



City of Atlantic Beach

Agenda

Joint Workshop between the City Commission and the Charter Review Committee

Monday, May 20, 2024 - 6:00 p.m.

City Hall, Commission Chamber

800 Seminole Road, Atlantic Beach, FL 32233

Pledge of Allegiance

Page(s)

CALL TO ORDER AND ROLL CALL

1. PUBLIC COMMENT

2. DISCUSSION ON PROPOSED AMENDMENTS

[Resolution No. 23-02](#)

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[Current AB Charter](#)

[Charter Review Committee Report](#)

3. NEXT STEPS

[Timeline for Referendum in 2024 General Election](#)

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ADJOURNMENT

This meeting will be live-streamed and videotaped. The video recording will be posted within four business days on the City's website. To access live or recorded videos, visit www.coab.us/live.

Any person wishing to speak to the City Commission on any matter at this meeting should submit a request to the City Clerk. For your convenience, forms for this purpose are available at the entrance to the Commission Chamber.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (904) 247-5821 or at City Hall, 800 Seminole Road, Atlantic Beach, FL 32233, no later than 5:00 PM on the Thursday prior to the meeting.

RESOLUTION NO. 23-02

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ATLANTIC BEACH, FLORIDA, APPOINTING MEMBERS OF THE CHARTER REVIEW COMMITTEE; ADOPTING A DEFINITE AND SPECIFIC CHARGE; ADOPTING CERTAIN PROVISIONS GOVERNING THE COMMITTEE; ESTABLISHING CITY STAFF ADMINISTRATIVE SUPPORT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article XVIII, Section 81, City Charter, provides for the appointment of a Charter Review Committee every eight years to review the City Charter and propose any amendments or revisions, which may be advisable for placement on the regular election ballot;

WHEREAS, said Section also provides that the City Commission shall appoint a Charter Review Committee membership consisting of at least nine (9) and no more than fifteen (15) electors of the City;

WHEREAS, on January 9, 2023, the City Commission elected to create a Charter Review Committee membership consisting of thirteen (13) electors of the City who are to serve for the pendency of the Charter Review Committee existence as set forth in the Charter unless such member is absent from two (2) consecutive regularly scheduled Charter Review Committee meetings (subject to excused absence rules set forth by the chair of the Committee);

WHEREAS, the City Commission now desires to appoint the particular members of the Charter Review Committee and provide for certain associated operations and provisions to the Committee.

NOW THEREFORE, be it resolved by the City Commission of the City of Atlantic Beach, Florida:

SECTION 1. **Appointments.** The Council hereby appoints those thirteen (13) individuals to the Charter Review Committee as listed in the schedule attached hereto as **Exhibit 1.**

SECTION 2. **Adopting a Definite and Specific Charge.**

The City Commission hereby adopts and approves the following definite and specific charge for the Charter Review Committee:

The Charter Review Committee is tasked with conducting a comprehensive review of the City's Charter and, in doing so, adhering to all aspects of the City Charter Article XVIII, Section 81 – Periodic Review. The purpose of the Committee is to evaluate the Charter and to present recommended changes to the City Commission. The Committee is authorized and empowered to conduct a comprehensive review of any phase of City Government. The Committee will be as self-sufficient as possible, performing its own research and dictating its own schedule, with aid, guidance and insight provided by City staff including but not limited to the City

Manager, City Clerk, City Attorney or their designees. Each member shall carefully review the Charter before the first Committee meeting.

SECTION 3. Adopting Certain Provisions Governing The Committee.

The City Commission hereby adopts and approves the following provisions and terms for the Charter Review Committee:

Election of Committee Officers and Associated Duties.

The Charter Review Committee shall elect a chair and vice chair from among its membership as required by the Charter, and it shall further elect a secretary from among its membership who shall be responsible for preparing the following: (1) the agenda; (2) minutes of each meeting (and their prompt recordation with the City), and (3) a final report of all proposed recommendations. Further meetings of the Charter Review Committee shall be held upon the call of the chair or a majority of the members of the Charter Review Committee, as authorized by the Charter. The Charter Review Committee may elect other officers it deems advisable from among its regular members for the proper governance of its meetings and charge.

The Committee quorum is seven (7) members. The Committee shall take no official action unless a quorum is present at a meeting. Any official acts by the Committee shall require a majority vote of the members present, however, as required by the Charter, no Charter amendment or revision shall be submitted to the electorate for adoption (and therefor to the City Commission for its review and consideration) unless favorably voted upon by a majority of the entire membership of the Charter Review Committee.

The chair shall preside at all meetings of the Committee. In the temporary absence or disability of the chair, all duties of the chair shall be performed by the vice chair.

In all cases involving points of parliamentary law, "Robert's Rules of Order" shall be the book of reference, and its rules, so far as they are applicable and not in conflict with the provisions of the City's Charter, Code, or other City ordinances, shall be the rules of this Committee.

Removal or Resignation of a Committee Member.

Any member who fails to attend two (2) consecutive regularly scheduled meetings, subject to excused absence rules as decided by the chair of the Committee, shall be declared to have vacated their Committee seat, which shall be evidenced by the Committee chair notifying the City Clerk of such vacancy in writing. A member may choose to resign from the Committee at any time by giving written notice to the City Clerk. At such time, the City Commission may fill such vacancy in its discretion.

Compliance with Laws.

The Committee and each member shall comply with all applicable federal, state and local

laws including, but not limited to, the Florida Government in the Sunshine Law, Florida Code of Ethics for Public Officers and Employees, Florida Public Records Law, and related provisions of the City's Charter, Code of Ordinances and applicable resolutions, as may be amended from time to time.

SECTION 4. Coordination with City Staff and City Commission.

Working collectively, the Committee shall coordinate with City staff on any needs within its scope and mission.

Staff may be assigned by the City Manager, City Clerk or City Attorney, as necessary, to provide aid, guidance and insight into City government operations or functions.


Notice of meetings shall be the responsibility of City staff.

The Committee shall provide a report of its activities to the City Commission periodically at a frequency established by the Committee or upon request from any City Commission Member.

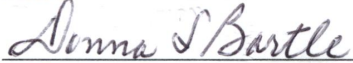
If required, City staff will be responsible for the collection and expenditure of any City funds in accordance with purchasing guidelines.

SECTION 5. Effective Date. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED by the City of Atlantic Beach, Florida, this 23rd day of January, 2023.


Curtis Ford, Mayor

Attest:


Donna L. Bartle, City Clerk

Approved as to form and correctness:

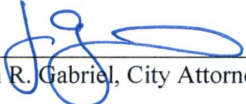

Jason R. Gabriel, City Attorney

EXHIBIT 1

CHARTER REVIEW COMMITTEE MEMBER LIST

DAWN SCOTT
MITCHELL REEVES
ELLEN GOLOMBEK
CHARLES DRYSDALE
BRUCE ANDREWS
KIRK HANSEN
JENNIFER LAGNER
WILLIAM GULLIFORD
KELLY ELMORE
DONALD YOUNG
DEBBIE BUCKLAND
STEVE SWANN
SUZANNE SHAUGHNESSY

Atlantic Beach, Florida, Code of Ordinances
PART I CHARTER

**PART I
CHARTER¹**

ARTICLE I. INCORPORATION; FORM OF GOVERNMENT; POWERS

Sec. 1. Present Charter of the City of Atlantic Beach abolished and new Charter established.

The present Charter of the City of Atlantic Beach in Duval County, Florida, is hereby abolished; and the new Charter, as hereinafter set forth, is hereby established.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 2. Reaffirmation of the incorporation of City of Atlantic Beach.

The establishment of a municipal corporation, known and designated as the City of Atlantic Beach, organized and constituted in the County of Duval and State of Florida, by an act of the Florida Legislature in 1957, is hereby reaffirmed and its territorial boundaries are as follows:

Beginning at a point on the beach of the Atlantic Ocean which is the intersection of the low water mark line of said Atlantic Ocean and an easterly prolongation of the southerly boundary line of Kathryn Abbey Hanna Park; running thence westerly along the southerly boundary line of said Kathryn Abbey Hanna Park to the easterly right-of-way line of Old Sherry Drive (County Road No. 551); running thence southerly along said easterly right-of-way line of Old Sherry Drive (County Road No. 551) to the north boundary line of fractional Section 5, Township 2 South, Range 29 East; running thence westerly along the northerly boundary line of said fractional Section 5 in said Township and Range, to the eastern right-of-way line of Mayport Road (State Road A-1-A); running thence southerly along the easterly right-of-way line of said Mayport Road to the north boundary line of Government Lot 15 of Section 8; running thence easterly along the north boundary line of said Government Lot 15 to the northwest corner of the east one-half of said Government Lot 15; running thence southerly along the west boundary line of the east one-half of said Government Lot 15 to the north boundary line of Sections 17 and 18 in said Township and Range; running thence westerly along said north boundary line and the north boundary line of Section 40 to a point at the center line of the Intracoastal Waterway; running thence southerly along said centerline of the Intracoastal Waterway to the intersection of said center line with a line sixteen (16) feet northerly of, measured at right angles from and parallel to the centerline of Atlantic Boulevard; running thence easterly along said parallel line and a prolongation of same to the point of intersection of said prolongation with the low water mark of the Atlantic Ocean; and running thence northerly along said low water mark of the Atlantic Ocean to the point or place

¹Editor's note(s)—Section 1(Exh. A) of Ordinance No. 33-15-19, adopted May 11, 2015, adopted a new Charter which amended and repealed all former Charter provisions, and which was approved at an election held on August 25, 2015. The former Charter derived from the Laws of Florida Chs. 59-1054, 86-461; Ord. No. 28-93-3, § 1, adopted Aug. 23, 1993; Ord. No. 28-96-4, § 3, adopted Jan. 13, 1997; Ord. No. 90-06-194, § 1, adopted Aug. 14, 2006; Ord. No. 33-07-12, § 1, adopted Oct. 2, 2007; Ord. No. 33-07-13, § 1, adopted Oct. 2, 2007; and Ord. No. 33-10-17, § 1, adopted June 28, 2010.

State law reference(s)—Municipal Home Rule Powers Act, F.S. Ch. 166.

of beginning; excepting from the territory hereinabove described that part thereof lying in said Sections 8 and 9 occupied and used by Atlantic Beach Country Club as described in deed recorded in Volume 652, page 484, Official Records of Duval County, less than and except that part lying in said Section 8 described in Ord. No. 12-16-5, as more particularly described below; and jurisdiction of the waters of the Atlantic Ocean two miles from the low water mark between the north and south lines of said city as above described, projected easterly two miles; and police jurisdiction for traffic control purposes over Atlantic Boulevard from the Atlantic Ocean to the westerly limits of said city as hereinbefore described, over said Mayport Road from the city limits as above described, northerly to the northern boundary line of said fractional Section 5; provided, however, that the city council of the City of Jacksonville, Florida, acting in its capacity as the governing body of Duval County, Florida, is hereby authorized to construct and maintain any and all streets, roads, or highways that have at any time heretofore, been adopted as county roads by the board of county commissioners of Duval County, Florida, as it may deem necessary and proper for the benefit of the public.

Together with the following real property, which is a portion of the Atlantic Beach Country Club, described in and in accordance with that certain Ordinance No. 12-16-5, adopted by the City Commission on the 25th of January, 2016, to be included within the territorial boundaries of the City:

That certain tract or parcel of land being a portion of Government Lots 7, 8, 9, 10, 15 and 16, of Section 8, all in Township 2 South, Range 29 East, Donner's Replat as recorded in Plat Book 19, pages 16 and 16A of the Public Records of Duval County, Florida, being more particularly described as follows:

Commencing at the northeast corner of the Ferrer Grant, Section 38, Township 2 South, Range 29 East; thence North 06°45'00" West, 2073.94 feet to the line dividing said Section 8 and Section 17 for a point of beginning; thence South 89°28'50" West, along said section line, 764.29 feet to the southwest corner of the East (1/2) of Government Lot 15 of said Section 8; thence North 00°31'10" West, along the westerly boundary line of said East (1/2) of Government Lot 15, 1324.81 feet to the southerly boundary of Government Lot 10 of said Section 8; thence along the southerly boundary of said Lot 10, South 89°03'10" West, 355.77 feet to the southeast corner of Fairway Villa as recorded in Plat Book 39, page 22 of said Public Records; thence North 01°23'15" West, along the easterly line of said Fairway Villa, 1875.00 feet; thence North 88°36'45" East, 470.00 feet; thence North 51°45'15" East, 404.23 feet to the most westerly corner of Sevilla Gardens Unit 2, as recorded in Plat Book 45, page 7 of said Public Records; thence southeasterly along the southwesterly line of said Sevilla Gardens Unit 2 and a southeasterly prolongation thereof, along the arc of a curve that is concave to the northeast and has a radius of 4069.72 feet, a distance of 1088.60 feet as measured along a chord bearing South 47°06'35" East, thence North 59°36'55" East, 90.85 feet; thence South 30°27'05" East, 187.60 feet; thence along a curve that is concave to the northeast and has a radius of 4069.72 feet, a distance of 118.00 feet, as measured along a chord bearing South 58°35'55" East; thence South 12°22'05" East, a distance of 46.00 feet, more or less, to an intersection with the westerly shoreline of a drainage ditch and/or canal; thence southerly along the westerly shoreline of said drainage ditch and/or canal, 2026.00 feet more or less to a point, said point being on a westerly prolongation of the south line of Lot 1, Block 9, Selva Marina Unit 5, as recorded in Plat Book 30, pages 29 and 29A of said Public Records; thence North 78°03'10" East, 32.00 feet to the southwest corner of said Lot 1; thence South 14°44'41" West along the easterly city limits line of the City of Jacksonville, 521.37 feet to an intersection with said section line dividing Section 8 and 17; thence South 89°28'50" West, along said section line, 1028.42 feet to the point of beginning.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15; Ord. No. 12-16-5, § 2, 1-25-16)

Sec. 3. Form of government.

The municipal government provided by this Charter shall be known as "Commission-Manager Government." Subject only to the limitations imposed by the Constitution and laws of this state and by this Charter, all powers of the city shall be vested in an elective commission, hereinafter referred to as "the city commission."

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

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Sec. 4. General powers.

The city shall have all powers, governmental, corporate and proprietary, in accordance with and including the provisions of F.S. Chapter 166, enabling it to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes; which powers shall be limited only by the Federal Constitution, State Constitution, general and special law and any specific limitation in this Charter. The enumeration of particular powers shall not be deemed as necessary as it is intended that the city shall have and exercise all powers which it would be competent for this Charter specifically to enumerate, including all extraterritorial powers and jurisdiction previously granted by Chapter 57-1126, Laws of Florida as amended, or by any special or general law. The absence of such enumeration shall not be construed as limiting; indeed, it shall be construed liberally in favor of the city.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

ARTICLE II. THE COMMISSION

Sec. 5. Number of commissioners; selection; term.

The city commission shall consist of five (5) electors of the City of Atlantic Beach who have the qualifications as defined in section 6 of this Charter, elected at large without regard for any designation of political party affiliation. The seats shall be known as seats 1 through 5 respectively, and seat 1 shall be designed as the mayor-commissioner. Seats 2 through 5 shall be designated as district commissioners, with each commissioner required to reside within the district from which he or she is elected. The four (4) districts shall be created using the precinct lines existing as of November, 2007, as a beginning point, shall be established by ordinance, shall be as equal in population as possible, and to the extent possible shall maintain the integrity of neighborhoods and communities of interest. The mayor-commissioner shall be elected for two-year terms and the terms for seats 2 through 5 shall each be four years. Effective with the municipal election in October, 1993, anyone elected or appointed to the office of mayor-commissioner shall not serve more than four (4) consecutive two-year terms; and any elected or appointed to commission seats 2 through 5 shall not serve more than two (2) consecutive four-year terms. Serving any part of a term shall be considered a full term. Nothing contained herein shall prevent anyone who has served as a city commissioner from being appointed or elected to the position of mayor-commissioner and then serving in that capacity four (4) consecutive two-year terms.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 6. Qualifications and disqualifications.

Members of the city commission shall have been full-time residents of the city for at least two years immediately prior to qualifying. They shall be electors in the city. Full-time residency shall be defined as the person's principal place of abode during the year. Members of the city commission shall not hold any other elective office. Any member of the city commission ceasing to possess the foregoing qualifications or who shall have been convicted of a crime punishable by more than one (1) year of imprisonment or a crime involving moral turpitude, shall forfeit the seat prior to the next meeting of the city commission. Absence from four consecutive regular meetings of the city commission shall operate to vacate the seat of a member, unless the member's absence is excused by the city commission by a resolution setting forth the fact of such excuse duly entered upon the minutes.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

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Sec. 7. Salary.

The salary of the members of the city commission shall be set by ordinance.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 8. Presiding officer: Mayor.

The mayor-commissioner shall preside at all meetings of the city commission and shall be recognized as head of the city government for all ceremonial purposes and by the governor for all purposes of military law. When directed to do so by the city commission the mayor-commissioner shall execute all instruments to which the city is a party, unless otherwise provided by the Charter or by ordinance. The mayor-commissioner shall have no regular administrative duties except as authorized in this Charter but may appoint, from time to time, such special or select committees as in his or her discretion he or she deems desirable to expedite the handling of the business and affairs of the city. Other members of the city commission may on occasion appoint special or select committees with the approval of a majority of the commission. In the temporary absence or disability of the mayor-commissioner, all duties of the mayor-commissioner shall be performed by the mayor pro tempore.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 9. Powers.

Except as may be otherwise provided in this Charter, all powers of the city and the determination of all matters of policy shall be vested in the city commission. Without limitation of the foregoing, the city commission shall have power to:

- (1) Adopt a budget;
- (2) Authorize the issuance of bonds, revenue certificates, and other evidences of indebtedness;
- (3) Establish or abolish official boards and elect the members thereof as recommended by the mayor;
- (4) Adopt and modify the official map of the city;
- (5) Regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of a lot 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 trade, industry, residence or other purposes;
- (6) Provide for an independent audit;
- (7) Pass ordinances and laws for the preservation of the public peace and order and impose penalties for the violation thereof; provided that the maximum penalty to be imposed shall be a fine of not more than one thousand dollars (\$1,000.00) and imprisonment for a period of time not longer than ninety (90) days, or as otherwise provided for by Florida Statutes;
- (8) Lease golf courses, hospitals and airports, or any portion thereof, after the city commission has passed an ordinance authorizing any such lease;
- (9) Sell golf courses and the public utility system, or any portion thereof, now owned by the city or hereafter acquired by it after the city commission has passed an ordinance that: (a) there is a finding that public welfare no longer requires the operation of any such facility; and (b) the terms of sale of real property within the city limits are stated; and (c) after such ordinance has been submitted to the qualified voters of the city at an election called for that purpose;

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- (10) Provide rules and regulations for all purchases and sales made for and in behalf of the city;
 - (11) Appoint, remove and fix the compensation of all officers and employees appointed by the city commission as hereinafter provided; the city commission shall perform an annual performance review of the city clerk, city manager and city attorney;
 - (12) Exercise any right or authority given or permitted by the Constitution and the laws of the State of Florida to city commissions not inconsistent with the provisions of this Charter.
 - (13) The mayor pro tempore shall be appointed by the city commission from its members.
 - (14) Provide for the protection and preservation of parks as follow: Any real property owned by the city which is used principally or held out for use as a public park, shall be used only as a public park; and parks shall not be sold, leased long term, gifted, changed in description or use, or otherwise disposed of; and no structure shall be built in any such park to accommodate activities not customarily associated with park use or outdoor recreation; unless such sale, lease disposal, gift or structure is approved by unanimous vote of the entire city commission.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 10. Appointment of city manager.

The city commission shall appoint an administrative officer of the city, who shall have the title of city manager, who shall have the powers and perform the duties provided in this Charter and who shall be compensated at a rate set by the city commission. No member of the city commission shall receive such appointment during the term for which the person shall have been elected, nor within two years after the expiration of the person's term. In the event the City Manager is removed or incapacitated and unable to appoint a substitute as required in Sec. [Section] 24 of this Charter, the city commission shall appoint someone to perform the duties of the city manager.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 11. Appointment of deputy city manager or deputy city clerk.

The city manager and city clerk may request, if they deem it necessary, a deputy city manager and deputy city clerk, respectively, to be hired as approved by the city commission and who shall be compensated at a rate set by the city commission.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 12. Vacancies in the city commission.

If any vacancy occurs in the city commission, the city commission shall elect, within fifteen (15) days of the vacancy, by the affirmative votes of not less than three members, an eligible person as defined in Sec. [Section] 6 of this article to fill the vacancy until the next general election.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 13. Creation of new departments or offices; change of duties.

The city commission, by ordinance, may create, change or abolish offices, departments, authorities or agencies. The city commission may, by ordinance, assign additional functions or duties to the offices, departments

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or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 14. Induction of city commission into office; meetings of the city commission.

After each general election, the newly elected city commissioners shall assume the duties of office at the regularly scheduled meeting of the city commission held on the second Monday in November provided that the Supervisor of Elections has certified the election results. If the election results for any contested city commission seat cannot be certified prior to the meeting to be held on the second Monday in November, then any newly elected city commissioners shall assume the duties of office at the next regularly scheduled meeting of the city commission following receipt of the certified election results from the Supervisor of Elections. Until the newly elected city commissioners assume the duties of office, the previous sitting city commissioners shall remain in office. All other regular meetings of the city commission shall be fixed by ordinance, but there shall not be less than one regular meeting each month. Except as provided by Florida's Government-in-the-Sunshine Law (F.S. 286.011), all meetings of the city commission shall be open to the public.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15; Ord. No. 33-17-23, § 1(Exh. A), 11-13-17)

Sec. 15. City commission to be judge of qualifications of its members.

The city commission shall be the judge of the election and the qualifications of its members as set forth in Section 6 of this Charter. For these purposes, the city commission shall have the power to subpoena such witnesses and require the production and presentation of such records as may be deemed necessary.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 16. Rules of procedure; journal of minutes.

The City Commission shall determine its own rules and order of business. It shall require that minutes of its proceedings to be kept. The minutes shall be open and remotely available to the public in a timely manner, through commonly accepted methods.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 17. Ordinances.

In addition to such acts of the city commission as are required by statute or by this Charter to be by ordinance, every act of the City Commission establishing a fine or other penalty, a fee for service, appropriation of funds, the contracting of indebtedness, or the sale of real property shall be by ordinance. The enacting clause of all ordinances shall be: "BE IT ENACTED BY THE CITY COMMISSION ON BEHALF OF THE PEOPLE OF THE CITY OF ATLANTIC BEACH, FLORIDA."

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 18. Procedure for passage of ordinances and resolutions.

The minimum procedures for adoption of ordinances and resolutions as set forth in F.S. Section 166.041 shall in its entirety constitute the process for such by the Atlantic Beach City Commission.

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(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 19. Independent annual audit.

At the beginning of each fiscal year the city commission shall designate a certified public accountant or a firm of certified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the city government and shall submit a written report to the city commission and to the city manager. Such accountants shall have no personal interests, direct or indirect, in the fiscal affairs of the city government or of any of its officers. They shall not maintain any accounts or records of city business, but within specifications approved by the city commission, shall post-audit the books and documents kept by the finance director and any separate or subordinate accounts kept by any other office, department or agency of the city government.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 20. Attendance of city manager and other officers in city commission.

The city manager, and any such other officers of the city as may be designated by vote of the city commission, shall be required to attend city commission meetings. The city manager shall have the right to take part in the discussion of all matters coming before the city commission, and the other officers shall be entitled to take part in all discussions of the city commission relating to their respective offices, departments, boards, commissions, or agencies.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

ARTICLE III. THE CITY MANAGER

Sec. 21. Appointment.

The city manager shall be appointed in accordance with the provisions of Section 10 of this Charter and shall be compensated at a rate set by the city commission.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 22. Qualifications.

The city manager shall be chosen by the city commission solely on the basis of administrative qualifications and with special reference to education and experience in and knowledge of accepted practice with respect to the duties of this office as set forth hereinafter and in the city code. Applicants for the position of city manager shall meet the following educational and experience requirements:

- (1) Possession of at least a baccalaureate degree preferably in Public Administration or a directly related field from a college or university accredited by a recognized accreditation agency in the United States or from a recognized college or university outside of the United States, which is acceptable to the city commission; and
- (2) Not less than five (5) years of experience as a city, municipal, county, or state government administrator serving in at least an assistant department head or the equivalent in responsibility; and

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- (3) A graduate degree acceptable to the city commission may be substituted for not more than one year of the required experience.

At the time of appointment, the new city manager need not be a resident of the city or state, but within six (6) months the city manager shall reside within the city of Atlantic Beach.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 23. Powers and duties.

The city manager shall be the chief administrative officer and as such, head the administrative branch of the city government. The powers and duties of the city manager shall include but not be limited to:

- (1) Establish and maintain a line of communication with the city clerk; and
- (2) Administering and enforcing all enactments of the city commission; and
- (3) Preparing and forwarding agenda materials to the city clerk for every commission meeting; and
- (4) Preparing the budget annually and submitting it to the city commission, and being responsible for its administration after adoption; and
- (5) Preparing and submitting to the city commission at the end of each fiscal year, a complete report on the finances and administrative activities of the city for the year just completed.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 24. Absence of the city manager.

The duties of the city manager during any temporary absence or disability shall be carried out by a deputy city manager, or in the absence of the latter, by another administrative officer of the city designated first by the city manager or second, by a majority of the city commission.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 25. Removal of the city manager.

The city manager shall serve at the pleasure of the city commission. The city commission may remove the city manager by the affirmative vote of not less than three (3) of its members.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 26. City departments.

Administrative departments as established by ordinance shall report to and serve under the city manager.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 27. Governance of departments.

The city manager may head one or more administrative department or select and employ persons qualified in accordance with city personnel practices to supervise, direct and control such departments.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

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PART I - CHARTER
ARTICLE IV. THE CITY CLERK

ARTICLE IV. THE CITY CLERK

Sec. 28. Appointment; duties.

The city commission shall appoint an executive officer to serve the city commission and to assure that all its enactments are effectively carried out. The title of the executive officer shall be "city clerk" and as such, shall be under the direction of and compensated at a rate set by the city commission.

The duties of the city clerk shall be to:

- (1) Establish and maintain a line of communication with the city manager; and
- (2) Prepare an agenda for every commission meeting and a permanent record of each such meeting; and
- (3) Disseminate information as necessary about activities, findings, or decisions of the city commission; and
- (4) Provide the city commission with information as requested about programs of the city government; and
- (5) Serve as supervisor of election for city elections; and
- (6) Serve as custodian of all city records and the seal of the city; and
- (7) Administer oaths; and
- (8) Conduct such other activities as may be specified by this Charter, the city code or the city commission.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 29. Qualifications.

The city clerk shall be chosen by the city commission solely on the basis of education and experience necessary to carry out the responsibilities of executive officer to the city commission.

Applicants for the position of city clerk shall meet the following educational and experience requirements:

- (1) At least a baccalaureate preferably in Business Administration or a related field acceptable to the city commission from a college or university accredited by a recognized accreditation agency in the United States or from a recognized college or university outside of the United States which is acceptable to the city commission; and
- (2) Two years of experience in public administration satisfactory to the city commission.
- (3) In lieu of the required baccalaureate degree, the city commission may in its discretion, accept four additional years of acceptable experience in public administration or a related field of public or private service.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 30. Removal of the city clerk.

The city clerk shall serve at the pleasure of the city commission. The city commission may remove the city clerk by the affirmative vote of not less than three (3) of its members.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

ARTICLE V. CITY ATTORNEY

Sec. 31. Appointment and qualifications.

The city commission shall appoint a city attorney, which may be a law firm, who shall be an attorney with at least five years of experience in the practice of general, civil or municipal law, admitted in and having authority to practice in all courts of this state, and who shall be compensated at a rate set by the city commission.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 32. Powers and duties.

The duties of the city attorney shall include:

- (1) Acting as the legal advisor to, and attorney and counselor for, the city and its officers in matters relating to their official duties; and
- (2) Preparing in writing, all contracts, bonds and other instruments in which the city is concerned and giving an endorsement of approval as to form and correctness; and
- (3) Prosecuting and defending for and on behalf of the city, all civil complaints, suits and controversies in which the city is a party; and
- (4) Furnishing opinions on questions of law relating to the powers and duties of city officers; and
- (5) Performing such other duties as may be required by ordinance or resolution of the city commission.
- (6) The city attorney shall serve at the pleasure of the city commission. The city commission may remove the city attorney by the affirmative vote of not less than three (3) of its members.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

ARTICLE VI. DEPARTMENT OF PUBLIC SAFETY

Sec. 33. Appointments and responsibilities.

The appointment, duties, functions and other responsibilities of the director of public safety, police department, police chief, fire department, fire chief and their respective staff members are found in the city code Chapter 2, Divisions 2 and 3.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

ARTICLE VII. BUDGET

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Sec. 34. Preparation and adoption.

Each department head shall be responsible for presenting a budget request to the city manager by a date established by the city manager or his or her designee. The director of finance shall provide the city manager with a preliminary estimate of revenues and beginning fund balances for the upcoming fiscal year.

Upon receipt of all budget requests, estimated revenues and fund balances, the city manager shall make any modifications which are determined to be reasonable and justifiable and thereafter present the budget to the city commission.

The city commission shall review the budget as submitted by the city manager and make such revisions as deemed necessary. A public hearing will be set to approve the tentative budget and millage rates. A public hearing will be set for final passage of the budget and millage rates.

Upon final adoption, the budget shall be in effect for the next fiscal year. A copy of the budget, as adopted, shall be filed with the city clerk.

The city shall abide by the requirements established by the Truth in Millage (TRIM) Act.
(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

ARTICLE VIII. DEPARTMENT OF FINANCE

Sec. 35. Director of finance.

The director of finance shall be the head of the department of finance and shall be appointed and removed by the city manager. The qualifications, powers and duties of the director of finance are defined in the Code of Ordinances.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

ARTICLE IX. ELECTIONS

Sec. 36. Election regulations.

The city commission shall, by ordinance, make all regulations which it considers necessary, not inconsistent with this Charter or state law, for the conduct of municipal elections and for the prevention of fraud therein.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 37. Nonpartisan elections.

All elections for the office of commissioner and mayor-commissioner shall be conducted on a nonpartisan basis without any designation of political party affiliation.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 38. Electors; registration.

Any person who is qualified to register to vote and is a resident of Atlantic Beach who has qualified as an elector of this state, and who registers in the manner prescribed by F.S. Chapter 98 and ordinances of Atlantic Beach, shall be a qualified elector of the municipality.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 39. Nominations.

Any elector of the city having the additional qualifications and limitations as set forth in Article II, Section 6, may be nominated for a seat in the city commission. Such nomination shall be only by petition. A petition for this purpose shall be signed by not less than twenty-five (25) qualified electors of the city. The signatures on the nominating petition need not all be subscribed on one paper. Each separate paper shall have affixed a signed statement of the circulator thereof stating the number of signers of such paper and that each signature appended thereto was made in the presence of the circulator and is the genuine signature of the person whose name it purports to be. Each signer, including the circulator, shall provide his/her place of residence, including the street and number. The form of the nomination petition shall be substantially as follows:

"We, the undersigned electors of the City of Atlantic Beach hereby nominate _____ whose residence is _____ for the office of Commissioner, Seat No. _____ to be voted for at the election to be held on the _____ day of _____, _____ A.D., and we individually certify that our names appear on the rolls of registered voters, and that we are qualified to vote for a candidate for the city commission.

Name, street, and number address from which last date of registered (if different) signing.

(Spaces for signatures and required date)

STATEMENT OF CIRCULATOR

The undersigned is the circulator of the foregoing paper containing _____ signatures. Each signature appended thereto was made in my presence and is the genuine signature of the person whose name it purports to be.

SIGNATURE OF CIRCULATOR

ADDRESS: "

Any signature made earlier than forty (40) days prior to the first day of qualifying shall be void. All petitions must be filed with the city clerk no later than 10 days prior to the qualifying period. The qualifying period will begin no later than noon on the 71st day (Monday) prior to the general election and will end at noon on the 67th day (Friday) prior the general election. All other qualifying papers shall be filed as one instrument with the city clerk during the qualifying period. The city clerk shall make a record of the exact time at which each petition is filed, and shall take and preserve the name and address of the person by whom it is filed. No nominating petition shall be accepted unless accompanied by a signed acceptance of the nomination in substantially the following form:

"ACCEPTANCE OF NOMINATION

I hereby accept the nomination for Seat No. _____ on the city commission and agree to serve if elected.

SIGNATURE OF CANDIDATE "

Within two days after the filing of a nominating petition, the city clerk shall notify the candidate and the person who filed the petition whether or not it is found to be signed by the required number of qualified

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electors. If a petition is found insufficient, the city clerk shall return it immediately to the person who filed it with a statement certifying wherein the petition is found insufficient. Within the regular time for filing petitions, such a petition may be amended and filed again as a new petition, in which case the time of the first filing shall be disregarded in determining the validity of signatures thereon, or a different petition may be filed for the same candidate. The petition of each person nominated to be a member of the city commission shall be preserved by the city clerk until the expiration of the term of office for which the candidate has been nominated.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15; Ord. No. 33-17-23, § 1(Exh. A), 11-13-17)

Sec. 40. Elections: Primary.

There are no primary elections for any seat on the City Commission of the City of Atlantic Beach.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15; Ord. No. 33-17-22, § 2, 10-23-17; Ord. No. 33-17-23, § 1(Exh. A), 11-13-17)

Sec. 41. Elections: General.

Beginning with the year 2019:

A regular or general election of candidates or nominees to the office of city commissioner shall be held every even-numbered year on the same day as Florida's General Election for that year for each seat on the city commission which shall become vacant on the second Monday in November of the same year, or when the newly elected city commissioners assume the duties of office in accordance with Sec. 14 of this Charter. The candidate or nominee receiving the plurality of votes cast for each seat at such general election shall be declared elected. In the event of a tie between two candidates in the general election the candidates shall draw lots in accordance with Florida Statutes to determine the winner.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15; Ord. No. 33-17-22, § 2, 10-23-17; Ord. No. 33-17-23, § 1(Exh. A), 11-13-17)

Sec. 42. Elections: Absentee voting.

Except as herein specifically provided all elections and absentee voting in the city shall be conducted in accordance with the provisions of F.S. Chapter 101.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 43. Elections: Canvassing board, duties.

The City of Atlantic Beach delegates the election canvassing responsibilities for all city elections to the Duval County Canvassing Board. The Canvassing Board may meet in Atlantic Beach, or at a location as decided by the Duval County Canvassing Board in a building accessible to the public to publicly canvass the absentee electors' ballots and provisional ballots as provided for in Florida Statutes. Public notice of canvassing shall be given at least 48 hours in advance in a publication of general circulation in the City of Atlantic Beach. The canvass shall be made from the returns and certificates of the inspectors as signed and filed by them. The canvassing board shall submit to the Supervisor of Elections the preliminary returns by 11:59 pm on election night. See Chapters 101 and 102, Florida Statutes for a complete listing of Canvassing Board duties. After each city election, the Canvassing Board shall issue an official Certification of Election to the city clerk. The clerk shall provide a certificate of election to the candidates elected.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

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PART I - CHARTER
ARTICLE X. INITIATIVE AND REFERENDUM

ARTICLE X. INITIATIVE AND REFERENDUM

Sec. 44. Power of initiative.

The electors shall have the power to propose any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, and to adopt or reject the same at the polls, such power being known as the initiative. Any initiated ordinance may be submitted to the city commission by a petition signed by registered electors of the city equal in number to at least sixteen percent (16%) of the registered electors at the last regular municipal election.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 45. Power of referendum.

Under the power known as the referendum the electors shall have power to approve or reject at the polls any ordinance passed by the city commission, or submitted by the city commission to a vote of the electors, except as provided in F.S. 166 Part II for bond ordinances. Ordinances submitted to the city commission by initiative petition and passed by the city commission without change shall be subject to the referendum. Within thirty (30) days after the enactment by the city commission of any ordinance which is subject to a referendum, a petition signed by registered electors of the city equal to at least sixteen percent (16%) of the registered electors at the last preceding regular municipal election may be filed with the city clerk requesting any such ordinance be either repealed by the city commission or submitted to a vote of the electors.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 46. Form of petitions; committee of petitioners.

All petition papers circulated for the purpose of an initiative or referendum shall be uniform in size and style, and shall contain the full text of the proposed ordinance. The signatures to the initiative or referendum petitions need not all be appended to one paper. Signatures on such petitions shall be in ink and shall be followed by the petitioner's place of residence by street and number. There shall appear on each petition the names and addresses of five electors who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition.

Attached to each separate petition paper there shall be a notarized affidavit signed by the circulator of the petition stating the number of signatures, that all signatures appended thereto were made in the presence of the circulator, and that the circulator believes them to be the genuine signatures of the persons whose names appear on the petition.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 47. Filing, examination and certification of petitions.

All petition papers comprising an initiative or referendum petition shall be assembled and filed with the city clerk as one instrument. Within thirty (30) days after a petition is filed, the city clerk shall determine whether each page of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified electors. The city clerk shall declare any petition paper invalid which does not have attached

thereto an affidavit signed by the circulator on each page. If a petition paper is found to be signed by more persons than the numbers of signatures certified by the circulator, the last signatures in excess of the number certified shall be disregarded. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. After completing the examination of the petition, the city clerk shall certify the result to the city commission at its next regular meeting. If the city clerk certifies the petition is insufficient, a certificate listing the defective items shall be prepared and provided to the committee of petitioners.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 48. Amendment of petitions.

An initiative or referendum petition may be amended within ten (10) days after the certificate of insufficiency has been sent by the city clerk. An amended petition may be filed as provided by Section 46. The city clerk shall, within five (5) days, examine the amended petition and if the petition is still insufficient, shall file a certificate to that effect and notify the committee of the petitioners of such findings. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 49. Effect of certification of referendum petition.

When a referendum petition, or an amended petition, as defined in Section 46 has been certified as sufficient, the ordinance specified in the petition shall not go into effect until and unless approved by the qualified registered electors.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 50. Consideration by city commission.

Whenever the city commission receives a certified initiative or referendum petition from the city clerk, it shall proceed forthwith to consider such petition. A proposed initiative ordinance shall be read and a public hearing shall be held upon the proposed ordinance. The city commission shall take final action on the ordinance not later than sixty (60) days after the date on which such ordinance was submitted to the city commission. Such final action shall be decided by at least a four-fifths affirmative vote of the full city commission to approve, amend or deny. If such ordinance is one which is referred for reconsideration by the city commission, it shall be brought forth for its final vote upon such reconsideration and the question shall be, "Shall the ordinance specified in the referendum be repealed?" Such final action shall also be decided by at least a four-fifths affirmative vote of the full city commission.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 51. Submission to electors.

If the city commission shall fail to pass an ordinance proposed by initiative petition or shall pass it in a form different from that set forth, or if the city commission fails to repeal an ordinance referred for reconsideration, the proposed or referred ordinance shall be submitted to the electors not less than thirty (30) days nor more than one year from the date the city commission takes its final vote. If no regular election is to be held within the specified time frame, the city commission shall provide for a special election.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

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Sec. 52. Form of ballot for initiated and referred ordinances.

Ordinances submitted to a vote of the electors in accordance with the initiative and referendum provision of this Charter shall be submitted by ballot title prepared by the city attorney or other legal advisor of the city. The ballot title may be different from the legal title of any such initiated or referred ordinance and shall be a clear, concise statement, without argument or prejudice, descriptive of the subject of such ordinance. The ballot used in voting upon any ordinance shall have below the ballot title the following propositions, one above the other, in order indicated: "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE."

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 53. Availability of list of qualified electors.

Lists of qualified electors or registers may be obtained from the Supervisor of Elections for Duval County in accordance with the provisions of F.S. 98.045(3).

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 54. Results of election.

If a majority of the electors shall vote in favor of a proposed initiative or referred ordinance it shall become an ordinance of the city. If conflicting ordinances are approved by the electors at the same election, the one receiving the greatest number of the affirmative votes shall prevail.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 55. Reserved.

ARTICLE XI. RECALL ELECTIONS

Sec. 56. Procedures.

Recall elections shall follow those procedures prescribed by F.S. 100.361.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

ARTICLE XII. FRANCHISES

Sec. 57. Granting of franchises.

The city shall have power to grant a franchise to any private or public enterprise for the use of streets and other public places in the furnishing of any public service or utility service to the city and its inhabitants. All franchises and any renewals, extensions and amendments thereto shall be granted only by ordinance, and under such limitations as may be provided by the laws of the State of Florida. If the proposed franchise is for fifteen years or more, the ordinance approving said franchise shall not be effective unless it is approved at a referendum in the same manner provided in F.S. 166 for the approval of issuance of bonds.

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(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

ARTICLE XIII. TAX ADMINISTRATION

Sec. 58. Tax administration.

Tax administration shall be in accordance with Florida Statutes or as otherwise provided for in the Code of Ordinances.

Note: Currently F.S. 193.116, F.S. 205, and Code of Ordinances Chapter 20.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

ARTICLE XIV. ZONING

Sec. 59. Zoning, land development regulations and maximum building height.

Zoning and land development regulations shall be in accordance with Florida Statutes or as otherwise provided for within the Code of Ordinances, except that in no case shall the maximum height of buildings within the City of Atlantic Beach exceed thirty-five (35) feet; provided however, that existing buildings which exceed thirty-five (35) feet in height may be repaired to that existing height, no alterations shall be made to any building, which would cause that building to exceed thirty-five (35) feet in height, and this Charter provision shall not restrict any property owner's vested rights under constitutional, statutory or common law.

Further provided, however, that the city commission may approve, pursuant to the applicable section of the city's land development regulations, requests to exceed the maximum building height of thirty-five (35) feet for exterior architectural design elements, exterior decks or porches within nonresidential land use categories as designated by the future land use map of the adopted comprehensive plan, for nonresidential development.

The only property excepted from this height limitation shall be certain parts of the existing hotel property, located at 1 Ocean Boulevard, Atlantic Beach, Florida, which property is bounded by Ahern Street on the north, the Atlantic Ocean on the east, Atlantic Boulevard on the south, and Ocean Boulevard on the west, and only those parts of said property as follows:

- (1) The existing buildings that exceed thirty-five (35) feet on the property as of the effective date of this ordinance; and
- (2) That part of said property extending west from the existing hotel tower no more than one hundred twenty-five (125) feet towards the west property line, no closer than fifty (50) feet to the south property line, with no more than a maximum width of one hundred (100) feet and containing an additional footprint of no more than eleven thousand five hundred (11,500) square feet.

However, any future development, redevelopment or expansion on these parts of the property, which are proposed to exceed thirty-five (35) feet in height shall be subject to approval by the city commission and shall in no event exceed the height of the existing hotel tower building as of the effective date of this ordinance.

Note: Currently F.S. 163, F.S. 166, and Code of Ordinances Chapters 14 and 20.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

ARTICLE XV. MUNICIPAL BORROWING

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Sec. 60. Authority to borrow.

The city may borrow money, contract loans and issue bonds as provided by F.S. 166 Part II 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 funds, credit, property, and tax revenues for the payment of such debts and bonds.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

ARTICLE XVI. SUITS AGAINST THE CITY

Sec. 61. Suits.

No suit shall be brought against the city for damages unless all provisions of state law have been met.

Upon receiving notice of any suit, the city manager shall inform the city commission of the lawsuit as soon as practical. Upon receipt of a written claim for damages by an injured party the city commission may, by ordinance, make a settlement of the claim.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

ARTICLE XVII. GENERAL AND MISCELLANEOUS PROVISIONS

Sec. 62. Removal of officers and employees.

Any officer or employee appointed by the city manager or head of any office, department or agency may be removed by the city manager at any time pursuant to city ordinances.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 63. Removal of members of boards, commissions, or agencies.

Except as provided in this Charter, an agent, a member of any board, committee, task force, commission or agency of the city who has been appointed by the city commission, may be removed by the city commission in the same manner as provided for the removal of the city manager in Section 25 of this Charter.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 64. Investigations.

The city commission, or any committee thereof, the city manager or any advisory board appointed by the city commission for such purpose, shall have power at any time to cause the affairs of any department or the conduct of any officer or employee under their jurisdiction to be investigated; and for such purpose shall have power to compel the attendance of witnesses and the production of books, papers and other evidence; and for that purpose may issue subpoenas which shall be signed by the president or chairman of the body, or by the officer making the investigation, and shall be served by an officer authorized to serve such process. The authority making such investigation shall have power to cause the testimony to be given under oath, such oath to be administered by some officer having authority under the law of the state to administer oaths. Failure to obey such subpoena or to produce books, papers, or other evidence as ordered under the provisions of this section shall

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constitute a violation of the municipal ordinance and shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment not to exceed sixty days, or both. Enforcement of any violation of this municipal ordinance shall be by the State Attorney's office.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 65. Publicity of records.

To the extent required by F.S. Chapter 119, records and accounts of every office, department or agency of the city shall be public records and open to inspection under reasonable regulations established by the city commission in accordance with the Public Records Act.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 66. Personal interest.

No member of the city commission, any officer of the city or department head shall have a financial interest, direct or indirect, in any contract or in the sale to the city or to a contractor supplying the city of any land or rights or interests in any land, material, supplies or services. Any willful violation of this section shall constitute malfeasance in office, and shall be grounds for removal or termination. Any contract entered into in violation of this section shall be voidable by the city manager or the city commission.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 67. Official bonds.

The city commission shall determine whether or not each officer, clerk, or employee shall give bond, and the amount thereof, but all officers, clerks and employees handling any funds or property of the city shall be required to give bond to the city, which bonds shall be procured from a regularly accredited surety company, authorized to do business under the Laws of Florida, the premiums on such bonds to be paid by the city. All such bonds shall be filed in the office of the city clerk.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 68. Oath of office.

Every officer and employee of the city shall, before entering upon the duties of his or her office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the city clerk:

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Florida, that I will, in all respects, observe the provisions of the Charter and ordinances of the City of Atlantic Beach, and will faithfully discharge the duties of the office of _____."

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 69. Effect of this charter on existing law.

All laws, ordinances and resolutions relating to or affecting the city in force when this Charter takes effect are hereby repealed and superseded to the extent that such are inconsistent with the provisions of this Charter.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

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Sec. 70. Rights of officers and employees preserved.

Nothing contained in this Charter, except as specifically provided, shall affect or impair the rights or privileges of officers or employees of the City of Atlantic Beach or of any office, department, board, commission, or agency existing at the time when this Charter shall take effect.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 71. Continuance of present officers.

All commissions, administrative and executive officers, agents, department heads, board and committee members and their powers, duties and obligations at the time this Charter takes effect shall continue in effect until provisions have been made in accordance herewith for the performance of such duties or the discontinuance of such office, powers or obligations.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 72. Continuity of offices, boards, commissions or agencies.

Any office, department, board, commission or agency provided for in this Charter with powers and duties the same or substantially the same as those which previously existed shall be deemed to be a continuation of such office, department, board, commission, agent or agency with the power to continue its duties and obligations.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 73. Transfer of records and property.

All records, property and equipment whatsoever of any office, department, board, commission, agency, or agent, all the powers and duties of which are assigned to any other office, department, board, commission, or agency by this Charter, shall be transferred and delivered to the office, department, board, commission, or agency to which such powers and duties are so assigned. If part of the powers and duties of any office, department, board, commission, or agency are by this Charter assigned to any other office, department, board, commission, or agency, all records, property and equipment relating exclusively thereto shall be transferred and delivered to the office, department, board, commission or agency to which such powers and duties are so assigned.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 74. Title to property reserved.

The title, rights, and ownership of property, uncollected taxes, dues, claims, judgments, decrees and choses in action, held or owned by the City of Atlantic Beach shall continue to be vested in the corporation under this Charter.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 75. Continuance of contracts and public improvements.

All contracts entered into by the City of Atlantic Beach, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements, for which legislative steps have been taken

(Supp. No. 48)

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under laws or Charter provisions existing at the time this Charter takes effect, shall be carried to completion in accordance with the provisions of such existing laws and Charter provisions.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 76. Pending actions and proceedings.

No action or proceeding, civil or criminal, pending at the time when this Charter takes effect, brought by or against the City of Atlantic Beach, or any office, department, board, agents, commission, or agency or officer thereof, shall be affected or abated by the adoption of this Charter or by anything therein contained.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 77. Short title.

This Charter shall be known as the "Atlantic Beach Charter."

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 78. Severability clause.

If any section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter or the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

ARTICLE XVIII. WHEN ACT TAKES EFFECT AND PERIODIC REVIEW

Sec. 79. Effective date of Act.

This Act shall go into effect subject to the referendum and in accordance with state law under F.S. 166.031.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 80. Effect of changes in state law.

In the event of changes in state law which are in conflict with any provisions of this Charter, state law shall prevail.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

Sec. 81. Periodic review

A Charter Review Committee consisting of at least nine (9) and no more than fifteen (15) electors of the City shall be appointed by the City Commission every eight (8) years to review the City Charter and propose any amendments or revisions, which may be advisable for placement on the regular municipal election ballot.

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The City Commission shall appoint the Charter Review Committee in January of the year immediately preceding the election with a definite and specific charge. The Charter Review Committee shall meet for the purpose of organization within thirty (30) days after the appointments have been made. The Charter Review Committee shall elect a chair and vice chair from among its membership. Further meetings of the Charter Review Committee shall be held upon the call of the chair or a majority of the members of the Charter Review Committee. All meetings shall be open to the public. No Charter amendment or revision shall be submitted to the electorate for adoption unless favorably voted upon by a majority of the entire membership of the Charter Review Committee.

No later than one-hundred and eighty (180) days prior to the regular municipal election, the Charter Review Committee shall deliver to the City Commission the proposed amendments or revisions, if any, to the City Charter. Each proposed amendment shall embrace but one subject and matter directly connected therewith. The City Commission may by resolution place such amendments or revisions as approved by the Charter Review Committee on the next regular municipal election ballot. If a majority of the electors voting on the amendments or revisions favor adoption, such amendments or revisions shall become effective on January 1 of the succeeding year or such other time as the amendment or revision shall provide.

If the Charter Review Committee does not submit any proposed Charter amendments or revisions to the City Commission at least one-hundred and eighty (180) days prior to the regular municipal election, the Charter Review Committee shall be automatically dissolved. Otherwise, upon acceptance, further amendment or rejection of the proposed amendments or revisions by the City Commission, the Charter Review Committee shall be automatically dissolved.

(Ord. No. 33-15-19, § 1(Exh. A), 5-11-15)

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PART I - CHARTER
CHARTER COMPARATIVE TABLE

CHARTER COMPARATIVE TABLE

This table shows the location of the sections of the basic Charter and the special acts amending the Charter.

Chapter	Section	Section this Charter
57-1126	1—183	1—183
59-1052		2
61-1861		6
		82
61-1862		5
65-1248		80
67-1086		33
86-416	1	82
86-461	1	2(b)

PART I - CHARTER
CHARTER COMPARATIVE TABLE ORDINANCES

CHARTER COMPARATIVE TABLE ORDINANCES

This table shows the location of ordinances amending the Charter.

Ordinance Number	Adoption Date	Section	Section this Charter
5-75-3	12-22-75	3	7
33-77-4	6-13-77	I	79
		II	80
		III	81
		IV	85
40-79-8	6-11-79	A	109
5-82-8	4-26-82	1	32
		2	34
5-83-9	11-14-83	1	7
5-83-12	2-13-84	1	Art. VII(note)
4-86-3	1-26-87	1	Art. XIV(note)
28-91-1	10-28-91	1	5
28-92-4	8-24-92	1	5
28-93-3	8-23-93	1 Rpld	1—6, 8—16, 24—31, 78, 81—99, 109, 158, 160—183
		Added	1—80
28-96-4	1-13-97	3	2
90-06-194	8-14-06	1	59
33-07-12	10- 2-07	1	5
33-07-13	10- 2-07	1	14, 39, 40, 41, 43
33-10-17	6-28-10	1	14, 36, 39—41, 43
33-15-19	5-11-15	1(Exh. A) Rpld	1—80
		Added	1—54, 56—81
12-16-5	1-25-16	2	2
33-17-22	10-23-17	2	40, 41
33-17-23	11-13-17	1(Exh. A)	14
			39—41

**A REPORT BY THE 2024 CHARTER REVIEW COMMITTEE
TO THE MAYOR AND CITY COMMISSION,
CITY OF ATLANTIC BEACH, FLORIDA**

It has been a wonderful and rewarding experience for me to chair the Charter Review Committee. I have been especially honored to work with a great group of residents who have given significant time, thought and energy to the process as committee members. I especially want to recognize Jenn Lagner who as Secretary, put in more time than any of us in this effort. I also want to sincerely thank Donna Bartle for her time, diligence and hard work as a fantastic city clerk supporting this endeavor.

We are presenting you with a work project of suggested amendments to the Atlantic Beach Charter. It is honed from hours of study, discussion and debate, often with passion but always with civility. During the process we allowed any residents who wished to speak on any topic an open and free opportunity to do so.

There were a number of proposals that did not reach an affirmative vote by the majority and that was healthy. A significant number of them did find majority support and that is what you have in this report. We also thought it prudent to rank the top five of them by order of importance. We did so by having each member pick their top five in order of importance and then we combined them to calculate the order of importance or priority by the entire committee. That compilation and calculation of the priority ranking was done by Donna Bartle. You, the commission, can see what we deemed as a body to be the most important for ballot consideration.

Another issue which the commission thought might be addressed through ordinance by reviewing and changing as needed, is district boundaries. While populations in the districts (precincts) are pretty static, at present it appears there is no established process for review. Many cities review and change as necessary every ten years after the census. The committee thought that the

commission might consider establishing a formal process by ordinance. One of the **#7 Proposals** (two were tied for #7) sort of addressed this issue.

We are suggesting that after you have had an opportunity to review our findings, we hold a workshop meeting with both the commission and the committee for comments and questions. We believe that would be an important and beneficial closure to the work we have done.

Sincerely,

William Gulliford, Chairman

April 24, 2024

#1 PROPOSAL The city should return to a primary system of electing the mayor and commissioners.

It was obvious that most members of the committee did not like the idea that people could be elected to office with less than a majority of the vote. The change would allow that if there were three or more candidates for a seat, then there would be a primary election that would move the top two vote getters to the general election thereby making certain that the individual elected in the general election would be elected by a majority vote. This method is consistent with most jurisdictions in the State of Florida and was the earlier method in Atlantic Beach elections until it was changed not so long ago.

#2 PROPOSAL The City should expand the size of the Commission to seven with two at large seats elected citywide and each district (precinct) seat to be elected only by the voters in that specific district (precinct).

There has been criticism of the current system that only has a geographical residency requirement for district seats but still the vote is citywide. The Committee had previously heard public input regarding the merits of having district seats elected by district electors vs. at-large and concluded unanimously to keep at-large voting. Certainly, that is not true district representation. This would allow the people in each district to elect their representative. Adding two at large seats, which would be elected by all the voters in the city, would allow candidates from anywhere in the City to run for those seats. Having citywide seats should enhance focus on citywide issues and balance the potential provincial focus by district commissioners. The terms of the at large commissioners would be staggered still allowing for a majority on the commission being elected every two years. This could also encourage more people to run for office with citywide offices available for any legitimate candidate to run.

#3 PROPOSAL The restriction on the Commission is strengthened in the event the Commission wishes to sell or otherwise dispose of park property.

It further requires that in addition to a unanimous vote of the Commission to dispose of such property, it requires that if there is a unanimous vote by the Commission, a referendum to allow the citizens to vote on the said disposal shall be placed on the ballot.

#4 PROPOSAL Remove the second Monday in November as the date newly elected commissioner assume office and add that newly elected city commissioners assume the duties of the office at the next regularly scheduled meeting of the City Commission following receipt of certified election results. Additionally, end the practice of having both the old and new members of the Commission meet at that meeting.

Because of the reality of timing of the certification by the Supervisor of Elections office, there are times that the November date cannot be met. This allows the swearing-in to be immediate at the next meeting after certification which can be in December. Also, the practice of having the old and new commissioners meet separately at that meeting is a tradition and not the norm with other elections throughout the State. It is certainly not necessary, and Atlantic Beach is probably the only city in Florida where that is practiced.

#5 PROPOSAL The City Commission shall establish clear rules and processes through ordinance to appoint an administrative officer of the City...

The Committee thought that instead of us establishing a suggested procedure and process in the Charter it would be better to have the Commission be required to adopt and maintain an ordinance that would provide for clear rules to appoint a city manager. It was obvious to the committee that this was needed and absent in either ordinance or Charter. By simply requiring an ordinance to establish rules, once in place, it would allow the Commission to modify and amend it as needed.

#6 through #11 PROPOSALS

#6 PROPOSAL

Requires a candidate for office to live in Atlantic Beach and be an elector and resident for four years prior to qualifying for office. This expanded **#10 Proposal** which was voted on several months earlier.

#7 PROPOSALS (two were tied)

(1) One proposal talks about the district representation established in 2007 and a desire for the districts to be populated as equally as possible and represent integrity of neighborhoods and communities of interest. Considering **Proposal #2**, and a suggestion that the Commission might pass an ordinance that would allow for a process every ten years at the census to balance district populations, this proposal might be irrelevant.

(2) The second Proposal #7 related to environmental stewardship. This proposal passed unanimously. The main concern was not to content, which is important, but whether or not such a statement should be contained in the Charter and is it redundant.

#9 PROPOSAL

This would change the city clerk serving as supervisor of elections for City elections to the elected supervisor of elections assuming that responsibility. This is a corrective action suggested by the city clerk and she can further explain.

#10 PROPOSAL

This would extend residency requirements from two years to four years. Since it was passed two months prior to **Proposal #6** and **Proposal 6** is more detailed

on the same topic, one would think **Proposal #6** would replace it if this topic was placed on the ballot.

#11 PROPOSAL

This proposal struck down the three earlier motions that passed regarding the removal of the city manager and leaves the current language in the Charter in place.

There were some issues that we didn't act on or didn't pass when we did, that we believe should be considered by this commission. For instance, the issue of requiring the city manager to live in Atlantic Beach was a topic hotly debated. While we did not take action, we think the Commission might deliberate on that topic, particularly in light of the cost of residential property in Atlantic Beach. The debate boiled down to considerations of proximity and community.

Another topic was commissioner pay. Many committee members felt it was too low and possibly there should be some provision in Code or Charter to raise it when appropriate. The committee debated adding a provision to the Charter but in the end decided to simply make the Commission aware that we think it should be addressed, perhaps by ordinance. A limited, comparative view of council/commissioner pay in other cities tends to indicate our commissioners are under paid. For instance, Palatka which is 3000 residents smaller than Atlantic Beach, pays their council members \$23,800. Perhaps a starting point would be an independent review of comparable salaries and legislative methods used by other cities to maintain reasonable and comparable pay.

Also, I believe some members of the committee think the process to name people to future charter review committees might be better defined, not in the Charter but possibly a simple, brief ordinance that better defines the Commission's process.

ADDENDUM TO 2024 CHARTER REVIEW COMMITTEE REPORT

Below reflects additional proposed amendments that were addressed and unanimously approved by the Committee at its final meeting held on April 24, 2024. Since the priority-ranking exercise was completed prior their approval, they were not prioritized.

ADDENDUM PROPOSAL 1.:

Change the word “November” to “December” in Sec. 14. Induction of city commission into office; meetings of the city commission.; Sec. 40. – Elections: Primary; and Sec. 41. – Elections: General

ADDENDUM PROPOSAL 2:

Sec. 25. Removal of the city manager.

The city manager shall serve at the pleasure of the city commission. The city commission may remove the city manager by the affirmative vote of not less than ~~three (3)~~ a majority of its members.

Sec. 30. Removal of the city clerk.

The city clerk shall serve at the pleasure of the city commission. The city commission may remove the city clerk by the affirmative vote of not less than ~~three (3)~~ a majority of its members.

Sec. 32. Powers and duties.

The duties of the city attorney shall include:

- (1) Acting as the legal advisor to, and attorney and counselor for, the city and its officers in matters relating to their official duties; and
- (2) Preparing in writing, all contracts, bonds and other instruments in which the city is concerned and giving an endorsement of approval as to form and correctness; and

- (3) Prosecuting and defending for and on behalf of the city, all civil complaints, suits and controversies in which the city is a party; and
- (4) Furnishing opinions on questions of law relating to the powers and duties of city officers; and
- (5) Performing such other duties as may be required by ordinance or resolution of the city commission.
- (6) The city attorney shall serve at the pleasure of the city commission. The city commission may remove the city attorney by the affirmative vote of not less than ~~three (3)~~ a majority of its members.

RESULTS FROM CRC MEMBER RANKINGS
(11 out of 13 members submitted)
4/19/2024

AMD # Priority	Proposed Amendment/Motion	Meeting Date
#1 Tied for 7th/8th	<u>ARTICLE II. - THE COMMISSION</u> Sec. 5. - Number of commissioners; selection; term. Upon further review of the 2007 Representation Study Committee Report, I so move to continue district representation in Atlantic Beach as recommendation by the District Representation Committee, accepted by the City Commission, and approved by majority vote in the 2007 city-wide referendum that each commission member live in the district/precinct from which he or she runs and that the candidates be voted on citywide. The districts should be equal in population and to the degree possible should maintain the integrity of neighborhoods and communities of interest.	April 26, 2023
#2 2nd	Sec. 5. - Number of commissioners; selection; term. Add two at large Commissioners and allow the 4 district seats (Seats 2, 3, 4, & 5) to be voted on only by those electors of that particular precinct (district). The Mayor and the other two commission seats would be at large.	March 26, 2024
#3 10th	Sec. 6. - Qualifications and disqualifications. To extend residency requirement from two years to four years.	May 24, 2023
#4 6th	Sec. 6. - Qualifications and disqualifications. Shall be full time resident of the city for four years immediately prior to qualifying and shall be elector in the city for four years.	July 26, 2023
#5 3rd	Sec. 9. - Powers. <i>(14) Provide for the protection and preservation of parks as follows: Any real property owned by the city which is used principally or held out for use as a public park, shall be used only as a public park; and parks shall not be sold, leased long term, gifted, changed in description or use, or otherwise disposed of; and no structure shall be built in any such park to accommodate activities not customarily associated with park use or outdoor recreation; unless such sale, lease disposal, gift or structure is approved by unanimous vote of the entire city commission.</i> Change wording for #14 of the powers “is approved by unanimous vote of the entire city commission.” to “vote by referendum”.	June 28, 2023

<p>#6 Tied for 7th/8th</p>	<p>Sec. 9. - Powers. Add "(15) Exercise any authority permitted by law for the protection and preservation of beaches, marshes, maritime tree canopy, and property through environmental stewardship, resilience, and sustainability measures."</p>	<p>Feb. 28, 2024</p>
<p>#7 5th</p>	<p>Sec. 10. - Appointment of city manager. <i>The city commission shall appoint an administrative officer of the city, who shall have the title of city manager, who shall have the powers and perform the duties provided in this Charter and who shall be compensated at a rate set by the city commission. No member of the city commission shall receive such appointment during the term for which the person shall have been elected, nor within two years after the expiration of the person's term. In the event the City Manager is removed or incapacitated and unable to appoint a substitute as required in Sec. [Section] 24 of this Charter, the city commission shall appoint someone to perform the duties of the city manager.</i> (Add language) The City Commission shall establish clear rules and processes through ordinance to appoint an administrative officer of the city...</p>	<p>July 26, 2023</p>
<p>#8 11th</p>	<p>Sec. 25. - Removal of the city manager. The city manager shall serve at the pleasure of the city commission. The city commission may remove the city manager by the affirmative vote of not less than three (3) of its members. September 27, 2023 MOTION: The city manager shall serve at the pleasure of the city commission. The city commission may remove the city manager for any or no reason by the affirmative vote of not less than four (4) of its members. December 18, 2023 MOTION: The city manager shall serve at the pleasure of the city commission. The city commission may remove the city manager for any or no reason by the affirmative vote of not less than 75% of the voting commissioners. February 28, 2024 MOTION: To rescind the previous recommended changes made to Sec. 25 and restore current language.</p>	<p>February 28, 2024</p>

<p>#9 9th</p>	<p>ARTICLE IV. - THE CITY CLERK</p> <p><i>Sec. 28. - Appointment; duties.</i> <i>The city commission shall appoint an executive officer to serve the city commission and to assure that all its enactments are effectively carried out. The title of the executive officer shall be "city clerk" and as such, shall be under the direction of and compensated at a rate set by the city commission. The duties of the city clerk shall be to:</i> <i>(1) Establish and maintain a line of communication with the city manager; and</i> <i>(2) Prepare an agenda for every commission meeting and a permanent record of each such meeting; and</i> <i>(3) Disseminate information as necessary about activities, findings, or decisions of the city commission; and</i> <i>(4) Provide the city commission with information as requested about programs of the city government; and</i> <i>(5) Serve as supervisor of election for city elections filing officer for city elections; and</i> <i>(6) Serve as custodian of all city records and the seal of the city; and</i> <i>(7) Administer oaths; and</i> <i>(8) Conduct such other activities as may be specified by this Charter, the city code or the city commission.</i></p> <p>Change "Serve as supervisor of election for city elections" to "Serve as filing officer for city elections"</p>	<p>Oct. 25, 2023</p>
<p>#10 4th</p>	<p><i>Sec. 14. - Induction of city commission into office; meetings of the city commission.</i> <i>After each general election, the newly elected city commissioners shall assume the duties of office at the regularly scheduled meeting of the city commission held on the second Monday in November provided that the Supervisor of Elections has certified the election results. If the election results for any contested city commission seat cannot be certified prior to the meeting to be held on the second Monday in November, then any newly elected city commissioners shall assume the duties of office at the next regularly scheduled meeting of the city commission following receipt of the certified election results from the Supervisor of Elections. Until the newly elected city commissioners assume the duties of office, the previous sitting city commissioners shall remain in office. All other regular meetings of the city commission shall be fixed by ordinance, but there shall not be less than one regular meeting each month. Except as provided by Florida's Government-in-the-Sunshine Law (F.S. 286.011), all meetings of the city commission shall be open to the public.</i></p> <p>Remove the second Monday and change to newly elected city commission assume the duties of the office at the next regularly scheduled meeting of CC following receipt of certified election results and to not have old and new together.</p>	<p>July 26, 2023</p>

<p>#11 1st</p>	<p>PACKAGE OF AMENDMENTS RELATING TO ADDING PRIMARY ELECTIONS TO BE PRIORITIZED TOGETHER:</p> <p><u>February 28, 2024</u> <u>MOTION:</u> Approve Option B (agenda pages 13-17) – election language consistent with Jacksonville Beach and Neptune Beach, to which there is a primary only if there are more than two candidates.</p> <p>Sec. 12. - Vacancies in the city commission. If any vacancy occurs in the city commission, the city commission shall elect, within fifteen (15) days of the vacancy, by the affirmative votes of not less than three members, an eligible person as defined in Sec. [Section] 6 of this article to fill the vacancy until the next <u>primary or</u> general election, <u>as applicable</u>.</p> <p>Sec. 14. - Induction of city commission into office; meetings of the city commission. After each <u>primary election or</u> general election (<u>as applicable</u>), the newly elected city commissioners shall assume the duties of office at the regularly scheduled meeting of the city commission held on the second Monday in November provided that the Supervisor of Elections has certified the election results. If the election results for any contested city commission seat cannot be certified prior to the meeting to be held on the second Monday in November, then any newly elected city commissioners shall assume the duties of office at the next regularly scheduled meeting of the city commission following receipt of the certified election results from the Supervisor of Elections. Until the newly elected city commissioners assume the duties of office, the previous sitting city commissioners shall remain in office. All other regular meetings of the city commission shall be fixed by ordinance, but there shall not be less than one regular meeting each month. Except as provided by Florida's Government-in-the-Sunshine Law (F.S. 286.011), all meetings of the city commission shall be open to the public.</p> <p>Sec. 39. - Nominations. Any elector of the city having the additional qualifications and limitations as set forth in Article II, Section 6, may be nominated for a seat in the city commission. Such nomination shall be only by petition. A petition for this purpose shall be signed by not less than twenty-five (25) qualified electors of the city. The signatures on the nominating petition need not all be subscribed on one paper. Each separate paper shall have affixed a signed statement of the circulator thereof stating the number of signers of such paper and that each signature appended thereto was made in the presence of the circulator and is the genuine signature of the person whose name it purports to be. Each signer, including the circulator, shall provide his/her place of residence, including the street and number. The form of the nomination petition shall be substantially as follows: "We, the undersigned electors of the City of Atlantic Beach hereby nominate _____ whose residence is _____ for the office of Commissioner, Seat No.</p>	<p>Feb. 28, 2024 and March 27, 2024</p>
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_____ to be voted for at the election to be held on the _____ day of _____, _____ A.D., and we individually certify that our names appear on the rolls of registered voters, and that we are qualified to vote for a candidate for the city commission.

Name, street, and number address from which last date of registered (if different) signing.

(Spaces for signatures and required date)

STATEMENT OF CIRCULATOR

The undersigned is the circulator of the foregoing paper containing _____ signatures. Each signature appended thereto was made in my presence and is the genuine signature of the person whose name it purports to be.

SIGNATURE OF CIRCULATOR _____

ADDRESS: _____ "

Any signature made earlier than forty (40) days prior to the first day of qualifying shall be void. All petitions must be filed with the city clerk no later than 10 days prior to the qualifying period. The qualifying period will begin no later than noon on the 71st day (Monday) prior to the **general primary** election and will end at noon on the 67th day (Friday) prior the **general primary** election, **as set forth in Section 99.061(2), Florida Statutes.** All other qualifying papers shall be filed as one instrument with the city clerk during the qualifying period. The city clerk shall make a record of the exact time at which each petition is filed, and shall take and preserve the name and address of the person by whom it is filed. No nominating petition shall be accepted unless accompanied by a signed acceptance of the nomination in substantially the following form:

"ACCEPTANCE OF NOMINATION

I hereby accept the nomination for Seat No. _____ on the city commission and agree to serve if elected.

SIGNATURE OF CANDIDATE _____ "

Within two days after the filing of a nominating petition, the city clerk shall notify the candidate and the person who filed the petition whether or not it is found to be signed by the required number of qualified electors. If a petition is found insufficient, the city clerk shall return it immediately to the person who filed it with a statement certifying wherein the petition is found insufficient. Within the regular time for filing petitions, such a petition may be amended and filed again as a new petition, in which case the time of the first filing shall be disregarded in determining the validity of signatures thereon, or a different petition may be filed for the same candidate. The petition of each person nominated to be a member of the city commission shall be preserved by the city clerk until the expiration of the term of office for which the candidate has been nominated.

Sec. 40. - Elections:

Primary. **There are no primary elections for any seat on the City Commission of the City of Atlantic Beach. When more than two (2) candidates are running for the same elective office, the primary election shall be held only for the municipal offices that have more than two candidates running for the same seat. Such primary election shall be set in accordance with Section 100.061, Florida Statutes for that year for each seat**

on the city commission which shall become vacant on the second Monday in November of the same year, or when the newly elected city commissioners assume the duties of office in accordance with Sec. 14 of this Charter. If at the primary election, a candidate receives a majority of all votes cast, he or she shall be declared elected of office and his or her name shall not be placed on the ballot in the general election. In the event that a candidate does not receive a majority of all the votes cast in the primary election, then the names of the candidates placing first and second shall be placed on the ballot in the general election.

Sec. 41. - Elections: General.

Beginning with ~~the year 2019~~ next election after adoption:
~~A regular or general election of candidates or nominees to the office of city commissioner shall be held every even-numbered year on the same day as Florida's General Election. When two (2) candidates are running for the same elective office, the general election shall be set according to Section 100.031, Florida Statutes~~ for that year for each seat on the city commission which shall become vacant on the second Monday in November of the same year, or when the newly elected city commissioners assume the duties of office in accordance with Sec. 14 of this Charter. The candidate or nominee receiving the ~~plurality~~ majority of votes cast for each seat at such general election shall be declared elected. In the event of a tie between two candidates in the general election the candidates shall draw lots in accordance with Florida Statutes to determine the winner.

MARCH 27, 2024

MOTION: Accept proposed changes in Section 81 as presented.

Sec. 81. - Periodic review

A Charter Review Committee consisting of at least nine (9) and no more than fifteen (15) electors of the City shall be appointed by the City Commission every eight (8) years to review the City Charter and propose any amendments or revisions, which may be advisable for placement on the ~~regular~~ general municipal election ballot.

The City Commission shall appoint the Charter Review Committee in ~~January~~ February of the year immediately preceding the election with a definite and specific charge. The Charter Review Committee shall meet for the purpose of organization within thirty (30) days after the appointments have been made. The Charter Review Committee shall elect a chair and vice chair from among its membership. Further meetings of the Charter Review Committee shall be held upon the call of the chair or a majority of the members of the Charter Review Committee. All meetings shall be open to the public. No Charter amendment or revision shall be submitted to the electorate for adoption unless favorably voted upon by a majority of the entire membership of the Charter Review Committee.

No later than one-hundred and eighty (180) days prior to the ~~regular~~ general municipal election, the Charter Review Committee shall deliver to the City Commission the proposed amendments or revisions, if any, to the City Charter. Each proposed amendment shall embrace but one subject and

	<p>matter directly connected therewith. The City Commission may by resolution <u>ordinance</u> place such amendments or revisions as approved by the Charter Review Committee on the next regular <u>general</u> municipal election ballot. If a majority of the electors voting on the amendments or revisions favor adoption, such amendments or revisions shall become effective on January 1 of the succeeding year or such other time as the amendment or revision shall provide.</p> <p>If the Charter Review Committee does not submit any proposed Charter amendments or revisions to the City Commission at least one-hundred and eighty (180) days prior to the regular <u>general</u> municipal election, the Charter Review Committee shall be automatically dissolved. Otherwise, upon acceptance, further amendment or rejection of the proposed amendments or revisions by the City Commission, the Charter Review Committee shall be automatically dissolved.</p>	
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Timeline for Election Referendum for November 5, 2024 General Election

Date	Item	Purpose	Document/Citation Links
1/23/2023	City Commission Meeting Agenda Item 8A	Commission approved Resolution No.23-02 outlining the Committee’s charge and appointing members.	AB Charter Section 81 Resolution No. 23-02 Agenda Packet Agenda Item 8A Backup Minutes
2/13/2023	City Commission Meeting Agenda Item 4C	Motion on Reconsideration of Resolution No. 23-02 (Failed)	Agenda Packet Agenda Item 4C Backup Minutes
2/16/2023	1 st Meeting of the Charter Review Committee	Organizational/orientation meeting and election of officers (Chair, Vice Chair, and Secretary)	Agenda packet Minutes
Various	Charter Review Committee meetings	Hold Committee meetings	Agenda Packets Folder Minutes Folder
5/9/2024	Deadline to submit final report to Commission.	Final report to City Commission.	AB Charter Section 81 (no later than 180 days prior Election)
TBD	Introduction and First Reading on Ordinance(s) for Commission action.	Have first reading on ordinance(s) allowing for referendum.	F.S. 166.041 “...a proposed ordinance may be read by title, or in full, on at least 2 separate days...”
TBD	Notice in Newspaper	Advertise public hearing(s) for Referendum Ordinance(s)	F.S. 166.041 “...at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the municipality...”
TBD	Public Hearing and Final Reading on Ordinance(s) for Commission action.	Hold public hearing and second (final) reading on ordinance(s) allowing for referendum.	F.S. 166.041 “...a proposed ordinance may be read by title, or in full, on at least 2 separate days...”
8/13/24 preferably, definitely by 8/20/24	Deadline for submitting ballot language to Supervisor of Elections	Provide ballot language to Supervisor of Elections for placing on November 5, 2024 General Election ballot.	Date of First Primary, but preferably a week ahead of that – per Duval Co. S.O.E. staff.
10/3/2024	Notice in Newspaper	Advertise referendum for the November 5, 2024 General Election.	F.S. 100.342 “The publication shall be made at least twice, once in the fifth week and once in the third week prior to the week in which the election or referendum is to be held.”
10/17/2024	Notice in Newspaper	Advertised election information and the Charter Election Ballot for the November 5, 2024 General Election.	F.S. 100.342 “The publication shall be made at least twice, once in the fifth week and once in the third week prior to the week in which the election or referendum is to be held.”
11/5/2024	2024 GENERAL ELECTION	Referendum to be put on the November 5, 2024 General Election ballot	AB Charter Section 81 F.S. 166.031