

Introduced by: Council Member Cory Nichols
1st Reading: February 23, 2022
2nd Reading: March 7, 2022

ORDINANCE NO. 2022-8171

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, SUBMITTING TO THE ELECTORS OF JACKSONVILLE BEACH PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF JACKSONVILLE BEACH; PROVIDING BALLOT TITLES, SUMMARIES AND TEXT FOR THE PROPOSED AMENDMENTS; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE FOR APPROVED AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, the members of the City of Jacksonville Beach City Council have, in public meetings, studied and reviewed the City of Jacksonville Beach Charter (the "Charter") and received public input regarding proposed amendments to the Charter; and

WHEREAS, the City Council has determined that the Charter should be updated and revised in various sections; and

WHEREAS, Section 166.031, Florida Statutes, provides that the governing body of a municipality may, by ordinance, submit to the electors of said municipality proposed amendments to its charter, which amendments may be to any part or to all of its charter except that part describing the boundaries of such municipality; and

WHEREAS, the City Council held a series of public meetings over several months, beginning on April 22, 2021, and ending on January 20, 2022; and

WHEREAS, the City Council has reviewed the entire Charter over that time period and considered a number of changes which, if adopted by the electorate, would serve to clarify and modernize the language of the Charter in a manner consistent with state law and current practice; and

WHEREAS, the City Council finds it to be in the best interests of its citizens to submit said proposed Charter amendments to the voters at the municipal election on November 8, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA:

Section 1. The City Council of the City of Jacksonville Beach, pursuant to Section 166.031, Florida Statutes, hereby proposes and approves amendments to the Charter of the City of Jacksonville Beach to be submitted to the electorate for consideration, which proposed amendments and the complete text thereof, as amended, are set forth in Section 3 below. Additions are shown with underlining, deletions are shown with ~~striketrough~~ type, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

Section 2. Such election shall be held in conformity with the laws of the State of Florida and the Charter and ordinances of the City of Jacksonville Beach now in force relating to elections in the City of Jacksonville Beach. The Supervisor of Elections of Duval County is hereby requested to coordinate all matters to said referendum election with the City Clerk. The proposed charter amendments shall be submitted to the voters at the November 8, 2022 election.

Section 3. The proposed amendments, the ballot title, and the wording of the substance of the proposed amendments to the Charter, as contained in this Ordinance, shall appear on the ballot in the form of questions affixed to this Ordinance as Composite Exhibit 1.

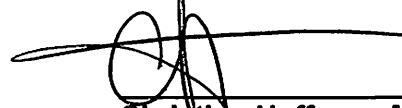
Section 4. The City Clerk is hereby directed to ensure that all advertising, translation, and notice requirements are complied with and to coordinate all activities necessary to conduct the referendum election called for in Section 2 of this Ordinance with the Supervisor of Elections for Duval County.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto. Further, the lack of approval by a majority of electors of one or more separate amendments to this Charter, as set forth in Section 3 herein, shall not be deemed to affect the validity of any amendments that may be approved by a majority of the electors.

Section 6. All ordinances and Charter provisions, or parts of ordinances and Charter provisions in conflict herewith are hereby repealed.

Section 7. This Ordinance shall take effect immediately and pursuant to the City's Charter. The revised Charter provisions proposed for approval in this Ordinance shall become effective upon their approval at a referendum election of the electors of the City of Jacksonville Beach in accordance with Section 166.031, Florida Statutes. If the electors reject an amendment, the rejected amendment shall not take effect.

AUTHENTICATED THIS 7th DAY OF March, A.D., 2022.



Christine Hoffman, Mayor



Sheri Gosselin, City Clerk

COMPOSITE EXHIBIT 1

Explanation, Ballot Title, Question, Summary, and Text References

Question 1 - Gender Neutrality

A. Explanation.

This Charter amendment would remove or make neutral all gender specific references in the City Charter.

B. Ballot Proposal: The ballot title, question and summary for Question #1 are as follows:

REMOVING OR MAKING NEUTRAL ALL GENDER
SPECIFIC REFERENCES IN THE CITY CHARTER

Amending the Charter by removing or making neutral all gender specific references contained in the City Charter.

_____ Yes

_____ No

C. Text References: Chapter 1, Sections 3(a), 4, 5, and 6; Chapter 3, Sections 15, 18, 19, and 24; Chapter 5, Sections 26, 28, 29, 31, and 33; Chapter 6, Section 37; all of the City of Jacksonville Beach Charter to be amended as set forth in those sections in the "All Proposed Changes" document below. (Underline text is added to the Charter; ~~strike through~~ text is deleted; unmarked text is existing).

Question 2 - Elimination of Obsolete Provisions and Correcting Grammar and Punctuation

A. Explanation.

This Charter amendment would eliminate and/or correct several obsolete and outdated provisions that are inconsistent with current government laws and practices and corrects grammatical and punctuation errors.

B. Ballot Proposal: The ballot title and question for Question #2 are as follows:

ELIMINATING/CORRECTING OBSOLETE AND
OUTDATED CHARTER PROVISIONS AND
MAKING GRAMMATICAL AND PUNCTUATION
CORRECTIONS

Amending the Charter by eliminating/correcting obsolete and outdated provisions and making grammatical and punctuation corrections.

_____ Yes

_____ No

- C. **Text References:** Chapter 1, Sections 3, 4, 5, 6, 7, 8, 9, 10, 11; Chapter 2, Sections 12, 13, 14; Chapter 3, Sections 15, 16, 19, 20; Chapter 5, Sections 26, 27, 28, 31, 33; Chapter 6, Sections 34, 37; Chapter 7, Sections 38, 39, 42, 45; Chapter 8, Sections 48, 49; Chapter 9, Sections 51, 53, 57, 59; Chapter 10, Sections 63, 66; all of the City of Jacksonville Beach Charter to be amended as set forth in those sections in the “All Proposed Changes” document below. (Underline text is added to the Charter; ~~strikethrough~~ text is deleted; unmarked text is existing).

Question 3 – Calculation of Full Terms

A. Explanation.

This Charter amendment clarifies what constitutes a full term when applying the term limits contained in the Charter.

- B. **Ballot Proposal:** The ballot title and question for Question #3 are as follows:

CLARIFYING WHAT CONSTITUTES A FULL
TERM WHEN APPLYING TERM LIMITS UNDER
THE CHARTER

Amending the Charter by clarifying that an elected official serving two (2) or more years of a first four (4)-year term and any portion of a second consecutive term would be term limited from running for that position for a third consecutive time.

_____ Yes

_____ No

- C. **Text References:** Chapter 1, Section 3(a) of the City of Jacksonville Beach Charter to be amended as set forth in those sections in the “All Proposed Changes” document below. (Underline text is added to the Charter; ~~strikethrough~~ text is deleted; unmarked text is existing).

Question 4 – Clarifying that Certain Provisions and Powers are Limited by Florida Law

A. Explanation.

This Charter amendment clarifies that certain Charter provisions and powers are granted and limited by Florida law.

- B. **Ballot Proposal:** The ballot title and question for Question #4 are as follows:

CLARIFYING THAT CERTAIN CHARTER
PROVISIONS AND POWERS ARE GRANTED AND
LIMITED BY FLORIDA LAW

Amending the Charter by clarifying that certain provisions and powers are granted and limited by Florida law.

_____ Yes

_____ No

- C. **Text References:** Chapter 1, Sections 3(b), 8, 9; Chapter 7, Section 42; Chapter 8, Section 48; Chapter 9, Sections 51, 53; all of the City of Jacksonville Beach Charter to be amended as set forth in those sections in the “All Proposed Changes” document below. (Underline text is added to the Charter; ~~strikethrough~~ text is deleted; unmarked text is existing).

Question 5 – Clarifying Regular Meetings and how Special Meetings are Called

A. **Explanation.**

This Charter amendment clarifies that regular meetings of the City Council will be held at least monthly and the procedure by which special meetings of City Council are called.

- B. **Ballot Proposal:** The ballot title and question for Question #5 are as follows:

CLARIFYING REGULAR MEETING SCHEDULE
AND PROCEDURE TO CALL SPECIAL MEETINGS
OF CITY COUNCIL

Amending the Charter by clarifying the regular meeting schedule of City Council and the procedure for calling special meetings of City Council.

_____ Yes

_____ No

- C. **Text References:** Chapter 1, Section 6, of the City of Jacksonville Beach Charter to be amended as set forth in that section in the “All Proposed Changes” document below. (Underline text is added to the Charter; ~~strikethrough~~ text is deleted; unmarked text is existing).

Question 6 – Eliminating Compelled Meeting Attendance by Council Members and Acknowledging Supermajority requirements

A. **Explanation.**

This Charter amendment eliminates compelled meeting attendance by council members and acknowledges the requirement for supermajority votes in certain situations.

- B. **Ballot Proposal:** The ballot title and question for Question #6 are as follows:

ELIMINATING COMPELLED MEETING
ATTENDANCE BY COUNCIL MEMBERS AND
ACKNOWLEDGING SUPERMAJORITY
REQUIREMENTS

Amending the Charter by eliminating compelled meeting attendance by council members and acknowledging the requirement for supermajority votes in certain situations.

_____ Yes

_____ No

- C. **Text References:** Chapter 1, Section 8, of the City of Jacksonville Beach Charter to be amended as set forth in that section in the “All Proposed Changes” document below. (Underline text is added to the Charter; ~~strikethrough~~ text is deleted; unmarked text is existing).

Question 7 – Establishing Procedure for Runoff Elections after Primary Elections and Procedure for Breaking Ties after General Elections

A. **Explanation.**

This Charter amendment establishes runoff elections after any primary in which no candidate for a particular seat receives a majority of votes and establishes a tie-breaking procedure in the event of a tie after a general election.

- B. **Ballot Proposal:** The ballot title and question for Question #7 are as follows:

ESTABLISHING PRIMARY RUNOFF ELECTIONS
AND TIE-BREAKING PROCEDURE AFTER
GENERAL ELECTIONS

Amending the Charter by establishing runoff elections after any primary in which no candidate for a particular seat receives a majority of votes and establishing a tie-breaking procedure in the event of a tie after a general election.

_____ Yes

_____ No

- C. **Text References:** Chapter 3, Sections 15 and 18 of the City of Jacksonville Beach Charter to be amended as set forth in those sections in the “All Proposed Changes” document below. (Underline text is added to the Charter; ~~strikethrough~~ text is deleted; unmarked text is existing).

Question 8 – Recognizing that Rules and Regulations for the Use of Voting Equipment for Municipal Elections shall be Established by the Supervisor of Elections for Duval County

A. **Explanation.**

This Charter amendment recognizes that Rules and Regulations for the use of voting equipment for municipal elections shall be established by the Supervisor of Elections for

Duval County.

- B. Ballot Proposal:** The ballot title and question for Question #8 are as follows:

RECOGNIZING DUVAL SUPERVISOR OF
ELECTIONS AUTHORITY TO ESTABLISH RULES
FOR USE OF VOTING EQUIPMENT

Amending the Charter by recognizing that rules and regulations for the use of voting equipment for municipal elections shall be established by the Office of Supervisor of Elections for Duval County.

_____ Yes

_____ No

- C. Text References:** Chapter 3, Section 17, of the City of Jacksonville Beach Charter to be amended as set forth in that section in the "All Proposed Changes" document below. (Underline text is added to the Charter; ~~strikethrough~~ text is deleted; unmarked text is existing).

Question 9 – Detailing the Amount of the Filing Fee and Election Assessment for Candidates for Office

- A. Explanation.**

This Charter amendment updates the filing fee amounts and election assessment amounts for City offices based upon percentages of the annual salary for the office being sought.

- B. Ballot Proposal:** The ballot title and question for Question #9 are as follows:

ESTABLISHING FILING FEES AND ELECTIONS
ASSESSMENTS FOR CANDIDATES BASED
UPON PERCENTAGE OF OFFICE ANNUAL
SALARY

Amending the Charter by setting filing fees and election assessments for candidates for city offices based upon a filing fee of 3% percent and an election assessment of 1 % of the annual salary for the office being sought.

_____ Yes

_____ No

- C. Text References:** Chapter 3, Section 19, of the City of Jacksonville Beach Charter to be amended as set forth in that section in the "All Proposed Changes" document below. (Underline text is added to the Charter; ~~strikethrough~~ text is deleted; unmarked text is existing).

Question 10 – Changing the Effective Date and Procedures for Removal of the City Manager

A. Explanation.

This Charter amendment shortens from 30 to 14 the minimum number of days before initial action to remove the City Manager may become effective, eliminates the public hearing provision, requires a supermajority vote for final approval and provides a time limit (3 months) during which final action must be taken or the removal fails.

B. Ballot Proposal: The ballot title and question for Question #10 are as follows:

AMENDING CITY MANAGER REMOVAL
PROCEDURES, ESTABLISHING DEADLINE FOR
FINAL ACTION APPROVING REMOVAL

Amending the Charter by shortening from 30 to 14 the minimum number of days before initial action to remove the City Manager may become effective, eliminating the City Manager’s public hearing option, requiring a supermajority vote for final approval, and providing a time limit (3 months) during which final action must be taken or the removal fails.

_____ Yes

_____ No

C. Text References: Chapter 5, Section 27, of the City of Jacksonville Beach Charter to be amended as set forth in that section in the “All Proposed Changes” document below. (Underline text is added to the Charter; ~~strikethrough~~ text is deleted; unmarked text is existing).

Question 11 – Making Failure to Cooperate with a City Council or City Manager Investigation Grounds for Termination unless Superseded by Law or Contract

A. Explanation.

This Charter amendment makes the failure of a city employee to cooperate with any City Council or City Manager investigation grounds for termination unless superseded by law or contract.

B. Ballot Proposal: The ballot title and question for Question #11 are as follows:

MAKING FAILURE TO COOPERATE IN COUNCIL
OR MANAGER INVESTIGATIONS GROUNDS
FOR TERMINATION, PROVIDING EXCEPTIONS

Amending the Charter by making the failure of a city employee to cooperate with any City Council or City Manager investigation grounds for termination unless superseded by law or contract.

_____ Yes

_____ No

- C. **Text References:** Chapter 5, Section 33, of the City of Jacksonville Beach Charter to be amended as set forth in that section in the “All Proposed Changes” document below. (Underline text is added to the Charter; ~~strikethrough~~ text is deleted; unmarked text is existing).

Question 12 – Changing the Effective Date and Procedures for Removal of the City Attorney

A. **Explanation.**

This Charter amendment shortens from 30 to 14 the minimum number of days before initial action to remove the City Attorney may become effective, eliminates the public hearing provision, requires a supermajority vote for final approval and provides a time limit (3 months) during which final action must be taken or the removal fails.

- B. **Ballot Proposal:** The ballot title and question for Question #12 are as follows:

AMENDING CITY ATTORNEY REMOVAL
PROCEDURES, ESTABLISHING DEADLINE FOR
FINAL ACTION APPROVING REMOVAL

Amending the Charter by shortening from 30 to 14 the minimum number of days before initial action to remove the City Attorney may become effective, eliminating the City Attorney’s public hearing option, requiring a supermajority vote for final approval, and providing a time limit (3 months) during which final action must be taken or the removal fails.

_____ Yes

_____ No

- C. **Text References:** Chapter 6, Section 34, of the City of Jacksonville Beach Charter to be amended as set forth in that section in the “All Proposed Changes” document below. (Underline text is added to the Charter; ~~strikethrough~~ text is deleted; unmarked text is existing).

Question 13 – Amending City Attorney’s Compensation from Retainer to Salary and Benefits to be Fixed by Contract

A. **Explanation.**

This Charter amendment changes the City Attorney’s method of compensation from retainer to salary and benefits to be fixed by contract.

B. Ballot Proposal: The ballot title and question for Question #13 are as follows:

CHANGING CITY ATTORNEY COMPENSATION
TO SALARY AND BENEFITS TO BE SET BY
CONTRACT

Amending the Charter by changing the method of compensation for the City Attorney from retainer to salary and benefits to be fixed by City Council in the City Attorney's contract.

_____ Yes

_____ No

C. Text References: Chapter 6, Section 36, of the City of Jacksonville Beach Charter to be amended as set forth in that section in the "All Proposed Changes" document below. (Underline text is added to the Charter; ~~strikethrough~~ text is deleted; unmarked text is existing).

Question 14 – Adding Ordinances and Resolutions to the list of Documents to be Reviewed by the City Attorney

A. Explanation.

This Charter amendment adds ordinances and resolutions to the list of documents the City Attorney must review on behalf of the city.

B. Ballot Proposal: The ballot title and question for Question #14 are as follows:

REQUIRING THE CITY ATTORNEY TO REVIEW
ALL ORDINANCES AND RESOLUTIONS OF THE
CITY

Amending the Charter by requiring the City Attorney to review all ordinances and resolutions of the city.

_____ Yes

_____ No

C. Text References: Chapter 6, Section 37, of the City of Jacksonville Beach Charter to be amended as set forth in that section in the "All Proposed Changes" document below. (Underline text is added to the Charter; ~~strikethrough~~ text is deleted; unmarked text is existing).

Question 15 – Adding an Initiative and Referendum Provision to the Charter

A. Explanation.

This Charter amendment adds an Initiative and Referendum section to the Charter by which citizens can petition the City for the adoption or repeal of certain types of ordinances.

B. Ballot Proposal: The ballot title and question for Question #15 are as follows:

CREATING INITIATIVE AND REFERENDUM
PROCEDURE ALLOWING CITIZENS TO ADOPT
OR REPEAL CERTAIN TYPES OF ORDINANCES

Amending the Charter by adding an Initiative and Referendum section by which citizens can petition the City for the adoption or repeal of certain types of ordinances.

_____ Yes

_____ No

C. Text References: Chapter 3, Sections 21 and 22 of the City of Jacksonville Beach Charter to be amended as set forth in those sections in the “All Proposed Changes” document below. (Underline text is added to the Charter; ~~strikethrough~~ text is deleted; unmarked text is existing).

Question 16 – Providing for Periodic Charter Reviews

A. Explanation.

This Charter amendment provides for periodic review of the City Charter.

B. Ballot Proposal: The ballot title and question for Question #16 are as follows:

PROVIDING FOR PERIODIC REVIEW OF THE
CITY CHARTER

Amending the Charter by adding a provision for periodic review of the City Charter.

_____ Yes

_____ No

C. Text References: Chapter 10, Section 63 of the City of Jacksonville Beach Charter to be amended as set forth in those sections in the “All Proposed Changes” document below. (Underline text is added to the Charter; ~~strikethrough~~ text is deleted; unmarked text is existing).

City of Jacksonville Beach Charter – Proposed Amendments

(Additions underlined; deletions ~~strikethrough~~)

CHAPTER I. - GENERAL PROVISIONS

Section 3. Creation, salary and composition of council.

- A. Except as otherwise provided in this Charter, all powers of the city shall be vested in a council composed of a mayor and six (6) other members, three (3) of which shall be at-large members and three (3) of which shall be district members. The boundary for each of the three (3) districts is described in Appendix "A" of this Charter. The district boundaries shall be reapportioned every ten (10) years commencing with the 1990 Official Florida State and Federal Census. Each reapportionment shall be completed by the city council by ordinance enacted within six (6) months of the date of official publication of the most recent Official Florida State and Federal Census. District boundaries shall be reapportioned to create districts of nearly equal population. Districts shall be arranged in a logical and compact geographic pattern and shall promote fair representation. The mayor and the three (3) at-large members of the council shall be qualified electors of the city and shall be nominated and elected from the city at-large and the three (3) district council members shall be qualified electors of the city and shall also be residents of the district which they represent and shall be nominated and elected from the district they represent. The mayor and all ~~councilpersons~~council members shall be elected in the manner hereinafter provided. The term of office of the mayor and all ~~councilpersons~~council members shall be for four (4) years next following their election or until their successors are elected and qualified. A person serving as the mayor shall be limited to serving two (2) consecutive full-terms on the council. A person serving as ~~councilperson~~council member shall be limited to serving two (2) consecutive full-terms as ~~councilperson~~council member, after which they are eligible to seek qualification to run for an additional two (2) consecutive terms as mayor. The maximum number of terms a ~~councilperson~~council member moving from a city council seat to mayor may serve is a total of four (4) consecutive terms. The maximum number of terms a mayor can serve on the council is two (2) consecutive terms. An individual who has served two (2) consecutive terms as Mayor shall not seek a consecutive term as a ~~councilperson~~council member. A term shall be considered a full-term if the elector has served two or more years of their first four (4) year term and any portion of their second consecutive four (4) year term. Members of the city council and the mayor shall be bona fide residents of the City of Jacksonville Beach and, where applicable, the districts they represent and not a resident of any other city or district. Should any council member or the mayor move from the City of Jacksonville Beach, or, where applicable, the district they represent, during the term of office for which they were elected, then, in that event that office shall automatically become vacant from the date of such removal. The mayor or any member of the council ceasing to possess any of the qualifications specified in this Charter, or convicted of a felony while in office, or removed from office by recall election, shall immediately forfeit ~~his~~that office.

- B. The salary of council members, together with the manner of payment, shall be established by resolution and shall be compatible with salaries ~~as portrayed by the Florida League of Municipalities for cities and~~ of comparable size and form of government. No increase in salary shall become effective until the commencement of terms of members elected at the next regular city election. The council may provide that members shall receive an allowance for expenses incurred in the performance of their duties to the extent permitted by Florida law.

Section 4. Mayor; duties and powers.

There is hereby created the office of mayor of the City of Jacksonville Beach, who shall be nominated and elected as above provided. ~~He~~The mayor shall have all the powers and functions of a ~~councilman~~ council member of the City of Jacksonville Beach, and shall also have the powers and perform the duties conferred and imposed upon ~~him~~the office by this Charter and the ordinances of ~~said~~the city.

The mayor shall preside at all meetings of the council and shall have a voice and a vote in the proceedings of the council, but no veto power. ~~He~~The mayor may use the title of mayor in any case in which the execution of legal instruments or writing or other necessity arising from the City Charter or from the general laws of the state so require but this shall not be considered as conferring upon ~~him~~the mayor's office the administrative or judicial functions of mayor under the general laws of the state, except that the mayor shall have the power to perform marriage ceremonies. ~~He~~The mayor shall be recognized as the official head of the city by the courts for the purpose of serving civil processes upon the city; ~~by~~ by the government in the exercise of military law, and for all ceremonial purposes.

In time of public danger or emergency, the mayor ~~on his own authority~~ may, by proclamation, take command of ~~the police and govern the city for a period not in excess of to exceed~~ seventy-two (72) hours. If the public danger or emergency ~~should require~~requires that ~~the command of the police~~governance of the city by the mayor and ~~his government of the city by proclamation~~ should be extended, this may be authorized for a period not ~~in excess of to exceed~~ five (5) days by the affirmative vote of at least five (5) ~~councilmen~~council members.

Section 5. Mayor pro-tem.

At its first meeting following a regular municipal election and certification by the Supervisor of Elections, the council shall choose from its membership a vice-chairman who shall have the title of mayor pro-tem. If a vacancy occurs in the office of mayor, or in case of ~~his~~the mayor's absence or disability, the mayor pro-tem shall act as mayor for the unexpired term, or during the continuance of the absence or disability. Whenever the mayor pro-tem succeeds to the office of mayor for the remaining portion of an unexpired term, it shall create a vacancy in the council, which vacancy shall be filled in accordance with the provisions of this Charter.

Section 6. Meetings of council.

The council shall meet ~~at such times as~~ may be prescribed by ordinance or resolution, but not less frequently than once each month, ~~at regularly specified times~~. Special meetings shall be called by the clerk upon the ~~written~~ request of the mayor. A council member may request a

special meeting by ~~calling~~ contacting the city clerk, and stating the reason for ~~his~~ the request. The city clerk shall inform the city manager, who will then ~~pe~~ determine whether a majority of the other members of the council ~~and if a majority agree to support~~ the request ~~of~~. If they do, ~~the council member, the special~~ meeting will be called by the clerk. At least forty-eight (48) ~~hours' previous written~~ hours' notice of all special meetings shall be given to each ~~councilperson~~ council member, but such notice may be waived by any ~~councilperson~~ council member who verbally agrees to attend such meeting. Service of such notice shall be made either electronically via email, in person, or by leaving a copy ~~thereof~~ at the usual ~~place~~ residence of abode ~~of the councilperson~~ council member being served. Any such notice shall state the subject to be considered at the special meeting and no other subject shall be ~~there~~ considered. All meetings of the council and of committees thereof shall be open to the public and conducted in accordance with state law and the rules of the council. The rules of the council shall provide that the public shall have a reasonable opportunity to be heard at any such meetings of the council or its committees ~~in regard to~~ regarding any matter to be considered ~~thereat~~.

Section 7. Council rules.

The council shall be the judge of the election and qualification of its members, and in such cases, shall have power to subpoena witnesses and compel the production of all pertinent ~~books, records and papers~~; but the decision of the council in any such case shall be subject to review by the courts. The council shall determine its own rules and order of business, and require the city clerk to make up and keep a ~~journal~~ minutes of its proceedings.

Section 8. - Quorum.

A majority of the members elected to the council shall constitute a quorum to do business, ~~but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.~~ The affirmative vote of a majority of the members elected to the council shall be necessary to adopt any ordinance, resolution, or order or vote; except where a supermajority vote is required by statute, ordinance or under this Charter ~~that a vote to adjourn may be adopted by a majority of the members present.~~

Section 9. Introduction and passage of ordinances and resolutions.

Ordinances and resolutions shall be introduced into the council ~~only in written or printed form.~~ All ordinances, codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject, or subjects, of all ordinances shall be clearly expressed in the title. No ordinance shall be passed until it has been read by title or in full on two (2) separate days unless otherwise permitted or required by state law, and ~~shall at least ten (10) days prior to final adoption, be noticed once in a newspaper of general circulation in the city until it has been properly noticed and advertised in accordance with applicable state law.~~ The yeas and nays shall be taken upon the passage of all ordinances and resolutions and ~~entered upon the journal~~ recorded in the minutes of the proceedings of the council. The enacting clause of all ordinances shall be "Be it ordained by the City Council of the City of Jacksonville Beach, Florida.":

Section 10. - When ordinances and resolutions take effect; emergency measures.

All ordinances and resolutions passed by the council shall take effect at the time indicated therein. An emergency measure is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health or safety, in which the emergency is ~~claimed~~declared is set forth and defined ~~in a preamble thereto~~therein. ~~The affirmative~~A supermajority vote of at least five (5) members of ~~the~~ council shall be required to pass any ordinance or resolution as an emergency measure. No measure making or amending a grant, renewal or extension of a franchise or other special privilege or which enacts or amends a land use plan, or which rezones private real property shall ~~ever~~ be passed as an emergency measure. No ~~situation~~emergency shall be declared ~~an emergency~~ by the council except as defined in this section, and it is the intention of this Charter that ~~such definition~~this section shall be strictly construed by the courts.

Section 11. - Authentication and publication of ordinances and resolutions.

Upon ~~its~~ final passage each ordinance or resolution shall be authenticated by the signature of the mayor and city clerk, ~~and shall be placed in a book for that purpose~~. All ordinances or resolutions shall also be published or posted in accordance with any applicable state statutes.

CHAPTER II. - CITY CLERK

Section 12. – City clerk.

There shall be ~~one~~an office of city clerk. ~~Commencing at the expiration of the existing term of the city clerk in November 2000, t~~The city clerk shall be appointed by the city manager, subject to the approval of the city council. The city clerk may be removed by the city manager, but said removal shall not become effective without the approval of the city council.

Section ~~12~~13(a). - Duties and powers of clerk.

The city clerk shall be clerk of the city council, and attend all its meetings and proceedings, record and keep the minutes and records and perform the functions and duties required thereof, ~~as may now or hereafter as prescribed by law or ordinance~~. The city clerk shallis authorized to issue all warrants for offenses against the city ordinances and shall be the custodian of the seal of the city. The city clerk shall have power and authority to administer an oath to, and take affidavit of, any and all persons required by the Charter or ordinances of the city to make oath in connection with dealings and transactions with the city, including but not limited to the swearing in of city officials and witnesses in inquisitorial proceedings. The jurat, or certificate of proof of acknowledgment, shall be authenticated by the signature and official seal of the city. The city clerk shall keep the official files of all the city's legal documents, contracts, deeds, etc., and shall direct and supervise the Municipal Code, coordinate all municipal elections, including the registration of voters; publication of all legal notices, publications and advertisements.

Section 14. – Reserved.

CHAPTER III. - ELECTIONS

Section 15. - Municipal elections.

Beginning with the ~~year 2010~~next election after adoption:

- (a) *Primary election.* When more than two candidates are running for the same elective office, a primary election shall be held:

~~When more than two 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 date shall be set according to Florida Statutes Chapters 99.061(2) and 100.061.

~~If at the primary election, a candidate receives a majority of the votes cast for any particular seat or office at the primary election, he or she the candidate shall be declared elected to said seat or office and his or her that candidate's name shall not be placed on the ballot in the general election. However, if no candidate receives a majority of the votes cast for any particular seat or office at the primary election, the two (2) candidates for each seat of the council, as well as candidates for mayor, receiving the two (2) highest number of votes for that seat or for the office of mayor shall have their names placed on the ballot for that seat or office at the general election.~~

- (b) *General election.* When two candidates are running for the same elective office, the general election date shall be set according to Florida Statutes Chapters 99.061(2) and 100.061 on each even numbered year. ~~In the event that~~if a candidate does not receive a majority of 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. Should any general election result in a tie for any office, the winner of the election shall be determined by the drawing of lots.

The council may, by resolution, order a special election, fix the time for holding same, and provide all means for holding same. The polls shall open at 7:00 a.m. on the day of the election and shall be kept open until 7:00 p.m. on the same day.

- (c) All elections for the office of mayor or city council shall be conducted on a non-partisan basis without any designation of political party affiliation.

Section 16. - Regulation of elections.

The council shall make all ~~needed~~necessary rules and regulations, not inconsistent with this Charter, for the conduct of elections, for the prevention of fraud in elections, and for the recount of the ballots in case of doubt or fraud. The canvassing board responsibilities for all city elections are delegated to the Duval County Canvassing Board. After all municipal elections, the Duval County Canvassing Board, following all applicable state laws, shall issue an official Certification of Election to the City of Jacksonville Beach for adoption by the city council. ~~The mayor and~~All newly elected ~~council members~~officials shall be sworn in and assume the duties of office at the regular council meeting held on the third Monday of November, unless the election results have not been certified by the Duval County Canvassing Board, in which case the ~~mayor~~

~~and council~~newly elected officials will be sworn in and assume the duties of office at the next regular council meeting following certification. Except as otherwise provided in this Charter, the municipal elections shall be conducted as nearly as practicable in conformity with the general laws governing state elections.

Section 17. - Voting equipment.

It shall be permissible for the city council to adopt and place in use at any municipal election approved/certified voting equipment as certified by the State of Florida. Rules and requirements for use of voting equipment for municipal elections shall be established by and approved through the Office of the Supervisor of Elections of Duval County.

Section 18. - Officers to be elected.

The city council shall be divided into six (6) groups or seats as follows:

Seat 1 - At-Large

Seat 2 - At-Large

Seat 3 - At-Large

Seat 4 - District 1

Seat 5 - District 2

Seat 6 - District 3

In qualifying for election to city council each candidate shall designate the seat for which ~~he or she~~the candidate intends to run on the council. One ~~city councilperson~~candidate shall be elected for each seat. Any number of candidates may qualify for any one seat, but no person shall qualify at the same time for more than one seat. Any candidate qualifying for a district seat shall be a qualified elector and a bona fide resident of that district at the time the candidate qualifies. Candidates for mayor shall also designate and qualify for their particular office.

~~If a candidate receives a majority of the votes cast for any particular seat or office at the primary election, he or she shall be declared elected to said seat or office. However, if no candidate receives a majority of the votes cast for any particular seat or office at the primary election, the two (2) candidates for each seat of the council as well as candidates for mayor receiving the two (2) highest number of votes for that seat or for the office of mayor shall have their names placed on the ballot for that seat or office at the general election.~~

Each unopposed candidate shall be declared elected to office and ~~his or her~~the candidate's name shall not be placed on the ballot.

At the general election, the candidate receiving the highest number of votes for each council seat and for the office of mayor, respectively, shall be declared elected to such representative seat of the council or the office of the mayor. In both the primary and general elections, all electors shall be instructed to vote for each separate seat or office.

Section 19. - Nominations.

Any qualified elector of the city may be nominated to be a candidate for mayor and an at-large council seat in the city by petition of any ten (10) electors of the city. Any qualified elector of the city and any resident of the district may be nominated for a district council seat from the district within which the nominee resides by petition of any ten (10) electors residing in the district in which the candidate intends to run. Any candidate qualifying for mayor or an at-large council seat must be a bona fide resident of the city for at least six (6) months prior to qualifying. Any candidate qualifying for a district seat must be a bona fide resident of the city and the district the candidate is running in for at least six (6) months prior to qualifying. A candidate seeking to qualify for nomination ~~of an election to~~ elect office shall file his qualification papers with, and pay the qualifying fees to the city clerk at any time after noon of the first day for qualifying and no later than noon on the last day of qualifying. The dates for qualifying are set pursuant to Section 99.061, Florida Statutes. Any person nominated but not qualified, as provided for in this Charter shall not have their name printed on the ballot. The petitions shall be in the following form:

"We, the undersigned ten (10) electors and residents of District _____ of the City of Jacksonville Beach, hereby nominate _____ (name) _____, (seat number of Councilperson council member) to be voted for at the election to be held on the _____ day of (month), A.D. (year) and we individually certify that we are qualified to vote at such election.

Name	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____

ACCEPTANCE OF NOMINATION

I HEREBY ACCEPT the nomination for the office of (seat number of Councilperson council member) and state that I am qualified to be a candidate for the office and agree to serve if elected.

(Signature of Candidate)

I HEREBY CERTIFY that the above petition was filed with me on the _____ day of _____, A.D. 20____.

City Clerk"

Simultaneously with the filing of the nomination petition and acceptance with the city clerk, the nominated candidate shall pay over to the city clerk the required filing fee, which consists of a filing fee and an election assessment. The amount of the filing fee for each elected office shall be as follows:

Office of Mayor\$400.00

Office of councilperson200.00

3 percent of the annual salary of the office. The amount of the election assessment is 1 percent of the annual salary of the office sought. Any candidate may withdraw ~~his~~their nomination not later than the ~~last day~~deadline for ~~filing nomination papers~~qualifying by filing a notice of withdrawal with the city clerk. Any candidate who has not withdrawn ~~his~~their nomination by the ~~last day for filing nomination papers~~deadline for qualifying cannot have ~~his~~their name removed from the official ballot.

Section 20. - Qualification of electors and election duties.

(a) Qualification of electors. All electors who qualify to vote in the state and county elections of Duval County, or who may become qualified thereafter and have their place of residence within the city limits of Jacksonville Beach, Florida, are eligible to participate in all special or general elections held by the City of Jacksonville Beach, except as otherwise provided herein, and will be qualified to vote in all special or general elections held by the City of Jacksonville Beach as long as they remain qualified voters in Duval County.

(b) Who to be supervisor of elections. The person holding the office of supervisor of elections of the County of Duval is hereby constituted supervisor of elections of the City of Jacksonville Beach.

(c) Duties of supervisor of elections. The Supervisor of Elections for the City of Jacksonville Beach shall have free access to and use the registration books and lists of Duval County bearing the signatures of all those who registered within the city limits of Jacksonville Beach. The said supervisor of elections shall cause the registration books to be open at all times and remain open at all times until twenty-nine (29) days prior to the date of the primary election, or any special election, during which time no registration or change shall be accepted for such election.

~~(d) Compensation of the supervisor of elections. The Supervisor of Elections of the City of Jacksonville Beach shall receive such reasonable compensation as may be agreed upon between said city and the supervisor of elections.~~

(ed) The supervisor of elections shall have the official ballots prepared and printed in substantial conformity with the general laws of the state applicable to general elections and shall have printed thereon the names of all candidates for whom nominating petitions have been filed as herein provided, and no others.

(fe) At least twenty (20) days prior to the election, the supervisor of elections shall appoint a sufficient number of clerks and inspectors of election as may be deemed necessary to conduct the election, and at said time fix the compensation to be paid them. Such clerks and inspectors shall be qualified electors of the city, but shall not be an officer or employee of said city.

Section 21. – Initiative and ReferendumReserved.

(a) The electors of the City of Jacksonville Beach shall have the power to adopt ordinances pursuant to the procedure set forth herein. However, the electors shall not have the power to adopt any ordinance which shall pertain to the budget, taxes, capital programs, or to any matter reserved solely to the City Council by this Charter or state law.

(b) The electors of the City of Jacksonville Beach shall have the power to repeal any adopted ordinances pursuant to the procedures set forth herein. However, the electors shall not have the power to repeal any adopted ordinance which shall pertain to the budget, taxes, capital programs, or to any matter reserved solely to the City Council by this Charter or state law.

(c) Any subject matter voted upon either by initiative or referendum shall not be the subject of an initiative or referendum proceeding within the twelve (12) months following the vote.

Section 22. – Proceedings and ResultsReserved.

(a) Proceedings. Any 10 electors of the City of Jacksonville Beach may commence initiative or referendum proceedings by serving upon the mayor a letter of intent, signed by the electors. The letter of intent shall:

- (1) State the names and home addresses of the 10 electors;
- (2) State that all 10 electors will be responsible for circulating any initiative or referendum petition required hereunder; and
- (3) Set out the proposed initiative ordinance or cite the ordinance sought to be repealed.

Upon being served with a letter of intent hereunder, the mayor shall cause the matter set forth in the letter of intent to be considered at the next regularly scheduled City Council meeting.

The electors may, upon service of the letter of intent, cause to be circulated an initiative or referendum petition, as appropriate. The initiative or referendum petition shall be on a form provided by the city and shall be assembled as one (1) instrument when served hereunder. Each page of a petition shall have attached to it when served hereunder an affidavit of the circulator thereof stating:

- (i) That the circulator personally circulated the page;
- (ii) The number of signatures thereon;
- (iii) That the signatures were affixed in the circulator's presence;
- (iv) That the circulator believes the signatures to be the genuine signatures of the persons whose names they purport to be; and

(v) That each signatory had the opportunity to read the full text of the proposed initiative ordinance, or the ordinance sought to be repealed, as appropriate.

Petitions shall contain or have attached thereto, throughout their entire circulation, the full text of the proposed initiative ordinance or the ordinance sought to be repealed, as appropriate. Each signature shall be followed by the printed name and home address of the person signing.

Petitions meeting the above requirements and signed by a minimum of 15 percent of the electors of the City of Jacksonville Beach registered to vote at the last general city election, may be served upon the mayor. Upon being served with a petition pursuant to this paragraph, the mayor shall cause the matter set forth in the petition to be considered at the next regularly scheduled City Council meeting. At that meeting, the City Council shall determine the sufficiency of any petition served hereunder.

If the petition is determined to be insufficient, the City Council shall prescribe the method by which the petition is to be corrected. If the petition is determined to be sufficient, the City Council shall promptly consider the matter set forth in the petition. If, after a determination of sufficiency, the City Council fails to adopt the proposed initiative ordinance without any change in substance within sixty (60) days of service of the petition or fails to repeal the ordinance cited in the letter of intent within sixty (60) days of service of the petition, the City Council shall submit the matter to the electors of the City of Jacksonville Beach by special election within ninety (90) days of the City Council's failure. However, should the next general election fall within one hundred eighty (180) days of the City Council's failure, the question shall be submitted at the general election.

(b) Results of Election. If a majority of the electors voting on a proposed initiative ordinance vote for adoption, it shall be considered adopted. If a majority of the electors voting on an ordinance sought to be repealed vote for repeal, it shall be considered repealed. If conflicting ordinances are approved by the electors at the same election, the one receiving the greatest number of affirmative votes shall prevail.

Section 24. – Oath of Office.

Every officer of the city shall, before entering upon the duties of his 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; City of Jacksonville Beach, and will faithfully discharge the duties of the office of _____."

CHAPTER V. - CITY MANAGER

Section 26. - Qualifications; appointment; term of office.

The council shall appoint an officer whose title shall be city manager, and who shall be the chief administrative officer for the execution of the executive and administrative functions of the council under the direction and supervision of the council. The city manager shall at the time of ~~his or her~~their appointment, have graduated with a college degree from an accredited four-year college and in addition shall be chosen by the council solely on the basis of ~~his~~-executive and administrative qualifications with special reference to ~~his~~-actual experience in, or ~~his~~-knowledge

of, accepted practice in respect to the duties of his office as hereinafter outlined, without regard to his political belief. ~~he~~The city manager need not be a resident of the city or state at the time of his appointment, but ~~he~~ shall be required to reside within the city during his tenure ~~of~~in office. No person elected to membership on the council shall, subsequent to such election, be eligible for an appointment as city manager until one year has elapsed following the expiration of the term for which ~~he~~the person was elected.

Section 27. - Term of appointment; procedure for removal.

The City Manager shall receive a salary for services as set by City Council and shall be appointed by affirmative vote of four (4) members of the council for an indefinite term but may only be removed by supermajority vote of five (5) members of said council. At least ~~thirty (30)~~fourteen (14) days before such removal may become effective, the City Manager shall be furnished with a formal statement in the form of a resolution passed by a majority vote of four (4) members of the council, stating the council's intention to remove the City Manager and reasons therefor. The City Manager may reply in writing to such resolution. ~~If so requested by the Manager, the Council shall fix a time for a public hearing upon the question of the Manager's removal and the final resolution removing the Manager shall not be adopted until such public hearing has been had.~~ Upon passage of a resolution stating the council's intention to remove the City Manager, the council may suspend the City Manager from duty, but the City Manager's pay shall continue until the ~~Manager's removal shall become effective as herein described~~city council, by a supermajority vote of five (5) members, approves the City Manager's removal at any time more than fourteen (14) days after passage of the initial resolution setting forth the council's intention to remove. Any such supermajority vote for removal shall become effective immediately upon passage. Should the council fail to take final action on the initial removal resolution within three (3) months or fail to achieve the required supermajority of five (5) votes required for passage, the removal shall fail, without prejudice to the initiation of a new removal process by the city council at any time in the future. The action of the council in removing the City Manager shall be final. In case of the absence or disability of the City Manager, the council may designate a qualified administrative officer of the City to perform the duties of the City Manager during such disability or absence.

Section 28. - Responsibility of city manager; powers of appointment and removal.

The city manager shall be responsible to the council for the proper administration of all affairs of the city placed in ~~his~~the city manager's charge under this Charter, and to that end, and except as otherwise provided herein, ~~he~~the city manager shall have the power to appoint and, subject to the limitations of the budget, fix the compensation of and remove all officers and employees in the administrative services of the city, provided that such action in respect to the heads of such departments of the city as may be designated by ordinance, shall be approved by vote of a majority of the members of the council before becoming effective. The city manager may authorize the head of a department, or officer responsible to ~~him~~the city manager, to appoint and remove subordinates in such department or office. Appointments made by or under the authority of the city manager shall be on the basis of executive and administrative ability, merit, fitness and of the training and experience of such appointees in the work which they are to

perform. All such appointments shall be without definite term unless for provisional, temporary or emergency service.

Section 29. - Discharge, suspension, etc., of officers and employees.

Any officer or employee of the city may be removed, discharged, suspended, demoted, reduced in pay, or fined, by the city manager or his designee. Any fulltime regular employee working a minimum of 40 hours per week on a consistent basis (except, department directors, city attorney, city clerk or contract, temporary, probationary employees) may appeal a termination or suspension decision of the city manager or his designee by following the grievance/appeal policies as outlined in the Personnel Policies or appropriate collective bargaining contract covering the appellant's position. Terminations due to layoffs are not subject to appeal.

Section 31. – Duties of the city manager.

It shall be the duty of the city manager to act as chief conservator of the peace within the city; to supervise the administration of the affairs of the city; to see that the ordinances of the city and the laws of the state are enforced; to make such recommendations to the council concerning the affairs of the city as may seem to him desirable; to keep the council advised of the financial condition and future needs of the city; to prepare and submit to the council the annual budget estimate; to prepare and submit to the council such reports as may be required by that body; and to perform such other duties as may be prescribed by this Charter or required by him by ordinance or resolution of the council, not inconsistent with this Charter. Nothing herein shall be construed to confer or impose upon the city manager any of the powers, duties, or functions herein provided to be exercised or performed by any other elective or appointive officer of the city.

Section 33. – Investigations by city council or city manager.

A committee authorized by the city council and/or the city manager shall have the power to inquire into the conduct of any department, office, or officer of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of ~~books, papers, and other evidence~~. Any such subpoena is enforceable by a court of competent jurisdiction and subject to such penalties as may be deemed appropriate by such court. Failure to obey such subpoena of any city employee to cooperate with any such investigation or to produce books, papers, or other evidence as requested under the provisions of this section shall constitute a misdemeanor and shall be punishable by a fine not to exceed fifty dollars (\$50.00) or by imprisonment not to exceed thirty (30) days or both grounds for termination by the city manager or city council as applicable unless such termination is otherwise superseded by any contractual or collective bargaining rights enjoyed by the employee or otherwise prohibited by law. Any officer, person, or committee conducting the investigation shall report to the city council all violations or neglect of duty, or any misfeasance, malfeasance or nonfeasance in office, or improper conduct on the part of any city official that may ~~come to his or its knowledge~~ be discovered. No member of any investigative committee shall be an employee of the city, an elected official, or a relative of an employee or an elected official or have any personal interest in the subject being investigated.

CHAPTER VI. – CITY ATTORNEY

Section 34. – City attorney; appointment by council; removal.

There is hereby created the office of City Attorney, which said City Attorney shall be appointed by the affirmative vote of four (4) members of the city council, but may only be removed by supermajority vote of five (5) members of said council. At least ~~thirty (30)~~fourteen (14) days before such removal may become effective, the City Attorney shall be furnished with a formal statement in the form of a resolution passed by a majority vote of four (4) members of the council, stating the council's intention to remove the City Attorney and reasons therefor. The City Attorney may reply in writing to such resolution. ~~If so requested by the City Attorney, the Council shall fix a time for a public hearing upon the question of the City Attorney's removal and the final resolution removing the City Attorney shall not be adopted until such public hearing has been had.~~ Upon passage of a resolution stating the council's intention to remove the City Attorney, the council may suspend the City Attorney from duty, but the City Attorney's pay shall continue until the city Attorney's removal shall become effective as herein described council, by a supermajority vote of five (5) members, approves the City Attorney's removal at any time more than fourteen (14) days after passage of the initial resolution setting forth the council's intention to remove. Any such supermajority vote for removal shall become effective immediately upon passage. Should the council fail to take final action on the initial removal resolution within three (3) months or fail to achieve the required supermajority of five (5) votes required for passage, the removal shall fail, without prejudice to the initiation of a new removal process by the city council at any time in the future. The action of the council in removing the City Attorney shall be final. In case of the absence or disability of the City Attorney, the council may hire a qualified attorney to perform the duties of the City Attorney during such disability or absence.

Section 36. – Compensation.

The city attorney shall receive an annual ~~retainer's~~salary and benefits package to be fixed by the city council in the city attorney's contract ~~and such fees for special or extraordinary services rendered to or on behalf of the city as may be specifically authorized by the city council.~~

Section 37. – Duties of city attorney.

The city attorney shall act as the legal advisor and counselor for the municipality and all of its officers in matters relating to their official duties. ~~He~~The city attorney shall prepare and review all ordinances, resolutions, contracts, bonds, and other instruments in which the municipality is concerned and shall endorse on each ~~his~~the city attorney's approval of the form and correctness thereof. When required so to do by the city council, the city attorney shall prosecute and defend, for and ~~in~~on behalf of the city, all complaints suits, controversies, and proceedings in which the city is a party. ~~He~~The city attorney shall furnish the officers or the heads of any departments of the city ~~his~~the city attorney's opinion on any question of law relating to their respective powers and duties.

CHAPTER VII. - BUDGET AND FINANCE

Section 1438(a). - City finance officer.

There shall be a city finance officer appointed by the city manager but whose appointment must be approved by the city council before it becomes effective. The city finance officer ~~shall~~ may be removed by the city manager but said removal shall not become effective without the approval of the city council. The city finance officer shall administer and be responsible for the financial affairs of the city in accordance with the provisions of this Charter and applicable ordinances. The city finance officer shall be the head of the finance department of the city which shall include accounting, treasury, and collections. The city finance officer shall receive such compensation as provided for in the city's pay plan. The city finance officer shall have graduated with a degree from an accredited four-year college; have proven administrative ability and a minimum of five (5) years experience in governmental accounting or auditing.

Section 14~~(a)~~38(b). - Custody of city money, etc.

The city finance officer shall collect, receive, have custody of and disburse all taxes, licenses, fees, and other moneys belonging to the city government, subject to the provisions of state law, the Charter and ordinances enacted thereunder; ~~all~~All moneys received by any department or agency of the city for, or in connection with the business of the city government, shall be promptly delivered over to the city finance officer and placed into the city treasury and be deposited with responsible banking institutions to be designated by the city finance officer, with the approval of the council, in accordance with such regulations and subject to such requirements ~~as~~applicable to security for deposits and interest thereon as may be established by ordinance or state statute. All interest on moneys belonging to the city shall accrue to the benefit of the various fund accounts of the city government. ~~†~~The city finance officer shall have custody of all sinking funds, investments and invested funds of the city, or in possession of the city in a fiduciary capacity and keep a record of such investments and maintain a record of all bonds and certificates of city indebtedness.

The city finance officer shall have authority and shall ascertain before council approval that moneys have been duly appropriated and allotted to meet the city's financial obligations and that moneys are or will become available when the obligations have become due and payable. The city finance officer shall be required to maintain accounting control over the finances of the city government; The city finance officer shall also have authority as follows: to examine all contracts, orders, and other documents by which the city incurs financial obligations; ~~having ascertained before approval that moneys have been duly appropriated and allotted to meet such obligations and will become available when the obligations have become due and payable;~~ to audit and approve all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the city government and to determine the regularity, legality, and correctness of such claims, demands or charges; to make monthly reports to the city manager of all receipts and expenditures of the city government ~~to the manager and the council and to make monthly,~~ including reports on funds, appropriations, allotments, encumbrances, and authorized payments, and to make quarterly reports on same to the manager and the council; and to

perform such other duties pertaining to the financial records of the city government as the council may require by ordinance.

Section 38(c). - Transfer of appropriations.

The council may, upon the recommendation of either the city manager or ~~finance director~~ city finance officer, transfer any unencumbered appropriation balance of the city government from one department or agency to another.

Section 39. - Money to be drawn from treasury in accordance with appropriation.

No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation resolution or of such resolution when change as authorized. The city shall be prohibited from employing or appropriating the taxes and revenues of said city in any other manner than for purposes strictly municipal and local, according to the provisions of this Charter. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the fund from which appropriated and shall be subject to reappropriation; but appropriation may be made by the council, to be paid ~~out of the income of the current year~~ from unrestricted and undesignated fund balances, in furtherance of improvements or other object or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

Section 42. – Independent audit.~~As seen as practicable after each fiscal year~~ In accordance with Florida law, an independent audit shall be made of all accounts of the city government by qualified public accountants, selected by the council, who have no personal interest directly or indirectly in the financial affairs of the city government or of any of its officers.

Section 45. – Checks, vouchers or warrantsReserved.

~~All checks, vouchers or warrants drawn against ends of the city must be duly audited before issuing same and must be signed by the city finance officer and city manager, provided that the city council may by resolution designate alternates who shall be authorized to sign checks, vouchers, or warrants above referred to in the place of and stead of any one of the foregoing who may be absent or disabled. Provided that the only exception to the above required two (2) signatures is that all individual salaried payroll checks need only be signed by the city finance officer in all other events, checks, vouchers, and warrants must be signed by two (2) persons.~~

CHAPTER VIII. - TAXATION

Section 48. – Power to grade classify and fix levy license and occupation taxes.

The City of Jacksonville Beach is hereby authorized to levy and enforce ~~license or occupational local business taxes~~ upon any and all occupations, businesses, or professions, and to grade classify and fix the amounts in the same manner that the Legislature of the State of accordance with Florida law could impose such licenses or taxes for state purposes.

Section 49. - Liens are negotiable.

All liens held by the City of Jacksonville Beach against land and property, ~~entered in the improvement lien book in accordance with the Charter and ordinances,~~ shall be negotiable and assignable and may be transferred and sold by the city council by ordinance, ~~as and~~ may also be used as security and for the redemption and payment of serial improvement bonds, or other obligations incurred by the city in making municipal improvements authorized to be made by Charter; ~~†~~ The city council may provide by ordinance for the acceptance of payment of all such liens in partial payments and installments of not less than an annual payment of one-twentieth (1/20) of the whole amount of the lien, together with the interest due and accruing which shall be the same rate as is specified in the issue of serial improvement bonds which such liens shall secure; or that the negotiation and sale of such liens may be absolute if so provided by the ordinance negotiating any sale thereof; that any ordinance authorizing payment of such liens in partial payment or installments shall provide that if default is made in the payment of any installment when due, the whole amount of such lien remaining due and unpaid, together with the interest thereon, shall be and become due forthwith, and payment demanded, enforced, and collected by the City of Jacksonville Beach, or if assigned in the name of such city by the assignee of any such lien or the holder of any serial improvement bond; collection shall be made in the same manner as is provided by Charter and by law for the collection of delinquent taxes, liens, and assessments due the city; all cost of collection, including reasonable fees for the services of the attorney or solicitor enforcing such lien, shall be included.

This section shall not be construed to be restrictive and the City of Jacksonville Beach shall also have the power and authority to apply ~~any and~~ all provisions of its Charter, the Constitution of the State of Florida, and the general laws governing the powers of cities and towns, in making assessments for public improvements and negotiating, securing and collecting such liens and assessments, and the issuance of certificates of indebtedness or improvement bonds.

CHAPTER IX. - ENUMERATION OF PARTICULAR POWERS

Section 51. – Additional powers.

The city shall have all powers permitted by state law, including but not limited to the power, ~~and it is hereby authorized:~~

(a) To acquire, construct, own and operate in its sole capacity, or jointly with other governmental agency or agencies, electric transmission and distribution lines within or beyond limits of the city; transportation lines or systems for the transportation of persons and property within and beyond the limits of the city; automobile parking areas, docks, wharves, boat basins, promenades, airports, athletic and recreational playgrounds and stadiums, golf course and related club house and facilities, radio and television station or broadcasting system, hotels, motels, or area for the parking of trailers and movable devices fitted for inhabitation or dwelling purposes and ~~amusement~~ recreational piers, and all such building, equipment and improvements as the city, council may deem necessary or desirable for use in connection therewith, either within or outside the limits of said city; and the city is hereby authorized and empowered to levy and collect taxes for acquiring, constructing or operating any of the aforesaid

improvements, facilities, or things, and to acquire same by purchase, lease, eminent domain or any other lawful manner, and shall have the power in its sole capacity, or jointly with other governmental agency or agencies, to operate, rent, lease or sell same with the full and lawful right in the city, or its lessees, successors, or co-owners, to receive, charge, collect and assess charges, tolls, fees, dues or rents for the uses, privileges or facilities thereof and to pledge or hypothecate the revenue derived thereby, or which may be anticipated to be produced therefrom to finance the cost of constructing, acquiring or establishing any of such improvements or any part thereof, or any combination thereof.

(b) To condemn and order to be put in a state of sound repair any and all broken, damaged or unsafe sidewalks, curbs, streets, or other public structures, and to provide and enforce penalties for failure to do so, and after giving twenty (20) days' written notice to the owner of the property adjacent to and abutting such sidewalk, curb, street, or other public structures, by posting such notice in a conspicuous place about the premises, to repair or take such steps as may be set forth in such notices to eliminate the broken, damaged or unsafe condition of such sidewalks, curbs, streets, or other public structures at the expense of the said abutting and adjacent owner, and said adjacent owner fails or refuses to comply with the requirements of said notice, then at the expiration of the time set forth in said notice the city may thereafter cause the repairs or other work set forth in the notice to be accomplished, assessing the cost thereof against said abutting property, the city to have and hold a lien thereon therefor until the cost and expenses thus incurred are discharged by payment.

(c) To prohibit the uncontrolled growth of palmetto shrubs, weeds, vines, bushes, grass, thistles or other rank or noxious vegetable growth, the placing, keeping or maintaining of encroachments or obstructions of any nature or kind upon, in or over any public street, alley, walkway or public property of every nature and description, the accumulation of stagnant water upon the surface of the ground or within any receptacle or structure deposited or erected above or below the ground without exercising necessary precaution to prevent the propagation of mosquitoes therein; to prohibit buildings, sidewalks, footways or structures which by act of God, fire, decay or other cause may become structurally dangerous, unsafe, dilapidated or unsanitary to remain in such dangerous, unsafe, dilapidated or unsanitary condition and to provide and enforce penalties for allowing, suffering or permitting any such prohibited act, occurrence or conditions and to condemn, suppress and order to be removed, demolished, abated or otherwise eliminated or corrected such prohibited acts, occurrences or conditions, and after giving twenty (20) days' written notice to the person, firm or corporation owning, occupying or having the care or custody of any lot or parcel of land upon or in connection with such prohibited act, occurrence or condition exists or is maintained by posting such notice in a conspicuous place about the premises, to order the same forthwith removed, suppressed or abated in such manner as the city council may in its discretion determine appropriate, and assess the cost of so doing, or such proportion thereof as shall not be borne by the city, against the owner or occupant of the premises involved to the end that such assessments shall be and remain liens upon the lands against which assessed until paid.

(d) To ~~license,~~ control, tax and regulate traffic and sales upon the streets, sidewalks, promenades, ocean beach and public places within the city and the use of space in such places and to regulate, suppress and prohibit hawkers, peddlers and beggars upon such streets,

sidewalks, promenades, ocean beach and public places; and to ~~license and cause to be registered and control, tax, regulate or to prohibit in designated streets, roads, ocean beaches, or parts thereof, carriages, omnibuses, motorbuses, automobiles, cars, wagons, drays, trucks, jitney buses and other vehicles, and to license, tax and cause to be registered and control the drivers thereof;~~ to fix just, reasonable compensatory and adequate rates and schedules to be charged and maintained for the carriage of persons and property for hire within the city; to make and promulgate regulations for traffic on the streets, roads, ocean beaches, or parts thereof during such hours and at such times as may be necessary or convenient, and to provide for parking spaces on the streets, roads, ocean beaches or on other property of the city and to at any time discontinue the right to the use of such parking spaces and to regulate, assess, and collect charges for, vacate or discontinue, the use of same; ~~and to require all vehicles for the carriage of persons for hire to be insured as required by ordinance for the protection of passengers, property and of the public and to make such insurance inure to the benefit of persons or property which may be injured or damaged by the operation of such vehicles for hire; and to require such insurance to be furnished by all persons, firms or corporations owning or operating for hire vehicles upon the streets, roads, ocean beaches and public places of the City of Jacksonville Beach, whether such operation be wholly within the limits of said city or between said city and other cities or towns or places outside of the City of Jacksonville Beach.~~

Section 53. - Improvements; assessment of cost against property benefited.

The city council is hereby authorized and empowered to regulate, provide for and require the opening, widening, extending, laying, constructing, paving, repairing or improving of any street, avenue, alley, ramp, sidewalk, bulkhead, seawall, breakwater, promenade or public improvement, the drainage and filling of low places, public or private, dangerous to public health or required to promote public welfare and the construction and maintenance of water and sewer systems, and drains, and may provide for the payment of the cost of any such improvements by general taxation, or by the imposition of special assessments against the property specially benefited for the entire cost of such work, or for such portion thereof as shall not be borne by the city, such assessments to be and remain liens upon the lands against which assessed until paid, provided that in no event shall the amount of such special assessments exceed the special benefit accruing to the property assessed by reason of such improvement work. The procedures for adopting and collecting such special assessments shall be as set forth in Chapters 170 and 173, Florida Statutes. ~~In the case of streets, alleys, ramps, sidewalks, seawalls, bulkheads, breakwaters, and promenades the unit or basis for distributing the special assessment to pay the cost of such improvement shall be according to the front footage of the property fronting or abutting upon such improvement in the proportion that the particular parcel of land to be assessed bears to the total front footage of all property fronting or abutting thereon; in the case of the drainage or filling in of low places or the construction and maintenance of water and sewer systems and drains, the unit for the assessment of the share and amount of the cost to be distributed and assessed against any particular parcel of land shall be the platted lot according to the last plat thereof recorded amongst the public records at the time of commencing such work and it shall not be necessary for the city to break the assessment down as a result of any division of such lots which is not revealed by such recorded plat and each such platted lot shall bear such fair and just proportion of the cost of such work as was~~

~~necessarily expended in connection with the improvement or benefit accruing thereto. The city shall have a lien superior to all other claims, except taxes, against and upon the property for the amounts of the special assessment together with interest and all costs of collection.~~

~~Whenever the doing of any such thing is provided for by ordinance, the ordinance providing for the same shall be accompanied by plans and specifications therefor and shall state the estimated total cost which will in the opinion of the city council cover the total cost of the work and the proportion to be borne by the city, if any, and the estimated amount per front foot as special assessment to be levied upon abutting property, or the estimated cost to be specially assessed against the platted lot to be benefited as the case may be, and shall be published once a week for four (4) consecutive weeks in some newspaper published in Duval County, Florida, or posted for thirty (30) days at the city hall and two (2) other public places in the said city and the city council shall meet as soon as practicable after the expiration of said publication or posting at a time named in the ordinance, and permit any owner of, or other persons interested in, any property against which it is proposed to levy such special assessment, to present to the city council any objections which he may have to the enforcement of the requirement of such ordinance, and shall have power, if they deem just or right, to revise, repeal, or amend said ordinance in such manner as it may deem necessary to correct or equalize the assessment in proportion to the benefits to be bestowed upon the property assessed, but no such amendment shall increase the amount to be specially assessed against the property, nor shall the assessment against any property be in excess of the special benefits accruing to said property by reason of such work. Any person owning or interested in any property to be specially assessed, or generally taxed for said work, who shall not at such meeting present in writing to the city council his objections to said ordinance, shall be deemed to have consented to its provisions, and any person so presenting his objections to such ordinance and not satisfied with the action thereon shall have the right within thirty (30) days thereafter to present to any court of competent jurisdiction against the enforcement of said ordinance any legal objection he may have to the enforcement of such ordinance, and the court shall have power, upon proper cause shown, to grant such injunction and any person not presenting his bill for injunction within thirty (30) days, or failing to push to a successful conclusion with due diligence his application for an injunction shall be deemed to have consented to the enforcement of the ordinance, and levy and collection of the special assessment and taxes necessary thereto, and shall not thereafter be heard to defend against or question the validity of such tax or special assessment. The city council is hereby authorized to provide by ordinance for the issuance of special assessment certificates for such amounts and drawing such rates of interest and upon such terms and conditions as may be deemed necessary to enable the city to pay the cost of such work pending the collection of special assessments and taxes and to provide for the payment thereof with interest; and the city council shall, as soon as practicable and within thirty (30) days after the completion of any such work, by resolution, fix a special assessment, per front foot upon the abutting property or the special assessment against the platted lot to be benefited, as the case may be, at an amount not exceeding either the actual cost of the work, or the estimated special assessment stated in the ordinance providing for the work, which said resolution shall specify the amount of the cost of such work so assessed against the abutting or benefiting property and the fact that a lien has been assessed against such property with a breakdown of the specific amount which has been~~

~~assessed against each particular parcel of property to be particularly described therein and shall provide that the city clerk shall forthwith have prepared and entered in a book, which shall be prepared and kept for that purpose, and kept open to the public for inspection during reasonable office hours, labeled "IMPROVEMENT LIEN BOOK", the amount of such lien assessed against each lot, the date of the completion of the work and such other information as may be deemed advisable. The city council shall cause said resolution to be published in a newspaper published in Duval County once each week for four (4) consecutive weeks, or by posting same at the city hall and two (2) other public places in said city for a period of thirty (30) days. Any person desiring to contest in any manner the validity of any such special assessment or lien shall within thirty (30) days after the publication or posting at the city hall and two (2) other public places in said city of the resolution fixing the special assessments, institute suit to have the enforcement thereof enjoined, or its validity legally declared, and any person not instituting such suit shall not thereafter be heard to question the validity thereof, or to defend against the enforcement of the lien upon the grounds of its invalidity. Any such special assessment paid within thirty (30) days after the publication or posting of such resolution shall be accepted without interest and such assessment not paid within said time shall bear interest from the date of publication or posting of such resolution at a rate not to exceed eight (8) percent per year. The city council may, by ordinance, provide for the payment of such special assessments in installments and for the collection by enforcement of the liens by attorney or attorneys after any payment has not been made in compliance with the provisions of such ordinance. The liens for the amount of such special assessments may be enforced, and any number of liens arising under the provisions of one ordinance may be enforced in and by one proceeding in equity. The city shall have and collect a lien upon any properties affected by such special assessment for reasonable attorneys fees for the collection of unpaid special assessment after the collection thereof shall have been entrusted to an attorney by resolution of the city council.~~

Section 57. - Ocean beach.

The City of Jacksonville Beach shall have full power and authority to exercise police powers with reference to the ~~bathing and driving beach~~ adjacent to and easterly of said city and the waters of the Atlantic Ocean on and easterly thereof as far as the jurisdiction of the State of Florida extends. The city may establish and set aside safety zones or areas upon said ocean beach and prohibit ~~any and all~~ vehicles from using the area embraced therein. Any control, regulation or exercise of its police power by such city in regard to such beach and water shall be deemed and held to be solely a governmental function and no cause of action shall exist in favor of any person, nor shall the city be liable in damages, for any injury resulting to persons or property by reason of the use of such beach as a public highway, bathing beach, or otherwise, or by reason of any acts of omission or commission by the officers or employees of such city in reference thereto. Nothing herein shall be construed to require the city to maintain or keep in a safe condition for use as a public highway or bathing beach the said ocean beach or waters on and easterly thereof.

Section 59. - ~~Damage suits~~Reserved.

~~No suit shall be maintained against the city for damages unless written notice of such claim is delivered to the city as provided by state statute.~~

CHAPTER X. - MISCELLANEOUS PROVISIONS

Section 63. - ~~Continuation of former charter provisions~~Charter Review.

The City Council shall cause this charter to be reviewed no less than once every 7 years from the date of adoption of this provision by the voters of the City of Jacksonville Beach. The charter may be reviewed more often at City Council's discretion. Such review shall be by the City Council, or, at City Council's discretion, by an *ad hoc* committee of citizens chosen by the City Council in such manner as the City Council shall determine. If City Council appoints an *ad hoc* committee of citizens to conduct such charter review, the committee shall not have final decision-making authority as to what questions will be submitted to the voters but will instead prepare a report of its review and recommendations to City Council for consideration. The report of the *ad hoc* committee shall be presented to City Council within four (4) weeks of the completion of the *ad hoc* committee's review.~~All provisions of Chapter 18623, Laws of Florida (the former Charter) as amended by special law or otherwise which are not embraced herein and which are not inconsistent with this Charter shall become ordinances of the city subject to modification or repeal in the same manner as other ordinances of the city.~~

Section 66. - ~~Pending matters~~Reserved.

~~All rights, claims, actions, orders, contracts, and legal or administrative proceedings involving the city shall continue except as modified pursuant to the provisions of this Charter.~~