

Minutes
Charter Review Committee
April 26, 2018

1:00 p.m.

City of Madeira Beach Commission Chamber
300 Municipal Drive Madeira Beach, FL 33708

The Charter Review Committee meeting was called to order by Doreen Moore, Chair at approximately 1:08 p.m.

Staff members present: Clara VanBlargan, City Clerk

1. Roll Call

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

- Paul Tilka
- June Mohns
- Doreen Moore
- Grace Critelli

2. Information from City Clerk

The City Clerk provided copies of the current city charter and a copy of various Florida city charters to members who were not present at the previous Committee meeting when distributed.

3. Review of Charter for Recommended Changes

There was a discussion on the April 16, 2018 training in the Commission Chamber on the City Charter. The information provided by the speaker, Lynn Tipton was beneficial.


The Committee discussed what changes they thought needed to be made to the Charter.

[Attached is the working document showing the changes to date.]

4. Meeting Schedule

The Committee scheduled its next meeting for May 31, 2018 at 1:00 p.m.

There being no further discussion, the meeting was adjourned.


Clara VanBlargan, City Clerk


Doreen Moore, Chair

ARTICLE I. GENERAL

Section 1.1 Creation and powers.

The inhabitants of the City of Madeira Beach, Florida within the corporate limits as now established or as hereinafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity under the name "City of Madeira Beach, Florida" and, under that name, shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided. by law.

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

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

Section 1.2 Extraterritorial powers.

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

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

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

Section 1.3 Construction.

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

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

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

Section 1.4 Open meetings.

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

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

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

Section 1.5 Description of corporate limits. The boundaries of the City of Madeira Beach, Florida, shall be as follows:

From a point of Beginning at the intersection of the centerline of State Road 699 and the centerline of 155th Avenue run northeasterly along the centerline of 155th Avenue and an extension thereof to an intersection with the centerline of the right-of-way of the INTRA COASTAL Waterway; thence southeasterly along the centerline of the right-of-way of the INTRA COASTAL Waterway to an intersection with the southwesterly extension of the north property line of Lot 1 of the Replat of Blocks 3 and 4 Edgewater Estates, Unit 12, as recorded in Plat Book 48, page 29, in the Public Records of Pinellas County, Florida; thence northeasterly along the extension of and the north line of the aforesaid Lot 1 to a point, said point being located south 53°37'25" west, a distance of 140.00 feet from the northeasterly corner of and along the north line of aforesaid Lot 1 of the Replat of Blocks 3 and 4 Edgewater Estates, Unit 12, thence north 36°22'35" west, a distance of 300.00 feet to a point; thence north 53°37'25" east a distance of 140.00 feet to a point, thence south 36°22'35" east a distance of 300.00 feet to a point, said point being the northeasterly corner of aforesaid Lot 1; thence northeasterly along the extension of the north line of aforesaid Lot 1 to an intersection with the centerline of Duhme Road; thence south 36°22'35" east along the centerline of Duhme Road to a point of the said centerline which is 69.30 feet north 36°23'35" west and 50.56 feet south 45°86'00" west of the intersection of the easterly right-of-way of Duhme Road and the north right-of-way line of Edgewater Boulevard; thence north 45°06'00" east 317.56 feet; thence south 87°11'49" east 180 feet; thence south 16°41'46" east 79.60 feet; thence north 42°30'0"; thence south 48°15'0" to the northwest corner of Lot 7 Edgewater Estates Unit 3; thence along northerly line of said Lot 7 south 48°11'4" (s); thence southwesterly along the easterly line of Lots 7, 8, 9, and 10 to the southeast corner of Lot 10 Edgewater Estates, Unit 3 as recorded in Plat Book 26, page 10, in the Public Records of Pinellas County, Florida, to an intersection with the north right-of-way line of Edgewater Boulevard, thence south 02°48'11" west 30.0 feet to an intersection with the centerline of Edgewater Boulevard; thence south 87°11'49" east 64.50 feet to an intersection with the centerline of State Road 699; thence north 41°58'57" east 111.80 feet to a point, which is south 41°58'57" west 1399.97 feet and north 00°34'24" east 139.34 feet from the center of Section 3, Township 31 South,

Range 15 East; thence south 48°01'03" east 50 feet to the southerly right-of-way line of State Road 666. thence south 55°03'22" east 847.45 feet; then e south 31°56'38" west to an inter- section with the centerline of the right-of-way of the INTRA COASTAL Waterway in Boca Ciega Bay; thence southeasterly and northeasterly along the said centerline of the INTRA COASTAL Waterway to an intersection with the northeasterly extension of the John's Pass Channel, said point also being on the northern boundary of the City Limits of Treasure Island and the aforesaid extension of John's Pass Channel to a point in the water of the Gulf of Mexico, and point being 3 miles west of the shoreline of City of Madeira Beach, Florida; thence north easterly parallel to the aforesaid shoreline to a point of intersection with the westerly extension of the centerline of 155th Avenue; thence northeasterly along the westerly extension of the centerline of 155th Avenue to the Point of Beginning lying within Town- ship 31 South, Range 15 East, Pinellas County, Florida.

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

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

Section 1.6 Inter-governmental relations.

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

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

Section 1.7 Limitation on exercise of powers.

~~The sole and exclusive limitation on the exercise of powers of the City shall be that prior to the sale of any real property possessed by the City or prior to a conveyance by whatever means of an interest in lands possessed by the City which conveyance is for a term to exceed ten (10) years, the issue shall be submitted to a referendum vote of the electors of the City, at an election to be called by the Board of Commissioners of said City, and a majority of the votes cast shall be in favor thereof and then and only then may the property be conveyed; provided, however, that the City shall have the power to convey public utility easements without submitting the same to a referendum vote of the electors of the City.~~

There are two exclusive limitations on the exercise of powers of the City that shall be submitted to a referendum vote of the electors of the City, at an election to be called by the Board of Commissioners of said City, and a majority of the votes cast shall be in favor thereof:

- (1) Prior to the sale of any real property possessed by the City or prior to a conveyance by whatever means of an interest in lands possessed by the City which conveyance is for a

term to exceed ten (10) years.

- (2) Prior to issuance of a planned development (PD) permit for any tract of land exceeding 4,000 square feet in area.

Only after a favorable referendum vote may the property be conveyed, or a PD permit issued; provided, however, that the City shall have the power to convey public utility easements without submitting the same to a referendum vote of the electors of the City.

Decisions made by the Board of Commissioners under this section shall be subject to the review by courts of competent jurisdiction within this State.

Section 1.8. Use of power of eminent domain.

No private property shall be taken by the City of Madeira Beach, except for a public purpose and with full compensation therefore paid to each owner or secured by deposit in the registry of the court and available to the owner. Private economic development shall not be deemed to constitute a public purpose for which private property may be taken by the City of Madeira Beach through the power of eminent domain.

(Ord. No. 1083, § 1, 5-23-2006/11-7-2006)

ARTICLE II. FORM OF GOVERNMENT

Section 2.1 Form of government.

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

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

- A. *Board Created.* There shall be a Board of Commissioners with all legislative powers of the City of Madeira Beach, Florida, vested therein, composed of Commission members occupying districts numbered one (1) through (4), and a Mayor. The Board of Commissioners, including the Mayor, shall be elected at large by the qualified voters of the City of Madeira Beach, Florida.
- B. *Qualifications and Term of Office.* The Commission members shall have been qualified electors and residents of the City of Madeira Beach, Florida, for two (2) years immediately prior to their qualifying for election, and in addition, each District-Commissioner shall be a resident of said district which he/she declares himself/herself to be a candidate for a period of six (6) months prior to the date of said application. The term of office for all District Commissioners shall be for a period of two years. The Mayor may reside at the time of his/her election anywhere

within the City of Madeira Beach, Florida; and the term of office for the Mayor shall be for a period of three (3) years. The terms of all members of the Commission, including the Mayor, will begin at the Board of Commissioners first regular meeting held on the second Tuesday in April following the election, and shall continue until their successor has been duly elected and installed under this Charter. All vacancies occurring in the Commission between elections shall be filled in accordance with Section 2.2(E) of this Charter.

- C. Consecutive Term Limit. The Mayor and District Commissioners shall serve no more than three (3) consecutive regular terms and shall not seek re-election for a period of two (2) years.

ED. Vacancies, forfeiture of office; filling or vacancies.

1. *Vacancies, forfeiture of office; filling of vacancies.*
Vacancies. The office of a Commissioner shall become vacant upon his/her death, resignation, removal from office in any matter authorized by law or forfeiture of his/her office.
2. *Forfeiture of Office.* A Commissioner shall forfeit his/her office if he:
 - (a) Lacks at any time during his/her term of office any qualifications for the office prescribed by this Charter or by law, except that any District Commissioner who changes residence from one district to another during ~~the course of~~ his/her term of office or if the district boundaries are redrawn during the term of office, the District- Commissioner shall be permitted to serve out his/her term,
 - (b) Violates any expressed prohibition of this Charter,
 - (c) Is convicted of a ~~felony or a misdemeanor~~ crime involving moral turpitude, or
 - (d) Fails to attend ~~four~~ three consecutive regular meetings of the Board of Commissioners without being excused by the Board of Commissioners.
 - (e) Fails to maintain residency and voter registration requirements as stated in the City Charter.
3. *Filling of Vacancies.* In the event of a vacancy in the office of the Mayor-Commissioner, the Vice-Mayor shall assume the office of Mayor-Commissioner. A vacancy of the office of District Commissioner or a vacancy occurring in the office of Mayor-Commissioner because the Vice-Mayor declines to accept the office of Mayor-Commissioner, shall be filled within 30 days of its occurrence by a majority vote of the remaining members of the Board of Commissioners. If a District Commissioner is nominated to the office of Mayor-Commissioner because of a vacancy in the office of Mayor-Commissioner, the person so nominated shall

not be required to resign as District Commissioner prior to being selected as Mayor- Commissioner. Any person selected to fill such a vacancy shall possess all the qualifications required of a Commission member by this charter and by law. Any person selected for the office of Mayor-Commissioner shall serve until the next regular election of the City, at which time a general election for the office of Mayor- Commissioner for a complete term of office will be held. The person selected to fill a vacancy in the office of District Commissioner shall serve the unexpired term of the office.

Notwithstanding the requirements of ARTICLE VII, Section 7.3 (e) that a quorum of the Board of Commissioners consists of three (3) members, if at any time the membership of the Board of Commissioners is reduced to less than three (3), the remaining members may convene under the provisions of this section to appoint additional members to raise the membership to three (3).

(Ord. No. 727, 10-4-1988/11-9-1988; Ord. No. 826, 12-6-1994; Ord. No. 829, 12-6-1994/3-11-1997; Ord. No. 890, 1-20-1998/3-10-1998; Ord. No. 996, 12- 14-2004/3-8-2005)

Section 2.3 Judge of ~~qualifications forfeiture.~~

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

ARTICLE III. ELECTIONS*

Section 3.1 Nonpartisan elections.

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

All qualifications and elections for the Offices of the Board of Commissioners shall be conducted on a nonpartisan basis without regard for or designation of political party affiliation of any nominee or any nomination petition or ballot.

(Ord. No. 998, 12-14-2004/3-8-2005)

Section 3.2 Election district.

A. The Board of Commissioners shall divide the territory lying within the municipal

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

- B. The Board of Commissioners shall, in the year 1978, by Ordinance either change the existing boundaries of said districts as it may deem expedient or to reaffirm the old district boundaries so that each district shall contain as nearly as possible the same number of electors; and similar Ordinances either changing or affirming the said district boundary lines for this purpose shall be passed every four years thereafter. If, prior to the passage of any Ordinance or Ordinances **impacted by development** and applicable to district boundary lines and made mandatory by this section, it should appear to the Board of Commissioners that there is an imbalance of electors exceeding fifteen (15) percent of the said district, or such imbalance that in their judgment and opinion, a new Ordinance changing the boundaries of said districts should be passed in order to equalize as nearly as possible the number of electors in each district, by Ordinance, change the boundaries of said district for such purposes. No change in districts shall be made within six (6) months next preceding an election in the City.

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

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

Section 3.3 Nomination of Board of Commissioners.

- A. **Filing.** Every person who shall desire to become a candidate for nomination under the provisions of this Charter to the office of Mayor and District-Commissioner, shall qualify to become such candidate by filing with the city clerk not more than 90 days not less than 60 days before the date of the election. Under no circumstances shall the City Clerk accept any nomination petitions or filing fees after the close of the filing period as stated herein. His/her application is to have his/her name printed upon the ballot as a candidate for nomination to the office for which he/she aspires, in which application, he/she shall declare from the district he/she is a candidate or so declare if he/she is a candidate for Mayor. All applications shall be accompanied by an affidavit the candidate is an elector and a

resident of the City of Madeira Beach, Florida, for two (2) years immediately prior to the date of said application, and has been a resident of said district for which he/she declares himself/herself to be a candidate for a period of six (6) months prior to the date of said application. With said application shall be filed a petition which shall indicate prominently the district from which the Petitioner is a candidate, or if he/she be a candidate for Mayor.

- B. District Commissioners. Should any District Commissioner desire to become a candidate for the office of Mayor, said District Commissioner shall resign his/her office of District Commissioner not less than sixty (60) days before the election in which he/she desires to become a candidate for Mayor. Provided, however, such compulsory resignation shall not apply to a District Commissioner whose term as commissioner expires at or before the time he/she would take office as Mayor, if elected. The resignation shall be filed in the office of the City Clerk. The vacancy created by such resignation shall be filled as provided in 2.2(C) of said Charter.
- C. Petitions, Candidates for the office of Mayor and District Commissioner shall be nominated by petition. Each candidate may be nominated for election by petition forms signed by qualified voters of the City of Madeira Beach, Florida, not less in number than one hundred (100). Each signature shall be executed in ink and the form shall indicate the place of the petitioner's residence. All petition forms shall contain the name of the candidate and the office and district number for which the candidate is being nominated.

In lieu of a nomination petition containing one hundred (100) qualified electors' signatures, a qualifying fee of (\$50.00) and a nomination petition containing fifty (50) qualified electors' signatures shall be required.

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

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

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

Section 3.4 Manner of holding elections.

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