



**THE CITY OF MADEIRA BEACH, FLORIDA
PUBLIC NOTICE**

**BOARD OF COMMISSIONERS
SPECIAL MEETING AGENDA**

The Board of Commissioners of the City of Madeira Beach, Florida will meet in the Patricia Shontz Commission chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida to discuss the agenda items of City Business listed at the time indicated below. Meetings will be televised on Spectrum Chanel 640 and Live Streamed on the Cities Website.

6:00 p.m.

WEDNESDAY, AUGUST 1, 2018

COMMISSION CHAMBERS

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

Public participation is encouraged. If you are addressing the Commission, step to the podium and state your name and address for the record. Please limit your comments to three (3) minutes.

4. BUDGET REVIEW COMMITTEE REPORT

5. RESOLUTION 2018-12, ESTABLISHING THE MAXIMUM MILLAGE RATE & PUBLIC HEARING DATES

6. ORDINANCE 2018-09, CHARTER AMENDMENTS – 1ST READING

7. ADJOURNMENT

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

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



MEMORANDUM

TO: Hon. Mayor and Board of Commissioners

THROUGH: Jonathan Evans, City Manager

FROM: Walter Pierce, Finance Director

DATE: July 23, 2018

RE: Resolution 2018-12 Establishing Maximum Millage Rate & Public Hearing Dates

Background

Per Florida State Statute F.S., 200.065(2)(b) a governing agency must submit by a certain date, in this case August 3, 2018 notify the Property Appraiser of proposed millage rate, and public hearing dates.

Attached, is Resolution 2018-12 which establishes the Fiscal Year 2019 maximum millage rate; scheduling public hearing dates for fiscal year millage rate and budget adoption.

Fiscal Impact

None

Recommendation

The recommendation is to approve the proposed Fiscal Year 2019 millage rate for the City of Madeira Beach which shall not exceed 2.2000 mills. Further to approve Public hearings relating to the Fiscal Year 2019 millage rate and budget adoption process are hereby scheduled for 6:00 p.m., Tuesday, September 4, 2018 and 6:00 p.m. Tuesday, September 18, 2018 at 300 Municipal Drive.

Attachment(s):

- Resolution 2018-12

Revised – June 6, 2018 at 8:18 AM



RESOLUTION 2018-12

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA, ESTABLISHING THE FISCAL YEAR 2019 MAXIMUM MILLAGE RATE; SCHEDULING PUBLIC HEARING DATES FOR FISCAL YEAR MILLAGE RATE AND BUDGET ADOPTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Madeira Beach of Board of Commissioners has received the proposed Fiscal Year 2019 budget; and

WHEREAS, the City of Madeira Beach must notify the Pinellas County Property Appraiser's Office of its proposed millage rate and first public hearing schedule prior to August 3, 2018; and

WHEREAS, the City of Madeira Beach Board of Commissioners intends to propose a maximum millage rate equivalent to that which is included in the proposed Fiscal Year 2019 budget; and

WHEREAS, the City of Madeira Beach Board of Commissioners intends to provide advance notice to residents regarding public hearing dates for the Fiscal Year 2019 millage rate and budget adoption process.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA:

Section 1. The proposed Fiscal Year 2019 millage rate for the City of Madeira Beach shall not exceed 2.2000 mills.

Section 2. Public hearings relating to the Fiscal Year 2019 millage rate and budget adoption process are hereby scheduled for 6:00 p.m., Tuesday, September 4, 2018 and 6:00 p.m., Tuesday, September 18, 2018 at 300 Municipal Drive, where interested parties may appear and address the Board of Commissioners on budget related issues.

Section 3. This resolution shall become effective immediately upon its adoption.

INTRODUCED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, THIS 31ST DAY OF JULY 2018.

Margaret Black, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

Clara VanBlargan

From: Ralf Brookes <ralfbrookes@gmail.com>
Sent: Monday, July 30, 2018 8:38 AM
To: Clara VanBlargan; Walter Pierce
Subject: Fwd: Resolution For Millage Rate & Public Hearing Dates
Attachments: 2018-12-Fiscal Year 2019 Maximum Millage Rate.docx; FY2019 Millage Rate Memo.docx

The attached resolution are approved for legal sufficiency no changes needed

----- Forwarded message -----

From: **Walter Pierce** <wpierce@madeirabeachfl.gov>
Date: Sat, Jul 28, 2018 at 3:54 PM
Subject: Resolution For Millage Rate & Public Hearing Dates
To: Ralf Brookes <RBrookes@madeirabeachfl.gov>

Good Afternoon Ralf

Please review the attached Resolution that is for the Special Commission Meeting (directly after the Workshop) next Tuesday. Please respond by 9:00 am Monday morning, because Clara will be needing to send the information out.

Thanks Ralf.

Walt

Walter Pierce

Director of Finance

City of Madeira Beach

Tel.; 727-391-9951 ext. 230

email: Wpierce@Madeirabeachfl.gov

**CITY OF MADEIRA BEACH
ORDINANCE 2018-09**

AN ORDINANCE OF THE CITY OF MADEIRA BEACH FLORIDA PROVIDING FOR BALLOT TITLES, BALLOT QUESTIONS AND TEXT FOR PROPOSED REFERENDUM QUESTIONS TO BE PLACED ON NOVEMBER 6, 2018 ELECTION BALLOT; PROVIDING FOR AMENDMENTS TO THE CHARTER TO CORRECT AND STREAMLINE GRAMMAR AND GENDER NUETRALITY; PROVIDING FOR SUPERMAJORITY VOTE FOR PLANNED DEVELOPMENT AND SPECIAL AREA PLANS; APPOINTING THE PINELLAS COUNTY CANVASSING BOARD; PROVIDING FOR NEPOTISM DEFINITION OF RELATIVE; PROVIDING FOR CITY MANAGER POWERS, DUTIES, QUALIFICATIONS, RESIDENCY; PROVIDING FOR CITY CLERK QUALIFICATIONS; PROVIDING FOR LIMITATIONS ON CITY ATTORNEY LIMITATIONS AND LEGAL REPRESENTATION OF ELECTED OFFICIALS; PROVIDING FOR TAXING AUTHORITY NOT IN CONFLICT WITH GENERAL LAW; DELETING REFERENCES TO PUBLICITY EXPENDITURES; PROVIDING FOR FIVE YEAR CAPITAL IMPROVEMENTS PLAN; PROVIDING FOR ELECTION DATE; PROVIDING FOR COORDINATION WITH SUPERVISOR OF ELECTIONS; PROVIDING EFFECTIVE DATES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT.

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

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

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

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

Section 1. BALLOT QUESTIONS. The following measure shall be placed on the General Election ballot for November 6, 2018 to be voted upon by the qualified electors of the City of Madeira Beach, Florida and this amendment shall become effective immediately upon approval by a majority of the electors voting on this referendum question:

BALLOT QUESTION # 1 – GRAMMAR AND GENDER NUETRALITY

Draft July 31, 2018 questions for November Ballot

This charter amendment would amend the charter throughout numerous sections of the charter to reflect gender neutrality, correct and streamline grammar and correct typographical errors, reorganize and renumber the section and articles contained in the Charter.

Should the Charter be amended?

Yes

No

CHARTER AMENDMENT #1

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

[See grammatical changes throughout proposed Charter Amendment attached as Exhibit A and available for viewing at City Hall and City Website]

BALLOT QUESTION #3 – SUPERMAJORITY VOTE FOR PLANNED DEVELOPMENT AND SPECIAL AREA PLANS

This charter amendment would require a super-majority vote of four members of the Board of Commissioners for approval of any planned development rezoning or special area plan.

Should the Charter be amended?

Yes

No

CHARTER AMENDMENT #3

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

Section 4.5 C. Voting. ... A super-majority vote of four members of the Board of Commissioners for any Planned Development Rezoning or Special Area Plan shall be required for approval. The City Clerk shall record all votes of all Commission members in the journal. A simple majority of the Board of Commissioners shall constitute a quorum, and a quorum shall be necessary to conduct the business of the Board of Commissioners.

BALLOT QUESTION #13 – APPOINTING PINELLAS COUNTY CANVASSING BOARD

This charter amendment would amend the charter to appoint the Pinellas County Canvassing Board shall be designated as the Canvassing Board for all elections under this Charter

Should the Charter be amended?

- Yes
 No

CHARTER AMENDMENT #13

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

Section 3.4 Manner of holding elections.

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

~~The Board of Commissioners shall designate a canvassing board, consisting of the City Clerk or a designee along with two Commissioners or the Pinellas County Canvassing Board, for all elections held under this Charter. The Canvassing Board shall certify all tests of election equipment and shall canvass absentee as well as provisional ballots. The Pinellas County Canvassing Board shall be designated as the Canvassing Board for all elections under this Charter. The actions of the Canvassing Board shall be reported to the Board of Commissioners at their next meeting following the election. The Board of Commissioners shall meet following the certification for the purpose of declaring the results of said election.~~

BALLOT QUESTION #14 – NEPOTISM DEFINITION OF RELATIVE

This charter amendment would adopt Florida Statute 112.312 definition of a prohibited relative for the nepotism prohibition (prohibiting doing business with or hiring a defined relative).

Should the Charter be amended?

Yes

No

CHARTER AMENDMENT #14

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

4.6 Prohibitions. D. Nepotism prohibited. The Board of Commissioners or the City Manager ~~of the City of Madeira Beach, Florida,~~ or City Clerk or City Treasurer shall not employ nor contract with any member of the Board of Commissioners or with the City Manager or the City Clerk ~~of the City of Madeira Beach, Florida,~~ or City Treasurer nor with any relative ~~of the blood or affinity~~ of any member of the Board of Commissioners or City Manager ~~of the City of Madeira Beach, Florida,~~ or the City Clerk or City Treasurer thereof. Nothing contained above shall limit the Board of Commissioners from contracting with the City Manager or City Clerk or City Treasurer for services rendered in connection with their office. As defined in Florida Code of Ethics for Public Officials and Employees (Florida Statutes Section 112.312), “Relative,” means an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee.

BALLOT QUESTION #19 – CITY MANAGER POWERS, DUTIES, QUALIFICATIONS, RESIDENCY

This charter amendment would require that the City Manager must be a member, and maintain membership in good standing, of the International City/County Management Association (ICMA) and Florida City and County Managers Association (FCCMA), clarify the powers and duties of the City Manager, procedures for removal of the City Manager and the appointment of acting city manager, and stating that while it may be preferable that the City Manager live within the City of Madeira Beach, it is not mandatory.

Should the Charter be amended?

- Yes
- No

CHARTER AMENDMENT #19

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

[renumbered] **Section 5.4 City Manager.**

~~**Section 5.1 – Appointment; qualifications; compensation Removal.**~~

The Board of Commissioners shall appoint a City Manager ~~for an indefinite term~~ and fix ~~his~~ compensation. The Manager shall be appointed solely on the basis of his/her executive, professional, and administrative qualifications, ~~but may reside outside the City while in office only with the approval of the Board of Commissioners.~~ with special reference to actual experience in, or knowledge in respect to the duties of the office.

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

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

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

~~**Section 5.2 Removal.**~~

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

1. The Board of Commissioners shall adopt by affirmative vote of a majority of all its members a preliminary charging document resolution, which must state with particularity the reasons for removal and may suspend the Manager from duty for a period of time not to exceed forty-five (45) days if good and probable cause is shown, and if immediate suspension is in the best interest of the City, or the City Manager may continue to serve until the due process hearing if no good and probably cause is shown or if immediate suspension is not in the best interest of the City. A copy of the resolution shall be delivered promptly to the Manager.
2. Within five (5) business days after a copy of the preliminary charging document resolution is delivered to the Manager, ~~he~~ the City Manager may resign or file with the Board of Commissioners a written request for a public hearing. This hearing shall be held at a Board of Commissioners meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The Manager may file with the Board of Commissioners a written reply to the preliminary charging document resolution for removal not later than five (5) days before the hearing.
3. The Board of Commissioners may accept a resignation or adopt a final resolution of removal, ~~which may be made immediately, but upon the~~ affirmative vote of a majority of all of its members at a noticed hearing any time after five (5) business days from the date when a copy of the preliminary charging document resolution was delivered to the Manager, if ~~he~~ the City Manager has resigned or not requested a public hearing, or at any time after the conclusion of the public hearing if ~~he~~ the City Manager has requested ~~one~~ a due process name clearing hearing.
4. The Manager shall continue to receive salary and all benefits until the effective date of resignation or final resolution of removal or as specified in the City Manager's contract. In no event shall any severance exceed that which is allowed by Florida Statutes, as may be amended from time to time. The action of the Board of Commissioners in suspending or removing the Manager shall ~~not~~ be subject to review by a Court or agency as set forth under state or federal law.

~~Section 5.3 Acting City Manager.~~

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

Manager's designation at any time and appoint another officer of the City to serve until the City Manager shall return to duty ~~or his disability shall cease.~~

~~Section 5.4 Powers and duties of the City Manager.~~

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

Be the chief administrative officer of the City.

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

Have the following powers and duties to:

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

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

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

BALLOT QUESTION #20 – CITY CLERK QUALIFICATIONS

This charter amendment would require the City Clerk to maintain certification with the International Institute for Municipal Clerks.

Should the Charter be amended?

Yes

No

CHARTER AMENDMENT #20

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

[renumbered] **Section 5.2 6.2 City Clerk**

The Board of Commissioners shall appoint an officer of the City, who shall have the title of City Clerk. The Clerk shall be appointed on the basis of his/her executive, professional, and administrative qualifications with special reference to actual experience in, or knowledge in respect to the duties of the City Clerk's office.

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

BALLOT QUESTION #21 – CITY ATTORNEY LIMITATIONS AND LEGAL REPRESENTATION OF ELECTED OFFICIALS

This charter amendment would prohibit the City Attorney, or the City Attorney’s law firm, from personally representing an elected official in any recall litigation or commission on ethics proceeding, however, the elected official is entitled to legal representation in any recall litigation or commission on ethics proceeding at the expense of the City.

Should the Charter be amended?

Yes

No

CHARTER AMENDMENT #21

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

[renumbered] Section 5.3 6 City Attorney.

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

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

BALLOT QUESTION #23 – CITY TAXES

This charter amendment would provide the City shall have the right to levy taxes by ordinance in a manner not in conflict with the general law of the State of Florida and would delete references to public service tax.

Should the Charter be amended?

Yes

No

CHARTER AMENDMENT #23

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

[renumbered] **Section 8.4 7.4 ~~Public service tax.~~**

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

BALLOT QUESTION #24 – DELETE REFERENCES TO PUBLICITY EXPENDITURES

This charter amendment would delete references on expenditures of ad valorem taxes for the purpose of giving publicity to the advantages, facilities, and resources of the City.

Should the Charter be amended?

- Yes
 No

CHARTER AMENDMENT #24

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

[renumbered] **Section 8-2 7.2 Ad valorem taxes.**

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

BALLOT QUESTION #27 – FIVE YEAR CAPITAL IMPROVEMENTS PLAN

This charter amendment would require adoption of a five year Capital Improvements Program each year to be consistent with state law instead of a two year Capital Improvements Program.

Should the Charter be amended?

- Yes
- No

CHARTER AMENDMENT #27

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

[renumbered] **Section ~~10.3~~ 9.3 Capital program.**

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

Section 2. ELECTION DATE. The following measure shall be placed on the election ballot for November 6, 2018 to be voted upon by the qualified electors of the CITY OF MADEIRA BEACH, Florida and this amendment shall become effective immediately upon approval by a majority of the electors voting on this referendum question:

Section 3. COORDINATION WITH SUPERVISOR OF ELECTIONS. The Mayor, CITY Council and CITY Clerk of the CITY OF MADEIRA BEACH, Florida are hereby authorized to take and to coordinate all actions necessary with the Supervisor of Elections in order to ensure that the proposed Amendment(s) to the Charter set forth herein, are properly placed on the Referendum Ballot to be held at the Election to be held on November 6, 2018 in MADEIRA BEACH, Florida This Referendum shall be conducted according to the requirements of law governing Referendum Elections in the State of Florida for Municipal Charter Amendments.

Section 4. EFFECTIVE DATES.

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

(b) The **charter amendments shall only become immediately effective upon approval by a majority of the electors voting on each of the individual ballot questions** in the November 6, 2018 election and shall be incorporated into and become a part of the Charter. If a majority of those voting vote “no” to any particular individual Amendment, that particular proposed Amendment(s) to the Charter shall not be adopted and that particular proposed Amendment(s) to the Charter and its provisions as proposed in this Resolution, shall be of no force or effect.

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

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

As duly noticed and advertised for

FIRST READING: on _____, 2018

SECOND READING: on _____, 2018

Draft July 31, 2018 questions for November Ballot

PASSED AND DULY ADOPTED, with a quorum present and voting, this _____ by a vote of ____ “yeas” and ____ “nays” this _____ day of _____, 2018.

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

By: _____
Mayor

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM AND CONTENT:

RALF BROOKES, ATTORNEY, City Attorney

legals@tampabay.com

Amy Robison:

Please publish this legal advertisement for Ordinance 2018-02 in the Pinellas Local B Section on **8/6/2018**. An affidavit of this publication will be required for my files. 2 column x as necessary.

Thank you,

Clara VanBlargan, City Clerk
City of Madeira Beach

NOTICE OF PUBLIC HEARING CITY OF MADEIRA BEACH

In accordance with the City of Madeira Beach Code of Ordinances, the City of Madeira Beach City Charter, and Florida Statutes §166.041(3)(a):

NOTICE IS HEREBY GIVEN, the Board of Commissioners of the City of Madeira Beach will conduct a Second Reading and Public Hearing at its Regular Meeting on **Monday, August 20, 2018 at 6:00 p.m.** for the adoption of proposed **Ordinance 2018-09**. The meeting will be held in the Patricia Shontz Commission Chambers located at 300 Municipal Drive, Madeira Beach, FL 33708. The title of said Ordinance is as follows:

CITY OF MADEIRA BEACH ORDINANCE 2018-09

AN ORDINANCE OF THE CITY OF MADEIRA BEACH FLORIDA PROVIDING FOR BALLOT TITLES, BALLOT QUESTIONS AND TEXT FOR PROPOSED REFERENDUM QUESTIONS TO BE PLACED ON NOVEMBER 6, 2018 ELECTION BALLOT; PROVIDING FOR AMENDMENTS TO THE CHARTER TO CORRECT AND STREAMLINE GRAMMAR AND GENDER NUETRALITY; PROVIDING FOR SUPERMAJORITY VOTE FOR PLANNED DEVELOPMENT AND SPECIAL AREA PLANS; APPOINTING THE PINELLAS COUNTY CANVASSING BOARD; PROVIDING FOR NEPOTISM DEFINITION OF RELATIVE; PROVIDING FOR CITY MANAGER POWERS, DUTIES, QUALIFICATIONS, RESIDENCY; PROVIDING FOR CITY CLERK QUALIFICATIONS; PROVIDING FOR LIMITATIONS ON CITY ATTORNEY LIMITATIONS AND LEGAL REPRESENTATION OF ELECTED OFFICIALS; PROVIDING FOR TAXING AUTHORITY NOT IN CONFLICT WITH GENERAL LAW; DELETING REFERENCES TO PUBLICITY EXPENDITURES; PROVIDING FOR FIVE YEAR CAPITAL IMPROVEMENTS PLAN; PROVIDING FOR ELECTION DATE; PROVIDING FOR COORDINATION WITH SUPERVISOR OF ELECTIONS; PROVIDING EFFECTIVE DATES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT.

A copy of the proposed Ordinance is available for inspection in the City Clerk's Office between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. All persons are hereby advised that any presentation they make to the Board

of Commissioners will be encouraged to be as precise as possible and will be limited to three minutes per speaker to permit maximum participation by the public at large.

Persons who wish to appeal any decision made by the Board of Commissioners with respect to any matter considered during a public hearing at this meeting will need a record of the proceedings, and for such purpose may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. It is the responsibility of the person making the appeal to bear the cost of hiring a private reporter or private recording firm to make the verbatim record.

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office no later than 5:00 p.m. on the day prior to the meeting: (727) 391-9951, Ext. 231 or 223 or fax a written request to (727) 399-1131.

Clara VanBlargan, MMC, City Clerk