

**Town of Fort Myers Beach**

**2014 Charter Review Commission**

**Substantive Change Worksheets**

**And**

**Clerical Change Worksheets**

**Town of Fort Myers Beach 2014 Charter Review Commission**

**Worksheet**

**Substantive Change #1**

**Article/Section – Article IV: Charter Officers - Section 4.02 Mayor and Section 4.03 Vice Mayor**

**Existing language –**

Section 4.02 Mayor.--At the first regularly scheduled meeting following the town's regular election, the council, by majority vote, shall elect from its membership a mayor. The mayor shall serve as chairperson during meetings of the council and shall serve as the head of municipal government for the purpose of execution of legal documents as required by ordinance. The mayor shall also serve as the ceremonial head of the town.

Section 4.03 Vice mayor.--At the first regularly scheduled meeting following the town's regular election, the council, by a majority vote, shall elect from among its membership a vice mayor who shall serve as mayor during the absence or disability of the mayor and, if a vacancy occurs, shall become interim mayor pursuant to section 4.08 of this charter.

**Proposed change -- --**

Section 4.02 Mayor.--At the first meeting after the second Tuesday in March, ~~regularly scheduled meeting following the town's regular election~~, the council, by majority vote, shall elect from its membership a mayor. The mayor shall serve as chairperson during meetings of the council and shall serve as the head of municipal government for the purpose of execution of legal documents as required by ordinance. The mayor shall also serve as the ceremonial head of the town.

Section 4.03 Vice mayor.--At the first meeting after the second Tuesday in March, ~~regularly scheduled meeting following the town's regular election~~, the council, by a majority vote, shall elect from among its membership a vice mayor who shall serve as mayor during the absence or disability of the mayor and, if a vacancy occurs, shall become interim mayor pursuant to section 4.08 of this charter.

**Rationale – Pros –**

The wording change was chosen to provide clarification of when the Mayor and Vice Mayor will be chosen, regardless of whether it is an election year or not.

**Cons –**

**Recommendation to Council – Put to a referendum.**

**Commission vote: For 5, Against 0**

**Town of Fort Myers Beach 2014 Charter Review Commission**

**Worksheet**

**Substantive Change #2**

**Article/Section – Article IV: Charter Officers – Section 4.04 – Prohibitions –a**

**Existing language** – (a) Neither the council, nor any individual member of the council, shall in any manner dictate the employment or removal of any employee other than the town manager and town attorney. No individual member of the council shall give orders to any officer or employee of the town. Recommendations for the improvements in the town government operations shall come through the town manager, but each member of the council shall be free to discuss or recommend improvements to the town manager, and the council is free to direct the town manager to implement specific recommendations for improvement in town government operations.

**Proposed change** – (a) Neither the council, nor any individual member of the council, shall in any manner dictate the employment or removal of any employee other than the town manager and town attorney. No individual member of the council shall give orders to any officer or employee of the town. Recommendations for the improvements in the town government operations shall come through the town manager, but each member of the council shall be free to discuss or recommend improvements to the town manager, and the council is free to direct the town manager to implement specific recommendations for improvement in town government operations. **Violations of this Section of the Charter shall constitute malfeasance within the meaning of Section 100.361, Florida Statutes, as may be amended.**

**Rationale – Pros** – There have been numerous violations of the non-interference rules by previous elected officials and the addition of this language makes it clear both to officials and town staffers that the rules are to be taken seriously. This language exists in the Lee County Charter and is recommended in the published description of Council/Weak Mayor/Manager form of government supplied by Derek Rooney. The section of Florida Statutes quoted deals with recall of elected officials.

**Cons** –

None

**Recommendation to Council – Put to a referendum.**

**Commission vote: For**   5  , **Against**   0

## Town of Fort Myers Beach 2014 Charter Review Commission

### Worksheet

#### Substantive Change # 3

##### Article/Section – Article IV: Charter Officers - Section 4.05(a) Compensation

**Existing language** – (a) An ordinance establishing, increasing, or decreasing compensation of the council may be adopted at any time; however, in no event shall any establishment of compensation or any increase in compensation become effective prior to the first day of the first month following the first regular election of the town subsequent to the adoption of such ordinance.

**Proposed change** – ~~(a) An ordinance establishing, increasing, or decreasing compensation of the council may be adopted at any time; however, in no event shall any establishment of compensation or any increase in compensation become effective prior to the first day of the first month following the first regular election of the town subsequent to the adoption of such ordinance.~~

(a) Effective April 1, 2016, base pay for the Mayor will be \$19,200 annually and Council members will be \$16,800 annually as compensation for their services. Compensation shall be revised annually based on across-the-board adjustments budgeted for staff and administered at the same time as Town employees.

**Rationale – Pros** – The CRC’s approval of this recommendation is in recognition of the many hours that Council members spend not only managing the normal policy decisions for the Town, but also their involvement in many Town, County and State activities and committees as representatives of the Town. Although the Council job is considered “volunteer” work and a commitment to public service, appropriate compensation may help encourage a diverse slate of qualified candidates to run for Council who have sufficient time to effectively do the work. The initial base pay adjustment is intended to make some compensation for inflation since the last adjustment in 2001, which fixed pay at \$16,800 for the Mayor and \$14,400 for Council members. The amount of the adjustment was determined by comparing Council pay in other Lee County municipalities. An annual pay adjustment based on what is offered to employees will remove the requirement that any pay adjustment require Council members to recommend and vote on adjusting their own pay. If there is a desire in the future to make a further base pay adjustment, it would have to be determined by referendum and approval by the electors.

The CRC considered, but did not approve, offering a benefits package to Council members for things like retirement and health coverage, as several other municipalities offer. It was felt that to include that change at this time would be too costly, but should be revisited in the future.

**Cons** – An increase in compensation for Council members would increase costs for the Town and its taxpayers. By tying any Council compensation change to what is budgeted for employees, Council members must consider what is best for the Town when approving each annual budget. That process requires two hearings that allow for public comment before approval. Our recent history demonstrates how economic conditions dictated that no increases in compensation for staff members would be included in the budget. Compensation for Council members will now be tied not only to economic conditions, but also to staff success.

**Recommendation to Council** – Put to a referendum.

**Commission vote:** For 5, Against 0

**Town of Fort Myers Beach 2014 Charter Review Commission**

**Worksheet**

**Substantive Change # 4**

**Article/Section – Article IV: Charter Officers - Section 4.07 Forfeiture of Office**

**Existing language – Section 4.07 Forfeiture of office.--A member of the council may forfeit the office, if the member:**

(d) Misses three consecutive regularly scheduled council meetings.

**Proposed change –**

(d) Misses three consecutive regularly scheduled council meetings without an excused absence.

(e) Does not maintain a permanent residence in the Town of Fort Myers Beach.

**Rationale – Pros –**

(d) – Clarifies the intent.

(e) – This is not currently addressed in the Charter but is assumed.

**Cons –**

None.

**Recommendation to Council – Put to a referendum.**

**Commission vote: For 5, Against 0**

**Town of Fort Myers Beach 2014 Charter Review Commission**

**Worksheet**

**Substantive Change # 5**

**Article/Section – Article IV: Charter Officers - Section 4.11 – Meetings**

**Existing language** – Section 4.11 Meetings.--The council shall meet regularly at least eight times per year and shall meet no less often than bimonthly at such times and locations within the boundaries of the town as the council may prescribe. Special meetings may be held on the call of the mayor or the town manager and, whenever practical, upon no less than a 24-hour notice to each member and the public. Action taken at a special meeting shall be limited to the purpose for which the special meeting is called. A special meeting may be held outside the town with proper notice. All meetings shall be public and shall be scheduled to commence no earlier than 7 a.m. nor later than 10 p.m.

Section 4.11 Meetings.--The council shall meet regularly at least eight times per year and shall meet no less often than bimonthly at such times and locations within the boundaries of the town as the council may prescribe. Special meetings may be held on the call of the mayor or the town manager ~~and, whenever practical, upon no less than a 24-hour notice~~ **with reasonable notice** to each member and the public. Action taken at a special meeting shall be limited to the purpose for which the special meeting is called. A special meeting may be held outside the town with ~~proper notice~~ **with reasonable notice**. All meetings shall be public and shall be scheduled to commence no earlier than 7 a.m. nor later than 10 p.m.

**Rationale – Pros –**

A time frame of 24 hours during an emergency may not be practical.

**Cons –**

**Recommendation to Council – Put to a referendum.**

**Commission vote: For 5, Against 0**

**Town of Fort Myers Beach 2014 Charter Review Commission**

**Worksheet**

**Substantive Change # 6**

**Article/Section – Article IV: Charter Officers - 4.12 – Rules and Journal**

**Existing language –**

Section 4.12 Rules and journal.--The council shall determine its own rules and order of business and shall provide for keeping a journal and minutes of its proceedings. The journal and minutes shall be public records.

**Proposed change –**

Section 4.12 Rules ~~and journal~~.--The council shall determine its own rules and order of business and shall provide for keeping a ~~journal and~~ minutes of its proceedings. The ~~journal and~~ minutes shall be public records. The Town Council shall maintain a Policies and Procedures Manual that provides guidelines for how it will operate.

**Rationale – Pros –**

The town does not maintain a journal, but does record and approve minutes for any public proceedings. These are the official documentation of meetings. Furthermore, Town Council meetings are broadcast on the local cable network and are available on the town website for web-casting.

The Town Council Policies and Procedures Manual provides guidelines for Council members, but also provides important background information and expectations for people considering becoming a Town Council candidate.

**Cons –**

None.

**Recommendation to Council – Put to a referendum.**

**Commission vote: For 5, Against 0**

# Town of Fort Myers Beach 2014 Charter Review Commission

## Worksheet

### **Substantive Change # 7**

#### **Article/Section – Article IV: Charter Officers - Section 4.13 – Voting; quorum**

**Existing language** – Section 4.13 Voting; quorum.--Roll call voting shall be required for ordinances or upon the specific request of a council member and shall be recorded in the minutes; otherwise, voting shall be by ayes and nays. Three members of the council shall constitute a quorum. No action of the council shall be valid or binding unless adopted by the affirmative vote of a majority of the council. All council members in attendance shall vote on all council actions, except when, with respect to any such member, there is, or appears to be, a possible conflict of interest as defined under general law.

#### **Proposed change –**

Section 4.13 Voting; quorum.--Roll call voting shall be required for ordinances or upon the specific request of a council member and shall be recorded in the minutes; otherwise, voting shall be by ayes and nays. Three members of the council shall constitute a quorum. No action of the council shall be valid or binding unless adopted by the affirmative vote of ~~a majority of the~~ at least 3 members of council, except in an emergency situation. All council members in attendance shall vote on all council actions, except when, with respect to any such member, there is, or appears to be, a possible conflict of interest as defined under general law.

#### **Rationale – Pros –**

Three members make a quorum, if unchanged a vote may pass by 2 members voting in the affirmative. This would be less than the majority (3 votes in the affirmative) when a full council is present.

#### **Cons –**

A minimum of 3 members must be present and vote affirmatively to approve a motion.

#### **Recommendation to Council – Put to a referendum.**

**Commission vote: For**   5  , **Against**   0

**Town of Fort Myers Beach 2014 Charter Review Commission**  
**Worksheet**

**Substantive Change # 8**

Article/Section – Article V – Nominations and Elections – Section 5.03 – Terms of Office

Existing language –

Section 5.03 Terms of office.--The terms for all council seats, #1, #2, #3, #4, and #5, shall be for 3 years, except during the transition period, seats #1 and #2 shall initially be for a term from November, 2000 to March, 2004 and seats #3, #4, & #5 shall be for a term from November, 2001 to March, 2005. No member of the council shall serve for more than two consecutive full terms. After one year out of office, a candidate may re-qualify for any vacant seat.

Proposed change – **Length of terms**

The terms for all council seats, #1, #2, #3, #4, and #5, shall be for ~~3~~ **4** years **with elections held every other year ending in an odd number. Seats #1 and #2 shall initially be for a term from March 2016 to March 2019.** , ~~except during the transition period, seats #1 and #2 shall initially be for a term from November, 2000 to March, 2004 and seats #3, #4, & #5 shall be for a term from November, 2001 to March, 2005.~~ No member of the council shall serve for more than two consecutive full terms. After one year out of office, a candidate may re-qualify for any vacant seat.

Rationale – Pros –

1. Municipal representatives for every other municipality in Lee County are elected for 4-year terms.
2. By having elections every other year rather than every two out of three years, there would be a significant decrease in the Town's cost of elections.
3. Elections may result in a loss of continuity for Town Councils. Less frequent elections could result in improvement continuity and productivity.

Removes obsolete language.

Cons –

1. Council members make a significant time commitment. A longer tenure might convince some potential Council candidates not to run.
2. Less frequent elections could mean that an unpopular Council representative would serve longer than desired by the populace.

Recommendation to Council – **Put to a referendum.**

Commission vote: For   5  , Against   0

**Town of Fort Myers Beach 2014 Charter Review Commission**  
**Worksheet**

**Substantive Change # 9**

Article/Section – Article V – Nominations and Elections – Section 5.03 – Terms of Office

Existing language –

Section 5.03 Terms of office.--The terms for all council seats, #1, #2, #3, #4, and #5, shall be for 3 years, except during the transition period, seats #1 and #2 shall initially be for a term from November, 2000 to March, 2004 and seats #3, #4, & #5 shall be for a term from November, 2001 to March, 2005. No member of the council shall serve for more than two consecutive full terms. After one year out of office, a candidate may re-qualify for any vacant seat.

Proposed change – **Term Limits**

Section 5.03 Terms of office.--The terms for all council seats, #1, #2, #3, #4, and #5, shall be for 3 years, except during the transition period, seats #1 and #2 shall initially be for a term from November, 2000 to March, 2004 and seats #3, #4, & #5 shall be for a term from November, 2001 to March, 2005. ~~No member of the council shall serve for more than two consecutive full terms. After one year out of office, a candidate may re-qualify for any vacant seat.~~

**Rationale – Pros –**

1. Voters have the opportunity to elect, retain or remove Council Members and should have the right to determine the number of terms a person should serve.
2. A very effective Council Member could be removed from office because of the limit the Charter puts on the number of terms served.
3. Voters should be allowed the largest number of qualified candidates for consideration of the office of Council Member without some being eliminated because of a Charter restriction.

**Cons –**

1. Voters have the tendency to favor incumbents which could make it difficult to add “new blood” to the Town Council.
2. There is a concern that an elected official who has been in office for an extended period of time develops allegiances that could be detrimental to the majority of the people they represent and the welfare of the Town.

**Recommendation to Council – Put to a referendum.**

**Commission vote: For   5  , Against   0**

**Town of Fort Myers Beach 2014 Charter Review Commission**

**Worksheet**

**Substantive Change # 10**

**Article/Section – Article V: Nominations and Elections – Sections 5.09 Canvassing Board**

**Existing language –**

**None – New Section**

**Proposed change –**

**Section 5.09.—The town canvassing board shall be composed of a Town Council Member, selected by Town Council, who is not a candidate for reelection, the Town Manager and the Town Clerk, who shall act as chairperson. At the close of polls of any town election, or as soon thereafter as practicable, the canvassing board shall meet at a time and place designated by the chairperson and shall proceed to publicly canvass the vote as shown by the returns then on file in the Office of the Supervisor of Elections. The Board shall prepare and sign a certificate containing the total number of votes cast for each person or other measure voted on. The certificate shall be placed on file with the Town Clerk.**

**Rationale – Pros –**

Defines the process to be used in order to certify an election.

**Cons –**

None.

**Recommendation to Council – Put to a referendum**

**Commission vote: For 5, Against 0**

## Town of Fort Myers Beach 2014 Charter Review Commission

### Worksheet

#### Substantive Change # 11

##### Article/Section – Article VI: Town Manager

**Existing language** – Section 6.01 Appointment and qualifications.--The council shall appoint a town manager for an indefinite term and fix compensation. The town manager shall be appointed primarily on the basis of executive and administrative qualifications.

Section 6.02 Removal.--The council may remove the town manager for any reason by affirmative vote of the council. If the vote is less than unanimous by all council members, the town manager may, within 7 days of the dismissal motion by council, submit to the mayor a written request for reconsideration. Any action taken by the council at the reconsideration hearing shall be final.

##### Proposed change –

Section 6.01 Appointment and qualifications.--The council shall appoint a town manager ~~for an indefinite term and fix compensation~~. The town manager shall be appointed primarily on the basis of executive and administrative qualifications.

Section 6.02 Removal.--The council may remove the town manager for any reason by affirmative vote of at least 3 members of the council. If the vote is less than unanimous by all council members, the town manager may, within 7 days of the dismissal motion by council, submit to the mayor a written request for reconsideration. Any action taken by the council at the reconsideration hearing shall be final.

##### Rationale – Pros –

Section 6.01 – This change will comply with practice. Town managers have often not been contracted for specific terms in the past, and this change would allow council necessary leeway in their selection.

Section 6.02 – Must be a clear majority of council.

##### Cons –

None.

##### Recommendation to Council – Put to a referendum

Commission vote: For   5  , Against   0

# Town of Fort Myers Beach 2014 Charter Review Commission

## Worksheet

### Substantive Change # 12

Article/Section – Article X: Ordinances and Resolutions Sec. 10.02(b)

**Existing language** – (b) To meet a public emergency affecting life, health, property, or the public peace, the council, by a two-thirds vote of those present as required by general law, may adopt an emergency ordinance without complying with the requirements of notice expressed in the foregoing paragraph. An emergency ordinance may not levy taxes; grant, renew, or extend a franchise; set service or user charges for any municipal services; or authorize the borrowing of money. An emergency ordinance shall become effective upon adoption and automatically stand repealed as of the 61st day following the date on which it was adopted. This shall not prevent reenactment of such an ordinance under regular procedures.

### Proposed change –

(b) ~~To meet a public emergency affecting life, health, property, or the public peace, the~~ The council, as provided by a two-thirds vote of those present as required by general law, may adopt an emergency ordinance without complying with the requirements of notice expressed in the foregoing paragraph. ~~An emergency ordinance may not levy taxes; grant, renew, or extend a franchise; set service or user charges for any municipal services; or authorize the borrowing of money.~~ An emergency ordinance shall become effective upon adoption and automatically stand repealed as of the 61st day following the date on which it was adopted. This shall not prevent reenactment of such an ordinance under regular procedures.

### Rationale – Pros –

State law currently provides that a municipality may adopt an emergency notice with reduced notice by a two-thirds vote provided that the ordinance does not seek to amend the zoning map or change the list of permitted, conditional, or prohibited uses within a zoning category. The changes proposed are recommended to eliminate overlapping and conflicting legal requirement that may result in unnecessary delay in the event of an actual emergency. Additionally, notwithstanding the existing and proposed charter amendments, state law provides for additional notice procedures for the amendments of comprehensive plans and levies of taxes or fees that cannot be altered by a municipal charter. While not required by state law the automatic termination of the ordinance after 61 days adequately addresses the limited notice of emergency actions and is designed to prevent abuse.

### Cons –

The proposed revisions expand the scope of potential emergency actions by the Town Council.

### Recommendation to Council – Put to a referendum

Commission vote: For   5  , Against   0

# Town of Fort Myers Beach 2014 Charter Review Commission

## Worksheet

### Substantive Change # 13

Article/Section -- Article XI: Financial Procedures, Sec. 11.03(b)

Existing language -- Council Action on Budget -

(b) Unless authorized by the electors of the town at a duly held referendum election, the council shall not authorize or allow to be authorized the issuance of revenue bonds or enter into lease-purchase contracts or any other unfunded multi-year contracts all for the purchase of real property or the construction of any capital improvement, the repayment of which extends in excess of 36 months, unless mandated by state or federal governing agencies.

Proposed change --

~~(b) Unless authorized by the electors of the town at a duly held referendum election, the council shall not authorize or allow to be authorized the issuance of revenue bonds or enter into lease-purchase contracts or any other unfunded multi-year contracts all for the purchase of real property or the construction of any capital improvement, the repayment of which extends in excess of 36 months, unless mandated by state or federal governing agencies.~~

Rationale -- Pros --

On December 15, 2014 the Audit Committee unanimously adopted a motion by Edward Lombard, seconded by James Steele, recommending that Sec. 11.03(b) be deleted in its entirety. The rationale was that the existing provision unduly restricted the Town's ability to finance capital improvements. The authority to borrow money and to issue bonds is explicitly authorized and regulated by the Florida Constitution and general law. The Florida statutory and constitutional provisions specifically require voter approval when bonds are payable from ad valorem (property) taxes, and limit the millages allowed by a municipality. Local governments do not customarily require voter approval to issue revenue bonds which are not payable from ad valorem (property) taxes.

The Audit Committee also recommends that a debt management policy be enacted by Town Council resolution or ordinance. The Audit Committee is currently preparing a draft.

Cons --

Trust -- That elected officials will do the right thing for borrowing that does not require a referendum by residential property owners.

Recommendation to Council -- Put to a referendum.

Commission vote: For 5, Against 0

# Town of Fort Myers Beach 2014 Charter Review Commission

## Worksheet

### Substantive Change # 14

**Article/Section – Article XII: Initiative and Referendum Sec. 12.01 Initiative and referendum**

**Existing language** –Section 12.01 Initiative and referendum.--At least 25 percent of the qualified electorate of the town shall have the power to petition the council to propose an ordinance or to require reconsideration of an adopted ordinance, and if the council fails to adopt such ordinance so proposed, or to repeal such adopted ordinance, without any change in substance, then the council shall place the proposed ordinance, or the repeal of the adopted ordinance, on the ballot at the next municipal election.

### Proposed change –

Section 12.01 Initiative and referendum.--At least ~~25~~ 15 percent of the qualified electorate of the town shall have the power to petition the council to propose an ordinance or to require reconsideration of an adopted ordinance, and if the council fails to adopt such ordinance so proposed, or to repeal such adopted ordinance, without any change in substance, then the council shall place the proposed ordinance, or the repeal of the adopted ordinance, on the ballot at the next municipal election.

### Rationale – Pros –

The right to petition is a cherished privilege in a democratic society. The implementation of this right should not be unduly burdensome. Currently, the Town has approximately 5,100 registered voters. Therefore, a successful initiative would require about 1,275 signatures. Since incorporation, no petition has been initiated under this Charter provision. Changing the standard from 25% to 15% would reduce the requirement to about 765 signatures, which is still a significant number, but more realistically attainable than the current requirement.

### Cons –

The initiative procedure should not be so lenient that frivolous petitions might occur.

**Recommendation to Council – Put to a referendum.**

**Commission vote: For 5, Against 0**

**Town of Fort Myers Beach 2014 Charter Review Commission**  
**Worksheet**

**Substantive Change # 15**

Article/Section – Article XII: Initiative and Referendum Sec. 12.02 - Tolls Referendum

Section 12.02 Tolls Referendum. – The council may impose road or bridge tolls only after approval by the electors, as provided by general law.

Proposed change –

~~Section 12.02 Tolls Referendum. – The council may impose road or bridge tolls only after approval by the electors, as provided by general law.~~

Rationale –

The CRC recognizes that Islanders want to have a say as to whether there will be a toll on the bridges to Fort Myers Beach or on Estero Blvd. However, Section 12.02 of the Charter does not assure that a referendum would be required prior to tolling of the bridge or that a referendum would be binding. The bridges to the island are owned by the State of Florida and Estero Blvd from the Matanzas Bridge to Big Carlos Bridge is owned by Lee County. Although it is hoped that the Town of Fort Myers Beach would be involved in discussions imposing road or bridge tolls, the Town has no legal say as to whether a toll could be established. Therefore, having a clause in the Charter regarding tolling provides no guarantee.

Recommendation to Council – **Put to a referendum.**

Commission vote: For   5  , Against   0

# Town of Fort Myers Beach 2014 Charter Review Commission

## Worksheet

### Substantive Change # 16

**Article/Section – Article XV: Transition – Sec. 15.03, 15.11 & 15.12 – Creation, Contractual Services & Elimination**

**Existing language –** Section 15.03 Creation and establishment of the town of Fort Myers Beach.--For the purpose of compliance with section 200.066, Florida Statutes, relating to assessment and collection of ad valorem taxes, the Town of Fort Myers Beach is hereby created and established effective December 31, 1995.

Section 15.11 Contractual services and facilities.-- Services for fire, police, public works, parks and recreation, planning and zoning, building inspection, development reviews, animal control, and solid waste collection may be supplied by contract between the town and county, special districts, municipalities, or private enterprise until such time as the town council establishes such independent services. Facilities for housing the newly formed municipal operations may be rented or leased until the town is in the position to obtain its own facilities.

Section 15.12 Elimination of transition elements from the charter.--Upon completion of the transition phase as contained herein, those sections of the charter relating to transition shall be eliminated from the charter.

### Proposed change –

~~Section 15.03 Creation and establishment of the town of Fort Myers Beach.--For the purpose of compliance with section 200.066, Florida Statutes, relating to assessment and collection of ad valorem taxes, the Town of Fort Myers Beach is hereby created and established effective December 31, 1995.~~

~~Section 15.11 Contractual services and facilities.— Services for fire, police, public works, parks and recreation, planning and zoning, building inspection, development reviews, animal control, and solid waste collection may be supplied by contract between the town and county, special districts, municipalities, or private enterprise until such time as the town council establishes such independent services. Facilities for housing the newly formed municipal operations may be rented or leased until the town is in the position to obtain its own facilities.~~

~~Section 15.12 Elimination of transition elements from the charter.— Upon completion of the transition phase as contained herein, those sections of the charter relating to transition shall be eliminated from the charter.~~

### Rationale – Pros –

As stated in Section 15.12 Elimination of transition elements from the charter.--Upon completion of the transition phase as contained herein, those sections of the charter relating to transition shall be eliminated from the charter. The work is done!

Simplify the charter.

### Cons –

None.

**Recommendation to Council – Put to a referendum**

**Commission vote: For   5  , Against   0**

**Town of Fort Myers Beach 2014 Charter Review Commission**

**Worksheet**

**Substantive Change # 17**

**Article/Section – Article XVI: Independent Special Districts, Sec. 16.01**

**Existing language –** Section 16.01 It is recognized that certain services within the municipal boundaries are provided by independent special districts created by special acts of the Florida Legislature. The municipality is empowered to merge the functions of said districts with those of the municipality only upon dissolution of the special district, or upon affirmative vote of a majority of the town council and an affirmative vote of the majority of the council or board governing the district after meeting all requirements for merger or dissolution in the district's enabling legislation and chapter 189, Florida Statutes. It is recognized that certain planning and interlocal agreements may be necessary between the town and such districts and the town council shall endeavor to maximize the benefits of the districts to the fullest extent possible. In the event the town council desires to supplement or duplicate services determined to be inadequate, the council is fully empowered to do so.

**Proposed change –**

~~Section 16.01 It is recognized that certain services within the municipal boundaries are provided by independent special districts created by special acts of the Florida Legislature. The municipality is empowered to merge the functions of said districts with those of the municipality only upon dissolution of the special district, or upon affirmative vote of a majority of the town council and an affirmative vote of the majority of the council or board governing the district after meeting all requirements for merger or dissolution in the district's enabling legislation and chapter 189, Florida Statutes. It is recognized that certain planning and interlocal agreements may be necessary between the town and such districts and the town council shall endeavor to maximize the benefits of the districts to the fullest extent possible. In the event the town council desires to supplement or duplicate services determined to be inadequate, the council is fully empowered to do so.~~

**Rationale – Pros –**

There are no independent special districts wholly within the limit of FMB.

**Cons –**

NONE.

**Recommendation to Council – Put to a referendum**

Commission vote: For   5  , Against   0

# Town of Fort Myers Beach 2014 Charter Review Commission

## Worksheet

### Substantive Change # 18

Article/Section – Article XVII: Revenue Sharing – Sec. 17.01

#### Existing language –

Section 17.01 It is recognized that the services provided by independent districts within the municipal boundaries provide essential services which would customarily be provided by municipal government. It is therefore declared that the Town of Fort Myers Beach shall be eligible to participate in revenue-sharing beyond the minimum entitlement in any fiscal year, provided that the town and all independent special districts created under special law, combined, levy ad valorem taxes in amounts as required by section 218.23, Florida Statutes.

#### Proposed change –

~~Section 17.01 It is recognized that the services provided by independent districts within the municipal boundaries provide essential services which would customarily be provided by municipal government. It is therefore declared that the Town of Fort Myers Beach shall be eligible to participate in revenue-sharing beyond the minimum entitlement in any fiscal year, provided that the town and all independent special districts created under special law, combined, levy ad valorem taxes in amounts as required by section 218.23, Florida Statutes.~~

#### Rationale – Pros –

This section is not needed because it is covered by general law.

Simplifies the Charter.

#### Cons –

None.

#### Recommendation to Council – Put to a referendum

Commission vote: For 5, Against 0

**Town of Fort Myers Beach 2014 Charter Review Commission**

**Worksheet**

**Clerical Change #1**

**Article/Section – Art II, Territorial Boundaries**

**Existing language –**

Section 2.01 Boundaries of the Town of Fort Myers Beach.--The territorial boundaries of the Town of Fort Myers Beach upon the date of incorporation shall include the following areas situated in the County of Lee, State of Florida:

A corporate limit lying offshore from Estero Island, which line is described as follows: all that part of Lee County that is located and situated within Estero Island, including a corporate limit line offshore 1,000 feet in the Gulf of Mexico and 1,000 feet in the inland bays, and parallel with the shore line of said Estero Island, excluding all of San Carlos Island, Black Island and, structures exclusively attached thereto.

**Proposed change –**

Section 2.01 Boundaries of the Town of Fort Myers Beach.--The territorial boundaries of the Town of Fort Myers Beach upon the date of incorporation shall include the following areas situated in the County of Lee, State of Florida:

A corporate limit lying offshore from Estero Island, which line is described as follows: all that part of Lee County ~~that is located and situated within Estero Island, including a corporate limit line offshore~~ **and the area within** 1,000 feet in the Gulf of Mexico and 1,000 feet in the inland bays, and parallel with the shore line of said Estero Island, excluding all of San Carlos Island, Black Island and, structures exclusively attached thereto.

**Rationale – Pros –**

Section 2.01 Boundaries of the Town of Fort Myers Beach. —  
Removes misleading language.

**Cons –**

None

**Recommendation to Council – Put to a referendum**

**Commission vote: For   5  , Against   0**

**Town of Fort Myers Beach 2014 Charter Review Commission**

**Worksheet**

**Clerical Change #2**

**Article/Section – Art. IV, Charter Officers**

**Existing language –**

Section 4.01 (a) There shall be a town council, hereinafter referred to as the council, with all legislative powers of the town vested therein, consisting of five council members, all of whom shall be elected from the town at-large, for the initial election. The council shall place the matter of a change in the charter regarding at-large or district elections for council members to a vote of the electorate no later than 2 years after formation of the municipality with public hearings as to said matter as required under section 13.03 hereof.

Section 4.01(b) Council seats shall be designated as seats #1, #2, #3, #4, and #5. Candidates shall not seek election to a specific seat on the council. All qualified candidates shall be deemed to be seeking election to all open council seats. Assignment of open seat numbers shall be alphabetically by incoming Council members' last names.

**Proposed change –**

Section 4.01(a) There shall be a town council, hereinafter referred to as the council, with all legislative powers of the town vested therein, consisting of five council members, all of whom shall be elected from the town at-large, ~~for the initial election. The council shall place the matter of a change in the charter regarding at-large or district elections for council members to a vote of the electorate no later than 2 years after formation of the municipality with public hearings as to said matter as required under section 13.03 hereof.~~

Section 4.01(b) Council seats shall be designated as seats #1, #2, #3, #4, and #5. ~~Candidates shall not seek election to a specific seat on the council.~~ All qualified candidates shall be deemed to be seeking election to all open council seats. Assignment of open seat numbers shall be alphabetically by incoming Council members' last names.

**Rationale – Pros –**

Section 4.01(a)  
Obsolete language.

Section 4.01(b)  
Obsolete language.

**Cons –**

None

**Recommendation to Council – Put to a referendum**

Commission vote: For   5  , Against   0

# Town of Fort Myers Beach 2014 Charter Review Commission

## Worksheet

### Clerical Change #3

Article/Section – Art. IV, Charter Officers

Existing language –

Section 4.08 – Filling vacancies - A vacancy on the council, except for the position of mayor, shall be filled by appointment by majority vote of the council members remaining, and said appointment shall be effective until a successor is chosen at the next regular election. In the event that a majority of the members of the council are removed by death, disability, law, or forfeiture of office, the governor shall appoint an interim council that shall call a special election to be held within 45 days following the occurrence of the vacancies to elect a new council. In the event that the mayor becomes unable to fulfill the duties of his office, ceases to be qualified, or is removed from office as provided by law or this charter, the vice mayor of the council shall assume the full powers and duties of the mayor. The vice mayor of the council shall temporarily relinquish his office as council member and shall assume the office of mayor for the remainder of the unexpired term. The council vacancy thus created shall be filled by an interim appointment under the provisions of this charter, to be effective only until such time as the mayor resumes his office or until the expiration of the term of the office, whichever occurs first.

Proposed change –

Section 4.08 Filling of vacancies.—A vacancy on the council, except for the position of mayor, shall be filled by appointment by majority vote of the council members remaining, and said appointment shall be effective until a successor is chosen at the next regular election. In the event that a majority of the members ~~of the council~~ are removed by death, disability, law, or forfeiture of office, the governor shall appoint an interim council that shall call a special election to be held within 45 days following the occurrence of the vacancies to elect a new council. In the event that the mayor becomes unable to fulfill the duties of ~~his~~ office, ceases to be qualified, or is removed from office as provided by law or this charter, the vice mayor ~~of the council~~ shall assume the full powers and duties of the mayor. The vice mayor ~~of the council shall temporarily relinquish his office as council member and~~ shall assume the office of mayor for the remainder of the unexpired term. The council vacancy thus created shall be filled by an interim appointment under the provisions of this charter, to be effective only until such time as the mayor resumes ~~his~~ office or until the expiration of the term of the office, whichever occurs first.

Rationale – Pros –

Section 4.08 – Filling vacancies –

Removes ambiguity in the process and eliminates the use of “him.”

Cons –

None.

Recommendation to Council – Put to a referendum

Commission vote: For   5  , Against   0

# Town of Fort Myers Beach 2014 Charter Review Commission

## Worksheet

### Clerical Change # 4

**Article/Section – Article XIII: Charter Amendments – Sec 13.03**

#### Existing language –

Section 13.03 Charter review.--The charter will be reviewed no later than 3 years after approval, then no later than 5 years after the initial charter review, and thereafter at least every 10 years. A five-member charter review commission shall be appointed and funded by the council. The charter review commission shall be appointed at least 6 months before the next scheduled election and complete its work and present any recommendations for change no later than 60 days before the election. The council shall hold a minimum of two public hearings on the proposed changes to the charter prior to placing the proposed changes on the scheduled election ballot.

#### Proposed change –

Section 13.03 Charter review.--The charter will be reviewed ~~no later than 3 years after approval, then no later than 5 years after the initial charter review, and thereafter~~ at least every 10 years. A five-member charter review commission shall be appointed and funded by the council. The charter review commission shall be appointed at least 6 months before the next scheduled election and complete its work and present any recommendations to the Council for change no later than 60 days before the election. The council shall hold a minimum of two public hearings ~~on~~ to approve, reject or modify the proposed changes to the charter prior to placing the proposed changes on the scheduled election ballot.

#### Rationale – Pros –

Clarification of the hearing process and removal of obsolete language.

#### Cons –

None

**Recommendation to Council – Put to a referendum.**

**Commission vote: For 5, Against 0**