



## AGENDA

CHARTER REVIEW COMMITTEE MEETING  
WEDNESDAY, NOVEMBER 8, 2023, AT 6:00 P.M.

CITY OF ST. AUGUSTINE BEACH, 2200 A1A South, St. Augustine Beach, FL 32080

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- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. INTRODUCTION OF COMMITTEE MEMBERS AND DR. DUMONT
- V. EXPLANATION OF REVIEW PROCESS BY DR. DUMONT
- VI. FIRST TOPICS TO BE REVIEWED
- VII. ADJOURNMENT

### NOTE:

*The agenda material containing background information for this meeting is available on the City's website in pdf format or on a CD, for a \$5 fee, upon request at the City Manager's office.*

**NOTICES:** In accordance with Florida Statute 286.0105: "If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities act, persons needing a special accommodation to participate in this proceeding should contact the City Manager's Office not later than seven days prior to the proceeding at the address provided, or telephone 904-471-2122, or email [sabadmin@cityofsab.org](mailto:sabadmin@cityofsab.org).

## ARTICLE I. - IN GENERAL

### Sec. 1-1. - Created; name.

A municipality to be known and designated as the City of St. Augustine Beach, is hereby established, organized and constituted in the County of St. Johns and State of Florida.

(Laws of Fla., Ch. 59-1790, § 1; Laws of Fla., Ch. 78-607, § 1; Ord. No. 207, § 1, 12-4-89)

### Sec. 1-2. - Boundaries.

The territorial boundaries of the City of St. Augustine Beach shall remain as they exist on the date this amended Charter takes effect, provided that the city shall have the power to change its boundaries in the manner prescribed by law. A dated description of the boundaries is posted on the city's website, is on file at city hall, and is available to the public.

(Ord. No. 207, § 1, 4-12-89; Ord. No. 96-24, § 2, 10-7-96; Ord. No. 97-30, § 2, 10-6-97; Ord. No. 97-42, § 2, 12-1-97; Ord. No. 00-03, § 2, 4-3-00; Ord. No. 01-04, 1 2, 3-5-01; Ord. No. 01-13, § 2, 6-24-02; Ord. No. 03-30, § 2, 9-8-03; Ord. No. 06-13, § 2, 7-10-06; Ord. No. 07-01, § 2, 3-5-07; Ord. No. 14-01, § 3, 6-9-14)

### Sec. 1-3. - Powers of the city.

The City of St. Augustine Beach shall have all powers possible for a city to have under the constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter.

(Laws of Fla., Ch. 59-1790, § 2; Laws of Fla., Ch. 78-607, § 1; Ord. No. 207, § 1, 12-4-89; Ord. No. 14-01, § 5, 6-9-14)

**Editor's note**— Section 5 of Ord. No. 14-01, adopted June 9, 2014, changed the title of § 1-3 from "Extraterritorial powers" to read as herein set out.

### Sec. 1-4. - Elective officers.

- (a) The elective officers of said city shall be five (5) city commissioners, one (1) of whom shall be designated and elected as mayor and one (1) of whom shall be designated as vice-mayor as hereinafter provided.
- (b) The mayor and vice-mayor shall be elected by the members of the city commission from their number and the term of office of the mayor and vice-mayor shall be for one (1) year beginning January first of each year and continuing until January first of the succeeding year. Any vacancy in the office of mayor or vice-mayor shall likewise be filled by the city commissioners by the

election of one (1) of their number to serve as mayor or vice-mayor, as applicable, for the unexpired term. No member of the commission shall be elected as mayor by the members of the city commission to serve more than two (2) consecutive terms. This subsection shall not be interpreted to preclude a city commissioner from serving as mayor for more than two (2) nonconsecutive terms.

- (c) The city commissioners shall have been residents and qualified electors of the City of St. Augustine Beach for a period of one (1) year prior to the date of qualification for election, or appointment to fill a vacancy on the city commission as a result of the death, resignation or disqualification of a city commissioner. Once elected, city commissioners must maintain physical residency and voter registration in the city throughout their terms of office.
- (d) In the event of the death, resignation or disqualification of a city commissioner, a successor shall be elected by a majority of remaining members of the city commission within 60 days after said vacancy occurs, to serve until the next general election, at which time the electors of the city shall elect a commissioner to serve for the remainder of the unexpired term. In the event that a majority of the remaining members of the commission shall be unable to elect a successor, a special election will be held to fill the vacancy.
- (e) Reserved.
- (f) All powers of the city shall be vested in the city commission except as otherwise provided by law and this Charter. The city commission shall be responsible for the reasonable exercise of those powers, and shall be required to provide for the performance of all duties and obligations imposed on the city by law.

(Laws of Fla., Ch. 59-1790, § 3; Laws of Fla., Ch. 78-607, § 1; Ord. No. 207, § 1, 12-4-89; Ord. No. 90-1, §§ 1—3, 2-5-90; Ord. No. 04-02, §§ 1—4, 4-5-04; Ord. No. 14-01, § 7, 6-9-14)

#### Sec. 1-5. - Legislative body.

- (a) The city commission shall meet at such times as may be prescribed by ordinance, resolution, or as otherwise permitted by Florida Law. Emergency meetings of said commission may be called upon reasonable notice to each member of the commission, and such meetings shall be called by the mayor. The commission shall determine its own rules and order of business and shall keep minutes of its proceedings.

In addition, the mayor, or in the mayor's absence or unavailability the vice mayor, may call Emergency Meetings of the commission. The most appropriate and effective notice under the circumstances shall be provided and the method of providing notice recorded in the minutes of the meeting. A vote that the meeting is an emergency shall be the first order of business. The affirmative vote of the majority of the commissioners present plus one shall be necessary to confirm that the meeting is an emergency. Failure

to obtain this affirmative vote shall preclude conducting further business at the meeting except adjournment. The only subjects that may be considered at this meeting must relate to the stated emergency. An affirmative vote of two-thirds ( $\frac{2}{3}$ ) of a quorum shall be necessary for all other actions taken at an emergency meeting.

- (b) The affirmative vote of at least three (3) members of the city commission shall be required for the passage of any motion of the city commission as such.
- (c) The compensation, if any, of the city commissioners and mayor shall be set by the city commission by ordinance.
- (d) Emergency ordinances shall be passed only upon a four-fifths affirmative vote of the city commission as a whole.
- (e) Prohibitions. Interference with administration. Except for the purpose of inquiries and investigations, the commission or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the commission nor its members shall give orders to any such officer or employee, either publicly or privately.

Appointments and removals. Neither the city commission nor any of its members shall in any manner control or demand the appointment or removal of any city administrative officer or employee whom the city manager or any subordinate of the city manager is empowered to appoint, but the commission may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.

Holding other office. Except where authorized by law, no commissioner shall hold any other elected public office during the term for which the member was elected to the commission. No commissioner shall hold any other city office or employment during the term for which the commissioner was elected to the commission. No former commissioner shall hold any compensated appointive office or employment with the city until one year after the expiration of the term for which the member was elected or appointed to the commission.

Nothing in this section shall be construed to prohibit the commission from selecting any current or former commissioner to represent the city on the governing board of any regional or other governmental agency.

(Laws of Fla., Ch. 59-1790, § 3; Laws of Fla., Ch. 78-607, § 1; Ord. No. 207, § 1, 12-4-89; Ord. No. 04-02, §§ 11—14, 4-5-04; Ord. No. 14-01, §§ 9, 11, 6-9-14)

#### Sec. 1-6. - Mayor.

The mayor-commissioner shall preside at all meetings of the city commission and shall perform such

other duties consistent with his or her office as may be imposed by the commission, and he or she shall have a voice and vote in the proceedings of the city commission, but no veto power. The mayor shall have the authority to issue proclamations, and he or she shall be so recognized by the courts for the purpose of serving civil processes and by the state and federal governments in the exercise of military law. The mayor, or in the mayor's absence or unavailability the vice mayor, shall sign all ordinances passed by the city commission, but shall have no other powers and duties beyond those conferred by this Charter or by the city commission in accordance with provisions of this Charter.

(Laws of Fla., Ch. 59-1790, § 4; Laws of Fla., Ch. 78-607, § 1; Ord. No. 207, § 1, 12-4-89; Ord. No. 04-02, §§ 9, 10, 4-5-04; Ord. No. 14-01, § 13, 6-9-14)

#### Sec. 1-7. - Forfeiture of office.

A commissioner shall forfeit that office if the commissioner:

- (1) Fails to meet the qualifications for office; or
- (2) Is convicted of a felony during the commissioner's term in office; or
- (3) Is absent from three (3) consecutive regular meetings of the city commission unless such absence is excused by the commission by motion duly passed, setting forth the reason for such excuse and entered in the minutes of the meeting.

A vote of three (3) members of the city commission is required to confirm forfeiture of office.

(Laws of Fla., Ch. 70-918, § 1; Laws of Fla., Ch. 78-607, § 1; Ord. No. 207, § 1, 12-4-89; Ord. No. 14-01, § 15, 6-9-14)

**Editor's note**— Section 15 of Ord. No. 14-01, adopted June 9, 2014, changed the title of § 1-7 from "Removal of commissioners for unexcused absences" to read as herein set out.

#### Sec. 1-8. - City manager.

The city manager shall be chosen on the basis of professional training, executive and administrative experience, and other qualifications as determined by the city commission. The current city manager at the time of adoption of this amendment may only be removed by a four-fifths vote of the full city commission. Upon the retirement, resignation, or removal of the current city manager, all subsequent city managers shall be appointed or removed by a majority vote of the full city commission for an indefinite term, and may be removed at any time by a majority vote of the full commission. Action to remove the city manager shall be considered final, and the manager shall have no vested rights in his or her office other than those specifically provided in this Charter or by contract. Notwithstanding the action taken by the city commission to remove the manager, the city commission shall hold a public

hearing if so requested in writing by the manager. Such public hearing shall be conducted not less than ten (10) days nor more than thirty (30) days following the date of the proposed removal of the city manager.

The city manager need not be a resident of the city at the time of appointment. Within six months of appointment, the city manager shall reside in the city unless the city commission waives this requirement. The manager's compensation shall be fixed by the city commission. Such compensation shall not be reduced during the manager's tenure except as a part of a general salary cutback applicable to all city employees.

The city manager shall be the chief executive officer of the city, responsible to the city commission for the management of all city affairs placed in the manager's charge by or under the charter. The city manager shall:

- (1) Appoint and suspend or remove all city employees and appointive administrative officers provided for, by, or under this Charter, except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter. The city manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;
- (2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this Charter or by law;
- (3) Assure that a written annual evaluation is conducted on all employees subject to the manager's direction and supervision. The manager may delegate performance of the evaluations to personnel at the appropriate supervisory level;
- (4) Attend all city commission meetings. The city manager shall have the right to take part in discussion, but shall not vote;
- (5) See that all laws, provisions of this Charter, and acts of the city commission, subject to enforcement by the city manager or by officers subject to the manager's direction and supervision, are faithfully executed;
- (6) Prepare and submit the annual budget and capital program to the city commission and implement the final budget approved by the commission to achieve the goals of the city;
- (7) Submit to the city commission and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
- (8) Make such other reports as the city commission may require concerning operations;
- (9) Keep the city commission fully advised as to the financial condition and future needs of the city;
- (10) Countersign all contracts made on behalf of the city or to which the city is a party;

- (11) Countersign all bonds, certificates, or other evidences of indebtedness of the city and keep an accurate account thereof;
- (12) Make recommendations to the city commission concerning the affairs of the city and facilitate the work of the city commission in developing policy;
- (13) Provide staff support services for the mayor and commissioners;
- (14) Assist the commission to develop long term goals for the city and strategies to implement these goals;
- (15) Encourage and provide staff support for regional and intergovernmental cooperation;
- (16) Promote partnerships among the commission, staff, and citizens in developing public policy and building a sense of community; and
- (17) Perform such other duties as are specified in this Charter or may be required by the city commission.

Neither the commission nor any of its members shall dictate the appointment of any person to office or employment by the city manager or in any manner prevent the city manager from exercising his/her own judgment in selecting the personnel of his/her administration.

Acting City Manager. By letter filed with the city clerk, the city manager shall designate a city officer or employee to exercise the powers and perform the duties of city manager during the manager's temporary absence or disability; the city commission may revoke such designation at any time and appoint another qualified person to serve until the city manager returns.

(Laws of Fla., Ch. 59-1790, § 7; Laws of Fla., Ch. 78-607, §§ 1, 2; Ord. No. 207, § 1, 12-4-89; Ord. No. 04-02, §§ 19—22, 4-5-04; Ord. No. 14-01, §§ 17, 19, 6-9-14)

#### Sec. 1-9. - Law enforcement.

There shall be a chief of police, who shall be appointed by the city commission, and there may be such police officers as may from time to time be determined by the city commission to be necessary. The police officers shall be appointed by the chief of police. Subject to the removal of the chief of police as provided in the next paragraph, said chief of police shall serve at the pleasure of the city commission.

The chief of police shall be chosen on the basis of professional training, executive and administrative experience, and other qualifications. The chief of police shall be appointed by a vote of four-fifths of the full city commission for an indefinite term, and may be removed at any time by four-fifths vote of the full commission, subject to at least sixty-days' notice or sixty-days' severance pay. Action by the city commission to remove the chief of police shall be considered final, and the chief shall have no vested rights in his or her office other than those specifically provided in this Charter. Notwithstanding the action taken by the city commission to remove the chief, the city commission shall hold a public hearing

if so requested in writing by the chief. Such public hearing shall be conducted not less than ten (10) days nor more than thirty (30) days following the date of the proposed removal of the chief of police.

The chief of police shall be the head of the law enforcement department. He shall attend the meetings of the city commission, and perform such other duties as may be required by this Charter, by the laws and ordinances of the city or by the city commission.

The chief of police, and police officers shall receive such compensation as may be fixed by the city commission.

(Laws of Fla., Ch. 59-1790, § 5; Laws of Fla., Ch. 78-607, §§ 1, 2; Ord. No. 202, §§ 1, 2, 11-6-89; Ord. No. 207, § 1, 12-4-89; Ord. No. 9-2, §§ 1, 2, 2-5-90; Ord. No. 04-02, §§ 5, 6, 4-5-04)

#### Sec. 1-10. - Public improvements.

The Legislature of the State of Florida does hereby find and determine that the territory defined herein as the City of St. Augustine Beach is the principal beach resort of St. Johns County and as such affords recreational facilities and opportunities to all the citizens of St. Johns County and that the construction, repair and maintenance of roads, streets and runways to the ocean beach in said city are county purposes and nothing herein contained shall be construed as preventing the Board of County Commissioners of St. Johns County from constructing, repairing and maintaining roads, streets and runways to the beach within said City of St. Augustine Beach.

(Laws of Fla., Ch. 59-1790, § 11; Laws of Fla., Ch. 78-607, § 1; Ord. No. 207, § 1, 12-4-89)

#### Sec. 1-11. - Fire protection, trash and garbage removal and other municipal services.

- (a) The city commission is hereby authorized to provide fire protection within the City of St. Augustine Beach, either by owning and operating necessary equipment with either a volunteer or paid fire department, or to contract with another governmental entity by interlocal agreement for service by its fire department.
- (b) The city commission is hereby authorized to remove trash and garbage and to perform all other city services either through the use of employees or contractors.

(Ord. No. 207, § 1, 12-4-89; Ord. No. 97-26, § 2, 9-8-97)

#### Sec. 1-12. - Validation of individual sections.

If any section or part of a section of this Municipal Charter is subsequently found to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of section, unless it appears that such other section or part of section is clearly or



necessarily dependent for its operation upon the section or part of section held to be unconstitutional or invalid.

(Ord. No. 207, § 1, 12-4-89)

Sec. 1-13. - City clerk.

The city manager shall appoint an officer of the city who shall have the title city clerk. The city clerk shall be the custodian of all city commission records, shall give notice of commission meetings to its members and the public, shall keep minutes of its proceedings, and perform such other duties as prescribed by law, by this Charter, or by direction of the city manager.

(Ord. No. 14-01, § 21, 6-9-14)

Sec. 1-14. - City attorney.

There shall be a city attorney appointed by the city commission. The current city attorney at the time of adoption of this amendment may only be removed by a four-fifths vote of the full city commission. Upon the retirement, resignation, or removal of the current city attorney, all subsequent city attorneys shall be appointed or removed by a majority vote. The city attorney shall be a member of the Florida Bar and shall be appointed and may be removed by a majority vote of the full city commission. The attorney shall serve as the chief legal adviser to the commission, the city manager, and all city departments, offices and agencies; shall represent the city in legal proceedings; and, shall perform any other duties prescribed by state law, by this Charter, by ordinance, or as otherwise assigned by the city commission.

(Ord. No. 14-01, § 23, 6-9-14)

Sec. 1-15. - Reserved.

Sec. 1-16. - Limitations.

- (a) All city-owned parks within the city limits of St. Augustine Beach may not be sold, leased, traded, or given away absent the passage by an affirmative vote of four-fifths ( $\frac{4}{5}$ ) of the city commission and approval by the electorate, or by a vote of the electorate through initiative as provided for in Article II Section 2-8.
- (b) Actions to increase the permitted height of a building or buildings as established in the following ordinances: 07-13, 08-09, 13-08, 13-14, as may be amended to comply with State and Federal Law, may be taken by the city only by ordinance approved by a majority of qualified city electors at the next general election or a special election called for such purpose.
  - 1. Buildings and structures within the City of St. Augustine Beach, Florida, shall be limited to a

maximum height of thirty-five (35) feet. Height shall be measured in accordance with the provisions of the City's Land Development Regulations.

- a. The thirty-five (35) feet height limitation shall not apply to architectural features or any roof structures for housing elevators, stairways, tanks, mechanical equipment, ventilating fans, solar energy collectors, or similar equipment, nor to church spires, steeples, belfries, cupolas, domes, monuments, water towers, skylights, flag poles, vents, or similar structures, which may be erected above the height limit, nor to fire or parapet walls, provided, however that such features and items shall not extend more than ten (10) feet above the structure.
  - b. Items or structural elements required by other state laws or the Federal Telecommunications Act shall not be included in determining building height.
2. If an existing building over thirty-five (35) feet is destroyed or substantially damaged by terrorist attack, accidental fire, or natural and disastrous force, such building may be built back up (reconstructed):
  - a. Within its pre-disaster footprint; and
  - b. Within the three-dimensional envelope of the area of the pre-disaster building; and
  - c. Up to its pre-disaster gross square footage; and
  - d. Up to the same number of dwelling units or commercial square footage (or combination thereof) and pre-disaster floor area ratio, but elevated above the base flood elevations required by federal flood regulations, state regulations or City Code; and
  - e. Conforming in all other respects to City Code, the Florida Building Code, other federal and state regulations, and state coastal construction control lines in effect at the time the substantially damaged building is built back (reconstructed).

(Ord. No. 14-01, §§ 27, 29, 6-9-14)

## ARTICLE II. - ELECTIONS

### Sec. 2-1. - Election procedure.

- (a) The city commission shall make the necessary arrangements for holding all city elections, and may appoint one (1) or more inspectors for each election.
- (b) The supervisor of elections for St. Johns County, Florida, is authorized to perform all functions required to be conducted in holding of primary and general elections of the city, including acceptance of qualifying papers, filing fees, and appropriate financial reports, preparation of

ballots, appointment of an election board, supervision of poll workers, counting of ballots and ascertaining the results, and all such other matters and things which are required to be performed in the holding of primary and general elections.

- (c) Subject to the provisions of the City Charter and this chapter, the supervisor of elections is authorized to perform all functions required to be conducted in the holding of primary and general elections of the city in accordance with the voting methods, procedures and requirements provided in the general laws of the State of Florida.
- (d) The supervisor of elections is authorized to prepare all ballots.
- (e) Except as otherwise expressly provided herein, all general laws of the State of Florida relating to elections shall apply to city elections; provided however, all references in general law to political parties and party primaries shall not be applicable to city elections.

(Laws of Fla., Ch. 59-1790, § 14; Laws of Fla., Ch. 78-607, § 1; Ord. No. 207, § 1, 12-4-89; Ord. No. 04-02, §§ 15, 16, 4-5-04)

#### Sec. 2-2. - Absentee ballots.

At all municipal elections held in the City of St. Augustine Beach, ballots of absent qualified voters residing within the corporate limits of the City of St. Augustine Beach, shall be cast, canvassed and certified as provided in and by the general laws of the State of Florida, then in force. The canvassing and certification of the ballots cast by absent qualified voters shall be performed by the Supervisor of Elections of St. Johns County or the city manager, and by the county canvassing board or the city commission. For each election, the city commission shall pass a resolution designating who will perform such duties in respect to the absentee ballots.

(Laws of Fla., Ch. 57-1790, § 14A; Laws of Fla.; Ch 61-2740, § 1; Laws of Fla., Ch. 78-607, §§ 1, 2; Ord. No. 207, § 1, 12-4-89; Ord. No. 208, §§ 1—3, 12-4-89)

#### Sec. 2-3. - City commission offices divided into groups; terms.

In the primary election and in the general election to be held in 1968, and in each primary election and in each general election thereafter, the candidates for city commission shall run in five (5) groups, designated as Groups One, Two, Three, Four and Five, and each voter may vote for one candidate in each group. In the general election in 1968, the successful candidates in Groups One and Two shall be elected for a full term of four (4) years, and the successful candidates in Groups Three, Four and Five shall be elected for a full term of two (2) years. Commencing with the election to be held in 1970, and in elections thereafter, the successful candidates in Groups Three, Four and Five shall be elected for a full term of four (4) years. Commencing with the election to be held in 1972, and in each election thereafter, the successful candidates in Groups One and Two shall be elected for a full term of four (4) years.

(Laws of Fla., Ch. 67-1979, § 2; Laws of Fla., Ch. 78-607, § 1; Ord. No. 207, § 1, 12-4-89)

Sec. 2-4. - Run-off elections.

- (a) A primary election shall be held for any group for which three (3) or more persons qualify. No primary election shall be held for which two (2) or less candidates qualify. At the primary election, if a candidate receives a majority of the votes cast in his or her group, then such candidate shall be declared elected. In the event that a candidate in any group does not receive a majority of the votes cast in his group, then subject to the provisions of subsections (b) and (c) of this section, the names of the candidates placing first and second in that group and their names only shall be placed on the ballot for that group in the general election.
- (b) In all primary elections, where there is a tie for first place in any group, only the names of the candidates so tying shall be placed on the ballot for that group at the general election.
- (c) In all primary elections, where there is a tie for second place in any group and the candidate placing first in that group did not receive a majority of the votes cast, then the name of the candidate placing first and the candidates tying for second shall be placed on the ballot in the general election.

(Laws of Fla., Ch. 67-1979, § 3; Ord. No. 207, § 1, 12-4-89; Ord. No. 04-02, §§ 17, 18, 4-5-04)

Sec. 2-5. - Determining winners at general elections; tie votes.

In any general election, the candidate receiving the highest number of votes shall be declared the person elected. In the event of a tie in any general election, the tie vote shall be decided by lot to be conducted by the city attorney and city manager.

(Laws of Fla., Ch. 67-1979, § 4; Laws of Fla., Ch. 78-607, §§ 1, 2; Ord. No. 207, § 1, 12-4-89)

Sec. 2-6. - Form of ballot.

The ballot in all respects shall conform as nearly as possible to the form of ballot prescribed by the laws of the State of Florida.

(Laws of Fla., Ch. 67-1979, § 5; Ord. No. 207, § 1, 12-4-89)

Sec. 2-7. - Recall of elected officials.

Recall of elected officials shall be as provided by general law.

(Ord. No. 14-01, § 31, 6-9-14)

Sec. 2-8. - General authority for citizen referendum.

1. Citizen Referendum. The registered voters of the city shall have power to require reconsideration by the commission of any adopted ordinance and, if the commission fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, but such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.
2. Commencement of Proceeding; Petitioners' Committee; Affidavit. Any five (5) registered voters may commence initiative or citizen referendum proceedings by filing with the city clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.
3. Petitions.
  - a. Number of Signatures. Initiative and citizen referendum petitions must be signed by registered voters of the city equal in number to at least ten percent (10%) of the total number of registered voters at the last regular city election.
  - b. Form and Content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Initiative and citizen referendum petitions shall contain or have attached thereto throughout their circulation, the full text of the ordinance proposed or sought to be reconsidered.
  - c. Affidavit of Circulator. Each paper of a petition shall have attached to it when filed, an affidavit executed by the person circulating it stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
  - d. Time for Filing Referendum Petitions. Referendum petitions must be filed with the city clerk within forty-five (45) days after adoption by the city commission of the ordinance sought to be reconsidered.
4. Procedure after Filing.
  - a. Certificate of Clerk; Amendment. Within twenty (20) days after the petition is filed, the city clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the

required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within two (2) days after receiving the copy of his or her certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of paragraphs (2) and (3) of Section 2-8 (b.) above, and within five (5) days after it is filed, the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request commission review under paragraph (2) of this subsection within the time required, the clerk shall promptly present his or her certificate to the commission and the certificate shall then be a final determination as to the sufficiency of the petition.

- b. **Commission Review.** If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the commission. The commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the commissions' determination shall then be a final determination as to the sufficiency of the petition.
  - c. **Court Review; New Petition.** A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.
5. **Referendum Petitions; Suspension of Effect of Ordinance.** When a referendum petition is filed with the city clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:
  - (1) There is a final determination of insufficiency of the petition or;
  - (2) The petitioners' committee withdraws the petition, or;
  - (3) The commission repeals the ordinance; or
  - (4) Forty-five (45) days have elapsed after a vote of the city on the ordinance.
6. **Actions on Petitions.**
  - a. **Action by Commission.** When referendum petition has been finally determined sufficient, the commission shall promptly reconsider the referred ordinance by voting its repeal. If the commission fails to repeal the referred ordinance within sixty (60) days after the date the petition was finally determined sufficient, it shall submit the referred ordinance to the

voters of the city.

- b. Submission to Voters of Referred Ordinances. The vote of the city on a referred ordinance shall be held not less than thirty (30) days and not later than one year from the date of the final commission vote thereon. If no regular city election is to be held within the period prescribed in this subsection, the commission shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the commission may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.
- c. Withdrawal of Petitions. A referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the city by filing with the city clerk a request for withdrawal signed by at least two-thirds of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

7. Results of Election.

- a. Referendum. If a majority of the registered voters on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

(Ord. No. 14-01, § 33, 6-9-14)

### ARTICLE III. - CHARTER AMENDMENT

#### Sec. 3-1. - Amendment of Charter.

This Charter may be amended as provided by general law. Commencing with the first regular meeting following September 1, 2013, and every ten (10) years thereafter the city commission shall appoint a special committee of seven (7) qualified electors of the city to review the City Charter and make recommendations to the city commission as to amendments hereto. Nothing herein is intended to preclude the city commission from proposing amendments to this Charter at other times or to preclude the city commission from appointing such a special committee at earlier intervals.

(Ord. No. 04-02, §§ 23, 24, 4-5-04)