (3) affirmative votes for passage, and shall be by roll call vote upon request of any member of the Board of Commissioners. A super-majority vote of four members of the Board of Commissioners for any Planned Development Rezoning or Special Area Plan shall be required for approval. The City Clerk shall record all votes of all Commission members in the journal. A simple majority of the Board of Commissioners shall constitute a quorum, and a quorum shall be necessary to conduct the business of the Board of Commissioners.

(Ord. No. 1003, 12-9-03; Ord. No. 2018-09, § 1, 8-20-2018; Ord. No. 2018-16, § 1, 1-8-2019)

Section 4.6 Prohibitions.

(A) *Holding other office.* Except where authorized by law, no Commission member shall hold any other City office or City employment during the Commissioner member's term, and no

former Commission member shall hold any compensated appointive City office or employment until one year after the expiration of the term for which he/she was elected to the Board of Commissioners.

(B) *Appointments and removals.* Neither the Board of Commissioners nor any of its members shall in any manner dictate the appointment or removal of any City administrative officer or employees whom the City Manager or any of his/her subordinates are empowered to appoint, but the Board of Commissioners may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.

(C) *Interference with administration.* Except for the purpose of inquiries and investigation, the Board of Commissioners or its members shall deal with the City officers and its employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Board of Commissioners or its members shall give orders to any such officers or employee, neither publicly nor privately, except as provided under the emergency powers section of this Charter. The Board of Commissioners or any of its committees or members, individually or collectively, shall not direct or request the appointment of any person or his/her removal from, office by the City Manager or any of his/her subordinates or in any manner, directly or indirectly, take part in the appointment or removal of any officers or employees or members of Boards in the Administrative Service of the City of Madeira Beach, Florida. The Board of Commissioners nor any member thereof shall give orders to any subordinate or Officer of said City, either publicly or privately, directly or indirectly.

(D) *Nepotism prohibited.* The Board of Commissioners or the City Manager, or City Clerk or City Treasurer shall not employ nor contract with any member of the Board of Commissioners or with the City Manager or the City Clerk, or City Treasurer nor with any relative of any member of the Board of Commissioners or City Manager, or the City Clerk or City Treasurer thereof. Nothing contained above shall limit the

Board of Commissioners from contracting with the City Manager or City Clerk or City Treasurer for services rendered in connection with their office. As defined in Florida Code of Ethics for Public Officials and Employees (Florida Statutes § 112.312), "Relative," means an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee. (Ord. No. 1004, 12-14-2004/3-8-2005; Ord. No. 2018-09, § 1, 8-20-2018)

State law reference—Code of ethics, Florida Statutes § 112.311 et seq.

Section 4.7 Creation of new departments.

The Board of Commissioners by ordinance may create, change, and abolish offices, departments and agencies established by this Charter. The Board of Commissioners by ordinance may assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency a function or duty assigned by this Charter to a particular office, department or agency.

Section 4.8 Induction of Board of Commissioners into office; meetings.

The first meeting of each newly elected member of the Board of Commissioners for induction into office shall be at a Board of Commissioners meeting to be held on or before the last day of the month in which the election was held. The Board of Commissioners may hold such special and

regular meetings at such times as they may prescribe, but not less frequently than once each month. Meetings of the Board of Commissioners shall be open to the public in accordance with the Florida Statutes.

(Ord. No. 979, § 2, 1-28-03; Ord. No. 1005, 12-9-03; Ord. No. 2018-16, § 1, 1-8-2019)

State law reference—Meetings to be open to the public, Florida Statutes § 286.011.

Section 4.9 Investigations.

The Board of Commissioners may make investigations into the affairs of the City by appointing a Charter Officer to investigate internal affairs of the City and report their findings to the Board of Commissioners.

(Ord. No. 2018-16, § 1, 1-8-2019)

Section 4.10 Independent audit.

The Board of Commissioners shall provide for an independent annual audit of all City accounts and may provide for a more comprehensive audit as it deems necessary. Such audits shall be made by a certified public accountant or a firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The Board of Commissioners may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three (3) years, provided that the designation for any particular fiscal year shall be made not later than ninety (90) days after the beginning of such fiscal year. If the State of Florida makes such an audit, the Board of Commissioners may accept it as satisfying the requirements of this section.

(Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

State law reference—Independent fiscal audit required, Florida Statutes §§ 166.241, 218.32.

Section 4.11 Compensation; expenses.

The Board of Commissioners may determine the annual salary of Commissioners by Ordinance, but no Ordinance increasing such salary shall become effective until the date of commencement of the terms of Commissioners elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six (6) months.

All members of the Board of Commissioners, may be reimbursed for any ordinary travel and other expenses incurred in connection with their official duties inside and outside the limits of Pinellas County and shall account therefore in accordance with Florida Statutes.

Salary rates of six hundred (\$600.00) dollars per month for the Mayor and four hundred (\$400.00) dollars per month for District Commissioners shall be paid until amended by ordinance as hereinabove provided.

Changes in the salaries of the Board of Commission members shall be established by Ordinance.

(Ord. No. 722, 9-6-1988/4-4-1989; Ord. No. 1007, 12-14-2004/3-8-2005; Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

Section 4.12 Recall.

The Recall of elected officials shall be governed by Florida Statutes § 100.361, as may be amended from time to time.

(Ord. No. 2018-16, § 1, 1-8-2019)

ARTICLE V. CHARTER OFFICERS, ADMINISTRATIVE DEPARTMENTS AND CIVIL SERVICE COMMISSION*

Section 5.1 City Clerk, City Attorney, City Manager and City Treasurer; Charter Officers.

There shall be appointed a City Clerk, City Attorney, City Manager and City Treasurer who shall serve at the pleasure of the Board of Commissioners and said officers shall be considered "Charter Officers".

Section 5.2 City Clerk.

The Board of Commissioners shall appoint an officer of the City, who shall have the title of City Clerk. The Clerk shall be appointed on the basis

*Editor's note—Ord. No. 2018-09, § 1, adopted Aug. 20, 2018, and at the direction of the city, repealed Art. V and renumbered Art. VI as Art. V and amended it in its entirety. Former Art. V pertained to city manager, which can now be found in § 5.4, and derived from Ord. No. 1009, adopted Dec. 9, 2003.

of executive, professional, and administrative qualifications with special reference to actual experience in, or knowledge in respect to the duties of the City Clerk's office.

The City Clerk must be a member, and maintain membership in good standing, of the International Institute of Municipal Clerks (IIMC) and the Florida Association of City Clerks (FACC), and be a certified municipal clerk through IIMC, and maintain certification in good standing.

The City Clerk shall give notice of its meetings, who shall keep the journal of its proceedings, who shall authenticate by his/her signature and record in full in a book kept for the purpose, all Ordinances and Resolutions and who shall perform other duties as shall be required by this Charter or by Ordinance.

The City Clerk, with the approval of the City Commission, may appoint Deputy Clerks who when appointed shall have such powers and authority as shall be conferred by the Board of Commissioners.

The Public Records of the City of Madeira Beach shall be in the custody of the City Clerk of said City and he shall be responsible for their safety.

The City Clerk shall be the secretary ex-officio for the Civil Service Commission.

(Ord. No. 2018-09, § 1, 8-20-2018)

State law reference—Public records act, Florida Statutes ch. 119.

Section 5.3 City Attorney.

The Board of Commissioners shall appoint a City Attorney, upon such terms and for such compensation as the Board of Commissioners shall adopt. The City Attorney shall act as legal advisor to, and attorney for, the City and all of its officers or employees in matters arising out of the performance of their official duties for the City, but the City Attorney, or the City Attorney's law firm, shall not personally represent an elected official in any recall litigation or Florida Commission on Ethics proceeding, however, the elected official is entitled to legal representation in any recall litigation or or Florida Commission on Ethics proceeding at the expense of the City.

The City Attorney shall bring and defend or assist in litigation and defense, for and in behalf of the City, all complaints, suits and controversies in which the City is a party and shall perform such other professional duties as may be required of him by official action of the Board of Commissioners.

The City Attorney shall be an attorney at law, admitted to practice before the highest courts of the State of Florida and the Federal District Court for the Middle District of Florida.

The Board of Commissioners may appoint such assistant City Attorney as they deem necessary. The Board of Commissioners may contract with such other attorneys or firm of attorneys to perform such services on behalf of the City on specialized projects as may be deemed necessary or expedient in the discretion of the Board of Commissioners.

(Ord. No. 2018-09, § 1, 8-20-2018)

Section 5.4 City Manager.

The Board of Commissioners shall appoint a City Manager and fix compensation. The Manager shall be appointed on the basis of executive, professional, and administrative qualifications, with special reference to actual experience in, or knowledge in respect to the duties of the office.

The City Manager must be a member, and maintain membership in good standing, of the International City/County Management Association (ICMA) and Florida City and County Managers Association (FCCMA).

The City Manager will be hired by the Board of Commissioners under a written employment contract.

While it may be preferable that the City Manager live within the City of Madeira Beach, it is not mandatory.

A. Removal. The Commission may remove the Manager from office only after a due process name clearing hearing in accordance with the following procedures:

1. The Board of Commissioners shall adopt by affirmative vote of a majority of all its members a preliminary

charging document resolution, which must state with particularity the reasons for removal and may suspend the Manager from duty for a period of time not to exceed forty-five (45) days if good and probable cause is shown.

- a. If the Board of Commissioners determines immediate suspension is in the best interest of the City and the Board of Commissioners shall appoint an Acting City Manager within 48 hours of suspension.
 - b. If the Board of Commissioners determines immediate suspension is in the best interest of the City, the City Manager may continue to serve until the due process hearing if no good and probable cause is shown for immediate suspension or if immediate suspension is not in the best interest of the City.
 - c. A copy of the resolution shall be delivered promptly to the Manager.
2. Within five (5) business days after a copy of the preliminary charging document resolution is delivered to the Manager, the City Manager may resign or file with the Board of Commissioners a written request for a public hearing. This hearing shall be held at a Board of Commissioners meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The Manager may file with the Board of Commissioners a written reply to the preliminary charging document resolution for removal not later than five (5) days before the hearing.
 3. The Board of Commissioners may accept a resignation or adopt a final resolution of removal, upon the affirmative vote of a majority of all of its members at a noticed hearing any time after five (5) business days

from the date when a copy of the preliminary charging document resolution was delivered to the Manager, if the City Manager has resigned or not requested a public hearing, or at any time after the conclusion of the public hearing if the City Manager has requested a due process name clearing hearing.

4. The Manager shall continue to receive salary and all benefits until the effective date of resignation or final resolution of removal or as specified in the City Manager's contract. In no event shall any severance exceed that which is allowed by Florida Statutes, as may be amended from time to time. The action of the Board of Commissioners in suspending or removing the Manager shall be subject to review by a Court or agency as set forth under state or federal law.

B. *Acting City Manager.* By letter filed with the City Clerk, the City Manager shall designate, subject to approval of the Board of Commissioners, a qualified City administrative officer to exercise the powers and perform the administrative duties of Manager during an extended temporary absence or debilitating disability. In the event the City Manager fails, or is unable, to make such a designation, the Board of Commissioners by resolution may appoint a qualified City administrative officer to serve in the extended absence or incapacity of the City Manager. The Board of Commissioners may revoke the City Manager's designation at any time and appoint another officer of the City to serve until the City Manager shall return to duty.

C. *Powers and duties.* The City Manager shall:

Be the chief administrative officer of the City.

Be responsible to the Board of Commissioners for the administration of all City affairs placed in their charge by or under this Charter.

Have the following powers and duties to:

1. Appoint and, when deemed necessary for the good of the City, suspend or remove all City employees and appointive administrative officers provided for or under this Charter that the City Manager is empowered to appoint, except as otherwise provided by law, this Charter, contract or personnel rules adopted pursuant to this Charter. The City Manager may authorize any administrative officer who is subject to the City Manager's direction and supervision to exercise those powers with respect to subordinates in that officer's department, office or agency.
2. Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided in this Charter or by law.
3. Attend all Board of Commissioners meetings and shall have the right to take part in discussions but may not vote.
4. See that all laws, provisions of this Charter and directives of the Board of Commissioners, subject to enforcement by him/her or by officers' subject to the City Manager's direction and supervision, are faithfully executed.
5. Recommend to the Board of Commissioners for adoption such measures as he/she may deem necessary or expedient in the interest of the City.
6. Prepare and submit the annual budget and capital program to the Board of Commissioners.
7. Make such other reports as the Board of Commissioners may require

concerning the operations of the City departments, offices and agencies subject to direction and supervision.

8. Keep the Board of Commissioners fully advised as to the financial condition and future need of the City and make such recommendations to the Board of Commissioners concerning the financial affairs of the City as the City Manager deems necessary.
9. See that all terms and conditions imposed in favor of the City or its residents in any public utility franchise are faithfully kept and performed; and upon knowledge of any violation thereof, the City Manager shall call the same to the attention of the City Attorney and the Board of Commissioners.
10. Be the purchasing agent of the City, by whom all purchases of supplies shall be made. In the capacity of purchasing agent the City Manager shall also conduct all sales of personal property. The Board of Commissioners shall, by ordinance, establish regulations governing the purchasing and sales criteria of the City Manager. The Board of Commissioners may from time to time prescribe amendments to the purchasing and sales criteria ordinance.
11. Perform such other duties as are specified in the Charter or may be required by the Board of Commissioners.

(Ord. No. 2018-09, § 1, 8-20-2018)

Section 5.5 City Treasurer.

There shall be a director of finance who in turn shall also be the City Treasurer. The director of finance shall be appointed by the City Manager subject to Board of Commissioner's approval. The director of finance shall be accounting department head, responsible for personnel

and equipment of finance, accounting, cashiering, licensing, billing and collecting sums due the City and related financial accounting and systems operations. The director of finance shall be personally responsible for maintaining current and accurate accounting records of City activities, in accordance with accepted municipal accounting practices and governing city laws. He shall issue monthly financial reports to the Board of Commissioners. All matters concerning the fiscal and financial conditions of the City shall be his responsibility and he shall assist in preparing the annual financial budget, the monthly financial reports, showing comparison of revenue and expenditures to anticipated revenues and appropriation expenditures. He shall be responsible for advising the City Manager and the Board of Commissioners as soon as possible concerning significant deviation. The director of finance shall be personally responsible for adequate safeguards for City assets, including cash, inventories, equipment and pertinent records concerning the same, as well as records of all receivables and liabilities of the City. Adequate safeguards shall include the proper internal control procedures and sufficient insurance concerning any theft, casualty and liability exposure. The director of finance shall be the custodian of all monies of the City and responsible for promptly depositing all receipts in designated bank accounts as well as responsible for prompt payment of current bills and obligations against the City, when approved.

The director of finance shall be properly and sufficiently bonded.

Section 5.6 Administrative departments.

A. Creation of departments. The Board of Commissioners may establish or abolish departments of the City, offices or agencies pursuant to the authority granted by ARTICLE IV, BOARD OF COMMISSIONERS, Section 4.7, Creation of New Departments, of this Charter.

B. Direction by Manager. All departments, offices and agencies shall be under the direction and supervision of the City Manager and shall be further administered by an officer appointed by and subject to the direction and supervision of

the Manager. With the consent of the Board of Commissioners, the Manager may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of two or more of them.

(Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

Section 5.7 Personnel systems; Civil Service Commission.

A. Merit principal. All appointments and promotions of City employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

B. Civil Service Commission; Membership. There shall be a Civil Service Commission of the City of Madeira Beach, Florida, which Commission shall be composed of five citizens of said City. The Civil Service Commission shall be appointed by the Board of Commissioners of the City of Madeira Beach, Florida. The term of office for each member shall be three years and shall be staggered so that not more than two terms expire within any one year. Three Commissioners shall constitute a quorum. Members of the Civil Service Commission shall hold no remunerative office or employment under the City of Madeira Beach, Florida. The Board of Commissioners of the City of Madeira Beach, Florida, shall have the authority to remove for cause any and/or all Civil Service Commissioners.

C. Personnel Rules. The Civil Service Commission shall prepare personnel rules. When concurred by the City Manager, the rules shall be proposed to the Board of Commissioners, and the Board of Commissioners may by Ordinance adopt them with or without amendment. These rules shall include, but are not limited to:

1. The classification of all classified City positions, based upon the duties, authority and responsibility of each position, with adequate provisions for classification of any position whenever warranted by circumstances;
2. A pay plan for all classified City positions;

3. Methods for determining the merits and fitness of candidates for appointment or promotions;
4. The policies and procedures regulating reduction in force, demotion, suspension and removal of employees;
5. The hours of work, attendance regulation and provisions for sick and vacation leave;
6. Grievance procedures, including procedures for the hearing of grievances by the Civil Service Commission, which may render advisory opinions based on its findings to the City Manager with a copy to the aggrieved employee. In this respect the Civil Service Commission shall have the power to issue subpoenas to compel attendance by witnesses and to administer oaths;
7. Other practices and procedures necessary to the administration of the City personnel system;
8. In connection with the aforementioned personnel rules, the Civil Service Commission shall inquire into the implementation of such personnel rules as considered necessary to ensure compliance therewith.

D. Duties and powers of the Civil Service Commission. All duties, powers, reservations of power, and funding for the Civil Service Commission may be provided for by Ordinance duly passed by the Board of Commissioners of the City of Madeira Beach, Florida.

E. Powers to collectively bargain recognized. Nothing contained in this Charter shall limit the power of the Board of Commissioners of the City of Madeira Beach, Florida, acting through its Manager from entering into collective bargaining negotiations with any officers, employees, or group of employees for the purpose of establishing by contract conditions of employment, rules or compensation of said officers, employees, or groups of employees. For the purposes of this

Charter, ARTICLE I, Section 6, of the Constitution of the State of Florida is specifically recognized.

(Ord. No. 446, 1-28-1975; Ord. No. 664, 8-14-1984/11-7-1984; Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

ARTICLE VI. RESERVED*

ARTICLE VII. ORDINANCES AND RESOLUTIONS†

Section 7.1 [Power of Board of Commissioners to make ordinances and resolutions.]

The Board of Commissioners of the City of Madeira Beach shall have the power to make ordinances and resolutions and establish for the government of said City, such ordinances or resolutions in writing not inconsistent with the Charter, Constitution and laws of the State of Florida, or the United States, as they may deem necessary. Said ordinances to be passed and become effective as hereinafter provided. (Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

Section 7.2 Definitions.

A. As used in this Charter the following terms and words shall have the following meanings unless some other meaning is plainly indicated:

Code. Any published compilation of rules and regulations which have been prepared by various technical trade associations and shall include specifically, but shall not be limited to, building codes; plumbing codes; electrical wiring codes; health or sanitation codes; fire prevention codes; inflammable liquid codes; codes for the processing and sale of food stuffs for human consumption, together with any other code which embraces rules and regulations pertinent to a subject matter which is a proper municipal legislative matter.

*Editor's note—See editor's note, Art. V.

†State law reference—Uniform minimum mandatory procedure for the adoption of ordinances, Florida Statutes § 166.041.

Ordinance. An official, legislative action of the Board of Commissioners, which action is a regulation of a general and permanent nature and enforceable as local law.

Public Record. Any City, State of Florida or Federal Statute, ordinance, rule or regulation adopted prior to the exercise by City of Madeira Beach of the authority to adopt or incorporate by reference as herein granted.

Published. Printed, or otherwise reproduced.

Resolution. An expression of the Board of Commissioners concerning matters of administration, expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the Board of Commissioners.

(Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

Section 7.3 Procedure for the enactment of ordinances and resolutions.

A. Each ordinance or resolution shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be clearly stated in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act, section, sub-section or paragraph of a section or subsection.

B. A proposed ordinance may be read by title, or in full, on at least two separate days and shall, at least fourteen (14) days prior to the adoption, be noticed once in a newspaper of general circulation in Madeira Beach, Florida. The notice of proposed enactment shall state the date, time and place of the meeting, the title or titles of proposed ordinances and the place or places within the City of Madeira Beach, where such proposed ordinances may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

C. The Board of Commissioners with a two-thirds ($\frac{2}{3}$) vote may enact an emergency ordinance without complying with the requirements of paragraph (B) of this section.

D. A proposed resolution may be read by title, or in full, at no less than one regular meeting of the Board of Commissioners of the City of Madeira Beach, Florida. The notice and publication requirements as set forth hereinabove as applying to ordinances shall not be required for the passage of resolutions.

E. The majority of the members of the Board of Commissioners shall constitute a quorum. The affirmative vote of the majority of a quorum present shall be necessary to enact an ordinance or adopt any resolution provided that two-thirds ($\frac{2}{3}$) of the membership of the Board is required to enact an emergency ordinance. On final passage, the vote of each member of the Board of Commissioners voting shall be entered on the official record of the meeting.

F. 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 attested to by the City Clerk. (Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

State law reference—Uniform minimum mandatory procedure for the adoption of ordinances, Florida Statutes § 166.041.

Section 7.4 Effective date.

All ordinances or resolutions as passed by the Board of Commissioners shall become effective ten (10) days after the passage or as otherwise provided therein.

Section 7.5 Ordaining clause.

The ordaining clause of every ordinance shall be as follows:

"Be it ordained by the Board of Commissioners of the City of Madeira Beach, Florida."

Section 7.6 Adoption by reference of standard codes.

A. The City of Madeira Beach is hereby authorized and empowered to adopt or incorporate by reference the provisions of any code, or any portion thereof, without setting forth the provisions of such code in full, provided that at least one (1) copy of such code, which is adopted or incorporated by reference are filed in the office of the City Clerk, and are kept available for public

use, inspection and examination. The filing requirement herein required shall not be deemed to be complied with unless the required copies of such code are filed with the City Clerk for a period of ten (10) days prior to the passage of the ordinance adopting or incorporating such code by reference.

B. Nothing contained in this act shall be deemed to relieve the City from any requirement of giving notice of any ordinance which adopts or incorporates any such code or public record by reference, but all provisions applicable to such publication shall be fully and completely carried out as if no code or public record was adopted or incorporated therein.

C. Nothing contained in this Charter shall be deemed to permit the adoption of the penalty clauses by reference which may be established in the code or public record which is adopted or incorporated by reference, but all penalty clauses shall be set forth in full in the adopting ordinance and be published along with and in the same manner as the adopting ordinances required to be published.

D. Any subsequent amendments or revisions of any such code or public record may be adopted or incorporated by reference in the same manner as the original, as above authorized.

E. The City of Madeira Beach shall not be required to re-adopt any such code or public record heretofore adopted or incorporated by reference (but all previous adoptions or incorporation by reference), which would have been valid if this Charter had been in effect, are hereby ratified and declared effective, provided, however, that the requisite is forthwith filed with the City Clerk, if they have not already been so filed. (Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

State law reference—Minimum mandatory technical codes, Florida Statutes § 553.73.

Section 7.7 Inconsistency.

Ordinances must not be inconsistent with the Charter. The Board of Commissioners shall have the power to pass all ordinances not inconsistent with the provisions of this Charter. (Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

ARTICLE VIII. MUNICIPAL TAXATION***Section 8.1 Taxes and charges; authority to levy.**

The Board of Commissioners of the City of Madeira Beach, Florida may raise by taxation and licenses authorized by the Constitution or general laws of the State of Florida or by user charges or fees authorized by ordinance, amounts of money which are necessary for the conduct of municipal government and may enforce the receipt and collection in the manner prescribed by ordinances not inconsistent with the general law of the State of Florida.

Section 8.2 Ad valorem taxes.

A. The Board of Commissioners shall have the right by ordinance to levy ad valorem taxes on real and tangible personal property within the municipality and in an amount not to exceed ten (10) mills on the dollar on the fair cash value of all the real and tangible property in said City and out of funds so raised, the Board of Commissioners shall have the right and authority to expend an amount not in excess of one-fourth ($\frac{1}{4}$) mill on the dollar of all the taxable property in said City for the purpose of giving publicity to the advantages, facilities, and resources of said City. In addition to the right to levy ad valorem tax on ten (10) mills on the dollar as herein provided, said City shall also have the right to levy such additional taxes, following referendum by the electors in the manner hereinafter provided, as may be necessary to pay the interest on the outstanding bonds of said City, and such additional bonds as said City may, from time to time, issue in accordance with the law, and also to provide a sinking fund for the redemption of said bonds when the same mature. Said additional taxes shall be levied in a manner not inconsistent with the general law of the State of Florida.

B. It shall be the duty of the Board of Commissioners, after having adopted the budget as provided in this Charter, and after having been notified of the amount of total taxable property in the City, to fix and determine the millage,

*State law reference—Municipal finance and taxation, Florida Statutes § 166.201 et seq.

which shall be levied and assessed against such taxable property, and to certify to the tax assessor of Pinellas County, Florida, the amount of such millage, such certificate to be signed by the Mayor-Commissioner, or in his absence the Vice-Mayor, and the seal of the City placed thereon and attested by the City Clerk.

C. At any time millage rates are published for the purpose of giving notice, the rates shall be stated in terms of dollars and cents for every thousand dollars of assessed property value.

State law reference—Ad valorem taxation authority, Florida Statutes § 166.211.

Section 8.3 Regulatory fees.

The Board of Commissioner may levy reasonable business, professional occupational regulatory fees, commensurate with the cost of regulatory activity, including consumer protection, on such classes of business, professions, and occupations, the regulation of which has not been preempted by the State or by Pinellas County. Said levy of business, professional, and occupational regulatory fees shall be by ordinance.

State law reference—Regulatory fee authority, Florida Statutes § 166.221.

Section 8.4 Public service tax.

The Board of Commissioners of the City of Madeira Beach, Florida, shall have the right to levy by ordinance in manner not inconsistent with the general law of the State of Florida, a tax on the purchase of electricity, metered or bottled gas (natural liquified petroleum gas or manufactured), fuel oil for heating purposes, water service, telephone service, telegraph service, and cable television service. The tax shall be only upon purchases within the municipality and shall not exceed ten (10) percent of the payments received by the seller of the taxable item from the purchaser for the purchase of such services.

State law reference—Public service taxation authority, Florida Statutes § 166.231 et seq.

Section 8.5 All taxes to remain in effect.

All ad valorem taxes, regulatory fees, and public service taxes or other taxes or fees in effect on the effective date of this Charter not

inconsistent with the provisions of this Charter shall remain in effect and be collectible in accordance with ordinances passed prior to the adoption of this Charter.

Section 8.6 Authorization to levy other forms of taxes or fees.

Nothing contained in this Charter shall be construed as a limitation upon the power of the Board of Commissioners of the City of Madeira Beach, Florida, to levy such other forms of taxes or fees as may, from time to time, be authorized by the general law of the State of Florida.

State law reference—Taxation authority, Florida Statutes § 166.201 et seq.

ARTICLE IX. MUNICIPAL BORROWING

Section 9.1 Definitions.

As used in this part, the following words and terms shall have the following meanings unless some other meaning is plainly indicated:

Ad valorem bonds. Bonds which are payable from the proceeds of ad valorem taxes levied on real and tangible personal property.

Bond. Bonds, debentures, notes, certificates of indebtedness, mortgage certificates, or other obligations or evidence of indebtedness of any type or character.

General obligation bonds. Bonds which are secured by, or provided for their payment by, the pledge, in addition to those special taxes levied for their discharge in such other sources as may be provided for their payment or pledged as security under the ordinance or resolution authorizing their issuance, of the full faith and credit and taxing power of the municipality and for payment of which, recourse may be had against the general fund of the municipality.

Improvement bonds. Special obligations of the municipality which are payable solely from the proceeds of the special assessments levied for a municipal project.

Project. A governmental undertaking approved by the Board of Commissioners and includes all property right, easements and franchises related

thereto and deemed necessary or convenient for the construction, acquisition or operation thereof, and embraces any capital expenditure which the Board of Commissioners shall deem to be made for a public purpose including the refunding of any bonded indebtedness which may be outstanding on any existing project which is to be improved by means of a new project.

Refunding bonds. Bonds issued to refinance outstanding bonds of any type and the interest and redemption premium thereon. Refunding bonds shall be issuable and payable in the same manner as the refinanced bonds, except that no approval by the electorate shall be required unless required by the State Constitution.

Revenue bonds. Obligations of the municipality which are payable from revenues derived from sources other than ad valorem taxes on real or tangible personal property and which do not pledge the property, credit, or general tax revenue of the municipality.

Section 9.2 Authority to borrow.

The Board of Commissioners may borrow money, contract loans and issue bonds as defined in Section 9.1, from time to time, to finance the undertaking of any capital or other project for the purposes permitted by the State Constitution and may pledge the funds, credit, property, and taxing power of the City for the payment of such debts and bonds.

(Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

State law reference—Authority to borrow, Florida Statutes § 166.111.

Section 9.3 Issuance of bonds.

A. Bonds issued shall be authorized by resolution or ordinance of the Board of Commissioners and, if required by State Constitution or this Charter, by affirmative vote of the electors of the municipality. Such bonds may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form, registered or not with or without coupon, carry such conversion or registration privileges, have such rank or priority, be executed in such

manner, be payable in such medium or payment, at such place or places, and subject to such terms of redemption, with or without premium, be secured in such manner and have such other characteristics as may be provided by such resolution or ordinance or trust indenture or mortgage issued pursuant thereto.

B. The Board of Commissioners shall determine the terms and manner of sale and distribution or other dispositions of any and all bonds it may issue and it shall have any and all powers necessary or convenient to such disposition.

State law reference—Issuance of bonds, Florida Statutes § 166.121.

Section 9.4 Establishment of sinking funds.

The Board of Commissioners may establish and administer such sinking funds as it deems necessary or convenient for the payment, purchase or redemption of any outstanding bonded indebtedness of the City of Madeira Beach.

State law reference—Sinking funds, Florida Statutes § 166.122.

Section 9.5 Levy of taxes for payment of debt.

The Board of Commissioners may levy ad valorem taxes in the manner provided in ARTICLE VIII of this Charter upon real and tangible personal property within the City as it deems necessary to make payment, including principal and interest, upon the general obligation and ad valorem bonded indebtedness of the municipality or into any sinking fund created pursuant to the provisions of this Charter. (Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

State law reference—Levy of taxes for payment of debt, Florida Statutes § 166.131.

Section 9.6 Full authority to issue bonds.

This Article shall be full authority for issuance of bonds authorized in this Charter.

State law reference—Full authority to issue bonds, Florida Statutes § 166.141.

ARTICLE X. FINANCIAL PROCEDURES

Section 10.1 Fiscal year.

The fiscal year of the City shall begin on the first day of October and end on the 30th day of September of each year.

State law reference—Mandated fiscal year, Florida Statutes § 166.241.

Section 10.2 Annual estimates.

The City Manager, 90 days before the beginning of the fiscal year, shall make his report covering the operation of the City, in which it shall be his duty to make and submit to the City Commission an estimate of the expenditures and revenues of the City, for the next fiscal year. This estimate shall be compiled from detailed information, and in its arrangement the classification of expenditures shall be as nearly uniform as possible for the main functional divisions and departments of the City, and shall give in columns the following information.

1. Detailed estimate of the expenses of conducting each department and division of the City, including all public utilities and enterprises conducted by the City.
2. Expenditures for corresponding items during the two (2) fiscal years last passed.
3. Amount of supplies and materials on hand.
4. Increase of demands compared with corresponding appropriations for last fiscal year.
5. Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure.
6. Such other information as required by the Board of Commissioners or as the City Manager may deem advisable to submit.
7. The estimates so given, as to the amount necessary to be appropriated for the ensuing fiscal year, shall be supported with information giving the reasons therefor

in such detail as may be necessary to afford the Board of Commissioners a comprehensive understanding for the needs and requirements of the various divisions of the City government for the ensuing period.

8. Sufficient copies of the report and estimate shall be prepared so that there may be copies on file in the office of the City Clerk for inspection by the public.

State law reference—Mandatory procedures for adoption of budget, Florida Statutes § 200.065.

Section 10.3 Capital program.

A. Submission to Board of Commissioners. The City Manager shall prepare and submit to the Board of Commissioners a five-year capital program at least three (3) months prior to the beginning of the fiscal year.

B. Contents. The capital program shall include:

1. A clear general summary of its contents;
2. A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
3. Cost estimates, method of financing and recommending time schedules for such improvements; and
4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

(Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

Section 10.4 Board of Commissioners action on budget.

As soon as practical after the receipt of the annual estimate provided for in Section 10.2, above, the Board of Commissioners shall determine and affix the amount necessary to carry on the government of the City for the

ensuing year and shall by ordinance adopt a budget setting forth the amounts necessary to be raised for the various departments of the City and fixing the amount of millage to raise such sum. The ordinance adopting the budget and fixing the millage, including the budget so adopted, shall within ten (10) days after its passage on first reading, be published in one issue of a newspaper of general circulation in the City of Madeira Beach, Florida, together with a notice stating the time and place when objections thereto shall be heard by the Board of Commissioners. The Board of Commissioners shall sit at the time and place set forth in said notice and unless valid objections shall be made thereto, the said budget and millage therein fixed and adopted shall stand for the ensuing years; provided that in the event said budget or millage be changed at the time and in the place stated in said notice, no further publication of said budget as changed or amended shall be necessary. Provided, however, that during the fiscal year there may be intra-fund transfers made and adopted by resolution, as long as the total amount of the said funds remains unchanged.

Section 10.5 Transfer of funds; when permitted.

The Board of Commissioners shall have authority by resolution, whenever it is deemed necessary, to increase or decrease any particular fund contained in the said budget and if the Board of Commissioners should deem it wise and appropriate, they may authorize the City Manager to affect a short term loan or loans from any source under such terms and provisions as the Board of Commissioners may authorize, pledging the credit of the City for such purpose or purposes. No transfers shall be made of any sinking fund or funds.

(Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

Section 10.6 Limitation of appropriations.

A. 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.

B. Any accruing revenue of the City as herein provided, and any balance at any time remaining after the purpose of the appropriations shall have been satisfied or abandoned, may from time to time, be appropriated by the Board of Commissioners to such use as will not conflict with any uses for which such revenue specifically accrued. No money shall be drawn from the treasury of the City nor shall any obligation for the expenditure of any money be incurred, except pursuant to the appropriations made by the Board of Commissioners.

ARTICLE XI. LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENTS

Section 11.1 Power to order certain improvements.

The Board of Commissioners have power to order certain improvements. The Board of Commissioners shall have the power to establish grades and drains on all public streets and thoroughfares of the City, and shall have the power to pave, repave, curb, open, construct, lay out, repair or otherwise improve any street, alley, sidewalk, park or other public highway or any part thereof, and to lay out, construct, alter, repair or improve sewers, bulkheads, seawall and all other necessary public improvements within the city limits of the City of Madeira Beach. Bulkheads, seawalls, retaining walls and other necessary structures in the vicinity of, or along, or near, or abutting on, the waterfront may be constructed upon public or private property where such bulkheads, seawall, retaining walls and other necessary structures in connection therewith are necessary to hold, protect or retain the streets or public property of the City of Madeira Beach.

(Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

Section 11.2 Assessment of cost.

The Board of Commissioners shall have the power to assess the cost of any of the improvements authorized in this section against the

property especially benefitted thereby. This assessment shall be made substantially in the manner hereinafter provided, to wit:

1. *Initial proceeding.* The initial proceeding for a local improvement which is to be specially assessed against benefitted property owners shall be the passage, at a meeting of the Board of Commissioners, of a resolution ordering such local improvement to be made under this section, stating the nature of the proposed improvement, designating the location of the improvement, what part or portion of the expense thereof is to be paid for by special assessment, the manner in which said assessment shall be made, when said assessments are to be paid, what part, if any, shall be apportioned to be paid from the general improvement fund of the City, and said resolution shall also designate the lands upon which the special assessment shall be levied.
2. *Resolution.* The resolution may give any short and convenient designation to each improvement ordered thereby, and the property against which assessments are to be made, for the cost of such improvement, shall be designated as a district followed by a letter or number, or anything to distinguish it from other districts, after which it shall be sufficient to refer to such improvement and property by such designation in all proceedings and assessments except as hereinafter provided.
3. *Plans and specifications.* Immediately after the passage of said resolution, the City Clerk shall prepare and file plans and specifications of each improvement ordered thereby and estimates of the cost thereof. There shall be included in the estimates of the cost of such improvements the cost thereof and all incidental expenses to be assessed against property benefitted thereby. Such plans and specifications and estimates shall be open to the inspection of the public.

4. *Publications and notice of resolution.* The City Clerk upon filing of such plans, specifications and estimates, shall publish in a newspaper of general circulation in the City, a notice stating that a meeting of the Board of Commissioners on a certain day and hour not earlier than ten (10) days from the date of such publication, the Board of Commissioners will hear the objections of all interested persons to the confirmation of said resolution. Said notice shall state in brief and general terms a description of the proposed improvement with the location thereof, and shall also state the plans, specifications and estimates or costs thereof are on file in the office of the City Clerk.
5. *Confirmation.* At the time named in said notice, or to which an adjournment may be taken, the Board of Commissioners shall receive any objections of any interested persons and may then and thereafter repeal or confirm said resolution with such amendments, if any, as may be desired by the Board of Commissioners and which do not change in any way the location of the improvement or improvements.
6. *Advertisement for bids.* Upon the confirmation of said resolution ordering such improvements or any of them, the Board of Commissioners shall cause the City Clerk to advertise for sealed bids for the doing of the work ordered, which said advertisement shall be published in a newspaper of general circulation in the City of Madeira Beach once a week for two (2) consecutive weeks prior to the date designated for the receipt of such sealed bids.
7. *Award of contract.* Upon receipt of the bids, the Board of Commissioners shall examine the same and shall award contract or contracts for such improvements to the best qualified bidder, provided, however, nothing herein contained shall prevent the Board of Commissioners from rejecting any and all bids received and to re-advertise in the manner herein provided for original call for bids.
8. *Assessment.* Upon completion of any of the improvements so ordered as hereto provided, the Board of Commissioners shall, at its next regular meeting proceed to assess the cost of such improvement or improvements against the property specially benefitted thereby and in the proportion benefitted, which assessment shall be accomplished by resolution duly passed and adopted by a majority of the Board of Commissioners and which resolution shall set forth the nature of the improvement, the description of the property to be assessed, the names of the owners of such property and the amounts to be assessed against the respective property therein listed.
9. *Hearing.* Immediately following the passage and adoption of the resolution making such assessment, the Board of Commissioners shall publish once in a newspaper of general circulation in the City, a notice stating that the Board of Commissioners on a certain day and hour not earlier than ten (10) days from the date of such publication, will meet and hear the objections of all interested persons to the confirmation of said resolution. Said notice shall state in brief and general terms the description of the improvement, the location thereof, the owner, the property to be assessed and the amounts to be assessed against each property so described.
10. *Amendment.* At the time named in said notice or to which an adjournment may be taken, the Board of Commissioners shall receive any objections of interested persons and may then or thereafter repeal or confirm said resolution with such amendments, if any, as may be desired by the Board of Commissioners. Upon confirmation of said resolution, whether in its original form or as amended said resolution shall be in full force and effect.

(Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

Section 11.3 Certificates of indebtedness.

The Board of Commissioners, as soon as said assessment is made may issue certificates of indebtedness for the amount so assessed against the abutting property and separate certificates may be issued against each tract of land assessed containing a description of the land and the amount of the assessment, together with the general nature of the improvement for which the assessment is made and the date thereof, which assessment when made shall constitute and become a lien against said property with priority to all other liens, except taxes and those for construction or repair of sewers, with which liens they shall have equal dignity upon the real estate so assessed.

Said certificates may be payable to bearer in equal annual installments of not exceeding (10) installments, to be determined by the Board of Commissioners, and shall bear interest to be fixed by the Board of Commissioners at a rate not greater than ten (10) percent per annum, payable annually from the date of issuance of such certificates, and the payment of said certificates and annual interest may be guaranteed by the City of Madeira Beach, and in case of nonpayment of the annual interest or principal at maturity by the property owner, the same shall be redeemed by the City at the option of the holder of said certificates but such redemption by the City shall not discharge the lien of the assessments against the abutting property. Said certificates shall be in such form as it prescribed by the Board of Commissioners, and if the Board of Commissioners shall so elect, the annual payments of interest and principal may be represented by coupons in form prescribed by the Board of Commissioners, said coupons to be attached to such certificates and the City Clerk or collector shall keep a record book in form to be prescribed by the Board of Commissioners, in which shall be entered a record of all certificates and coupons heretofore or hereafter issued for public improvement of the character herein provided for, and on which shall be noted all payments or cancellations of such certificates or coupons.

The certificates, when issued, shall be turned over to the City depository, which, when ordered

to do so by resolution of the Board of Commissioners, may sell or dispose of the same in such manner as may be provided for by said resolution in payment for said work or improvement or for cash. Provided, however, that the owner of the property abutting any sidewalk or street, or any other improvement hereinbefore provided for, shall have the option to pay the entire amount of said assessment in cash upon notice of his intention to do so at any time before the actual sale or other disposal by the Board of Commissioners of such certificates and whenever, any such certificates or coupons attached thereto, shall be presented to the City Clerk or collector with request that the same be done, the same shall be canceled of record by the City Clerk or collector.

Section 11.4 Enforcing improvement liens.

In all cases mentioned in this act where the City of Madeira Beach has acquired or may hereafter acquire lien for improvements, such liens or any of them may be enforced by the City or in the name of the City by the holder thereof in any manner authorized by law.

ARTICLE XII. PLANNING AND ZONING***Section 12.1 Authorized.**

For the purpose of promoting health, safety, or the general welfare of the community, the Board of Commissioners is empowered to regulate and restrict height, the number of stories and size of buildings and other structures, the percentage of lot or parcel that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land and water for residential, commercial, industrial or other purposes in the City.

(Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

Section 12.2 City Planning Commission.

There shall be a City Planning Commission consisting of seven (7) members appointed by the

*State law reference—Local government comprehensive planning and land development regulations, Florida Statutes § 163.3161 et seq.

Board of Commissioners for terms of three (3) years. Said appointments to be made from the electors of the City. Members of the City Planning Commission shall hold no other City office or City employment. The City Planning Commission may make recommendations to the City Manager and the Board of Commissioners on all matters affecting the physical development of the City, shall be consulted on the comprehensive plan and the implementation thereof and shall exercise all other responsibilities as may be provided by law or may be assigned to them by the Board of Commissioners from time to time.

Section 12.3 Board of Adjustment.

The Board of Commissioners shall have the authority to appoint a Board of Adjustment if judged to be in the best interests of the City. Said Board of Adjustment, if appointed, shall consist of five (5) members and two (2) alternate members who shall hold no other city office or city employment. The Board of Adjustment shall be established by ordinance which shall set forth the term of office, duties, responsibilities and authority of the members. Said ordinance creating the Board of Adjustment shall clearly set forth the scope of authority of the Board of Adjustment establishing its authority to act and render decisions on request for variances and special exception uses from the established zoning or building regulations. All rules of procedure established by the Board of Adjustment shall be subject to review and approval of the Board of Commissioners.

(Ord. No. 1013, 12-9-03)

Editor's note—Ord. No. 1013, adopted December 9, 2003, renumbered the former § 12.11 as § 12.3.

Secs. 12.4—12.12. Reserved.

Editor's note—Ord. No. 1013, adopted December 9, 2003, repealed §§ 12.3—12.10, 12.12, which pertained to comprehensive plan, implementation of comprehensive plan, division of city into districts by ordinance, uniformity of regulations within districts, difference between districts, regulations to comply with comprehensive plan, hearing and notice on zoning ordinance, amendments, appeals to the board of commissioners, petition to Judge of Circuit Court of Pinellas County, and subdivision and plats and derived from original codification.

ARTICLE XIII. INITIATIVE AND REFERENDUM

Section 13.1 General authority.

A. Initiative. The electors of the City shall have power to propose ordinances to the Board of Commissioners and if the Board of Commissioners fails to adopt an ordinance so proposed without any change in substance, where not preempted by state law, to adopt or reject it at a City election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriations of money, levy of taxes or salaries of City officers or employees.

B. Referendum. The electors of the City shall have power to require reconsideration by the Board of Commissioners of any adopted ordinance and, if the Board of Commissioners fails to repeal an ordinance so reconsidered, to approve or reject it at a City election where not preempted by state law, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinances relating to appropriation of money or levy of taxes.
(Ord. No. 2018-16, § 1, 1-8-2019)

Section 13.2 Commencement of proceedings, petitioners' committee, affidavit.

Any five (5) electors may commence initiative or referendum proceedings by filing with the City Clerk an affidavit 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 initiative ordinance or citing the ordinance sought to be reconsidered. Filing shall consist of delivery of said petition to the City Clerk, or in his absence, to any employee of the office of the City Clerk, during normal working hours, and the date and time of filing shall be noted thereon.

Section 13.3 Petitioner.

A. Number of signatures. Initiative and referendum petitions must be signed by electors of the City equal in number to at least ten percent (10) percent of the total number of electors registered to vote at the last regular City election.

B. Form and content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink and shall be followed by the printed name and address of the person signing. Each petition form shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

C. Designation and Affidavit of Circulator. The Petitioners Committee shall designate persons who are registered voters in the City, known as circulators, to obtain signatures on the petition forms. Each paper of a petition shall have attached to it when filed, an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, and that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signature of the persons whose names they purport to be, and that each signer is an elector of the City and had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

D. Time for filing referendum petition. Referendum petitions may be filed any time after adoption by the Board of Commissioners of the ordinance sought to be reconsidered. (Ord. No. 2018-16, § 1, 1-8-2019)

Section 13.4 Procedure after filing.

A. Certificate of City Clerk, amendment. Within ten (10) days after the petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the Petitioners' Committee by certified mail. A petition certified insufficient for lack of the required

number of valid signatures may be supplemented if the Petitioners' Committee files a notice of intention to supplement it with the City Clerk within five (5) days after receiving the copy of his certificate and files a supplementary petition with additional signatures within thirty (30) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 13.3, hereof; and within five (5) days after it is filed, the City Clerk shall complete a certificate as to the sufficiency of the petition as supplemented and forthwith send a copy of such certificate to the Petitioners' Committee by certified mail as in the case of the original petition. If a petition or supplemented petition is certified sufficient, or if a petition or supplemented petition is certified insufficient, and the Petitioners' Committee does not elect to amend or request the Board of Commissioners review under subsection (b) of this section within the time required, the City Clerk shall promptly present his certificate to the Board of Commissioners and the certificate shall be then a final determination as to the sufficiency of the petition.

B. Board of Commissioners review. If a petition has been certified insufficient and the Petitioners' Committee does not file a notice of intention to supplement it or if a supplemented petition has been certified insufficient, the Board of Commissioners may, within five (5) days after receiving the copy of such certificate, file a request that it be reviewed by the Board of Commissioners. The Board of Commissioners shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Board of Commissioners determination shall then be a final determination as to the sufficiency of the petition.

C. Court review, new petition. A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review shall not prejudice the filing of a new petition. (Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

Section 13.5 Referendum petitions, suspension of effect of ordinance.

When a referendum petition is filed with the City Clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- A. There is a final determination of the insufficiency of the petition.
- B. The Petitioners' Committee withdraws the petition.
- C. The Board of Commissioners repeals the ordinance.

Section 13.6 Action on petition.

A. Action by the Board of Commissioners. When an initiative or referendum petition has been finally determined sufficient, the Board of Commissioners shall promptly consider the proposed initiative ordinance in the manner herein and by ordinance provided or reconsider the referred ordinance by voting its repeal. If the Board of Commissioners 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 finally determined sufficient, it shall submit the proposed or referred ordinance to the electors of the City.

B. Submission to electors. The vote of the City on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than one (1) year from the date of the filing of the petition with the City Clerk. If no regular City election is to be held within the period prescribed in this subsection, the Board of Commissioners shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the Board of Commissioners may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls and posted in the City Hall for not less than thirty (30) days prior to the election.

C. Withdrawal of petitions. An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day preceding

the day scheduled for a vote of the City by filing with the Clerk a request for withdrawal signed by four (4) members of the Petitioners' Committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Section 13.7 Results of election.

A. Initiative. If a majority of the electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Board of Commissioners. If conflicting ordinances are approved at the same election, the ones receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

B. Referendum. If a majority of the electors voting on a referred ordinance vote against it, it shall be considered repealed upon certificate of the election results.

ARTICLE XIV. GENERAL PROVISIONS

Section 14.1 Personal financial interest.

Any City officer or employee who has a substantial financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the City or in the sale of any land, material, supplies or services to the City or to a contractor supplying the City shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a City officer or employee in the making of such sale or in the making or performance of such contract. Any City officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the Manager or the Board of Commissioners.

State law reference—Code of ethics, Florida Statutes § 112.311 et seq.

Section 14.2 Prohibited.

A. Activities prohibited.

1. No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of race, sex, political or religious opinions or affiliations.
2. No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certificate or appointment under the personnel provisions of this Charter or the rules and regulations made thereunder, nor in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.
3. No person who seeks appointment or promotion with respect to any City position or appointive City administration office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his test, appointment, proposed appointment, promotion or proposed promotion.
4. No City official, whether elected or appointed, shall orally, by letter or otherwise solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any person holding any compensated appointive City position.
5. No person who holds any compensated appointive City position shall make, solicit or receive any contribution to the campaign funds of any candidate for public office in the City or take any part in the management, affairs or political campaign of any such candidate, but he may exercise his rights as a citizen to express his opinions and to cast his vote.

B. Penalties. Any person who by himself or with others willfully violates any of the provisions of paragraphs (1) through (5) above, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable in accordance with law.

State law reference—Discrimination prohibited, Florida Statutes § 112.042.

Section 14.3 Charter amendment.

The Charter of the City may be amended in accordance with the provisions of the laws of the State of Florida.

State law reference—Procedure for amendment of Charter, Florida Statutes § 166.031.

Section 14.4 Separability.

If any article, section, subsection, sentence, clause or provisions of this Charter is held invalid, the remainder of the Charter shall not be affected.

ARTICLE XV. RESERVED*

***Editor's note**—Ord. No. 1062, § 1, adopted November 8, 2005, repealed article XV, §§ 15.1—15.5 in its entirety, which pertained to transitional provisions, and derived from original codification.

