

ORDINANCE NO. 15 - 02

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH FLORIDA, SUBMITTING TO REFERENDUM CERTAIN AMENDMENTS TO THE CHARTER OF THE TOWN OF FORT MYERS BEACH; AMENDING ARTICLE II, TERRITORIAL BOUNDARIES, SECTION 2.01; AMENDING ARTICLE IV, CHARTER OFFICERS, SECTIONS 4.01 THRU 4.05, SECTIONS 4.07, 4.08, AND SECTIONS 4.11 THRU 4.13; AMENDING ARTICLE V, NOMINATIONS AND ELECTIONS, SECTIONS 5.03 AND CREATING SECTION 5.08, ESTABLISHING THE TOWN CANVASSING BOARD; AMENDING ARTICLE VI, TOWN MANAGER, SECTIONS 6.01 AND 6.02; AMENDING ARTICLE X, ORDINANCES AND RESOLUTIONS, SECTION 10.02; AMENDING ARTICLE XI, FINANCIAL PROCEDURES, SECTION 11.03; AMENDING ARTICLE XII, INITIATIVE AND REFERENDUM, SECTION 12.01 AND DELETING SECTION 12.02; AMENDING ARTICLE XIII, CHARTER AMENDMENTS, SECTION 13.03; DELETING ARTICLE XV, TRANSITION; DELETING ARTICLE XVI, INDEPENDENT SPECIAL DISTRICTS; DELETING ARTICLE XVII, REVENUE SHARING; PROVIDING FOR NOTICE TO BE PUBLISHED; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF FORT MYERS BEACH IN MARCH 2016 AND SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR BALLOT TITLES AND QUESTIONS; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS AND SEVERABILITY; PROVIDING FOR MODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council ("the Council") is the governing body in and for the Town of Fort Myers Beach, a municipal corporation in the State of Florida; and

WHEREAS Chapter 166, Florida Statutes, provides for the methodology for Charter amendments where such amendments may be submitted to a referendum vote by the municipal governing body, in an ordinance format; and

WHEREAS, Section 13.03 of the Charter mandates the appointment of a Charter Review Commission at least every 10 years, which shall review the municipal charter and recommend to the Town Council such revisions and amendments as the Commission determines to be desirable; and

WHEREAS, the Charter Review Commission has made its recommendations which have been to the Town Council for their consideration and by the electors of Fort Myers Beach; and

WHEREAS, the Town Council has read, reviewed, and publically considered the recommendations of the Charter Review Commission and has embraced their recommendation in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:

SECTION 1: AMENDMENTS

The Charter of Fort Myers Beach, Florida is hereby amended as follows (underlined sections are additions; ~~strikethrough~~ sections are deletions):

Referendum Item 1

Article II: Territorial Boundaries

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.

Referendum Item 2

Article IV: Charter Officers

Section 4.01 Council members; elections.--

(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.~~

(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.

Referendum Item 3

Article IV: Charter Officers

Section 4.02 Mayor.--At the first ~~regularly scheduled meeting following the town's regular election~~ meeting after the second Tuesday in March, 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~~ meeting after the second Tuesday in March, 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.

Referendum Item 4

Article IV: Charter Officers

Section 4.04 Prohibitions--

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.

Referendum Item 5

Article IV: Charter Officers

Section 4.05 Compensation.—

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.~~ 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.

Referendum Item 6

Article IV: Charter Officers

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 without an excused absence.

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

Referendum Item 7

Article IV: Charter Officers

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.

Referendum Item 8

Article IV: Charter Officers

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.

Referendum Item 9

Article IV: Charter Officers

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.

Referendum Item 10

Article IV: Charter Officers

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.

Referendum Item 11

Article V: Nominations and Elections

Section 5.03 Terms of office.—

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.~~

Referendum Item 12

Article V: Nominations and Elections

Section 5.03 Terms of office.—

~~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.~~

Referendum Item 13

Article V: Nominations and Elections

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.

Referendum Item 14

Article VI: Town Manager

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.

Referendum Item 15

Article X: Ordinances and Resolutions

Section 10.02 Adoption of ordinances.—

~~(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.

Referendum Item 16

Article XI: Financial Procedures

Section 11.03 Council action on the 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.~~

Referendum Item 17

Article XII: Initiative and Referendum

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.

Referendum Item 18

Article XII: Initiative and 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.~~

Referendum Item 19

Article XIII: Charter Amendments

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.

Referendum Item 20

Article VX: Transition

~~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.~~

Referendum Item 21

~~Article XVI: Independent Special Districts~~

~~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.~~

Referendum Item 22

~~Article XVII: Revenue Sharing~~

~~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.~~

SECTION 2: BALLOT TITLES AND QUESTIONS

The proposed ballot titles and questions for each Referendum Item proposed herein to be placed on the March X, 2016 ballot for consideration by the qualified electors of the Town of Fort Myers Beach are fully described in Exhibit "A" to this Ordinance, attached hereto and incorporated herein. The Town Council reserves the right to further amend the ballot titles and questions, but not the Charter amendments themselves, if necessary to clarify the intent of the proposed revisions for the voting public; any such proposed changes must be made by Resolution of the Council prior to ballot finalization by the Lee County Supervisor of Elections.

SECTION 2: CODIFICATION AND SCRIVENER'S ERRORS

The Town Council intends that this Ordinance be made part of the Charter and Code of Ordinances, Town of Fort Myers Beach, Florida; and that sections of this Ordinance can be renumbered or re-lettered to the appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or re-lettered and typographical errors and clarification of ambiguous wording that do not affect the intent can be corrected with the authorization of the Town Manager without the need for a public hearing.

SECTION 3: CONFLICTS OF LAW AND SEVERABILITY

Conflicts of Law. Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5: MODIFICATION

It is the intent of the Council that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications will be incorporated into the final version of this Ordinance.

SECTION 6: EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption by the Town Council.

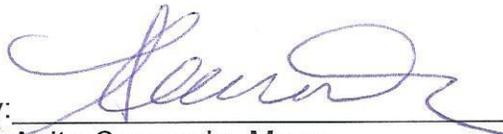
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The foregoing Ordinance was adopted by the Town Council upon a motion by Vice Mayor Andre and seconded by Councilwoman Hosafros and upon being put to a vote, the result was as follows:

Anita Cereceda, Mayor	AYE	Dan Andre, Vice Mayor	AYE
Rexann Hosafros	AYE	Alan Mandel	NAY
Summer Stockton	AYE		

DULY PASSED AND ADOPTED THIS 21st DAY OF September, 2015, BY THE

TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

By: 
Anita Cereceda, Mayor

ATTEST:

By: 
Michelle D. Mayher, Town Clerk

Approved as to form and legal sufficiency:

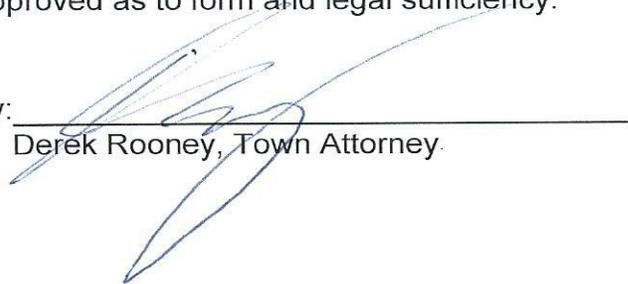
By: 
Derek Rooney, Town Attorney

EXHIBIT A

Referendum Item 1.

The Ballot Title shall be as follows:

REFERENDUM AMENDING CHARTER, CLARIFYING THE TERRITORIAL BOUNDARIES OF FORT MYERS BEACH.

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.

The Ballot Question shall be as follows:

The Town Charter currently describes its territorial waters as a corporate limit 1,000 feet offshore rather than more clearly states as the area within 1,000 feet of Estero Island into the Gulf of Mexico. Shall the Charter be revised to clarify this language?

YES [] NO []

Referendum Item 2.

The Ballot Title shall be as follows:

REFERENDUM AMENDING CHARTER, REMOVING OUT-OF-DATE LANGUAGE REFERRING TO THE TOWN'S FIRST ELECTION.

Section 4.01 Council members; elections.--

(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.~~

(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.

The Ballot Question shall be as follows:

The Town Charter still describes the process for the election of the Town's inaugural council. Shall the Charter be amended to remove this out-of-date language?

YES NO

Referendum Item 3.

The Ballot Title shall be as follows:

REFERENDUM AMENDING CHARTER, CLARIFYING THE DATE OF TOWN OFFICER SELECTIONS.

Section 4.02 Mayor.--At the first ~~regularly scheduled meeting following the town's regular election~~ meeting after the second Tuesday in March, 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~~ meeting after the second Tuesday in March, 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.

The Ballot Question shall be as follows:

The Town Charter sets the selection of office of Mayor and Vice Mayor to the first meeting following the Town Election. Shall the Charter be amended to clarify this date as the first meeting following the second Tuesday in March?

YES [] NO []

Referendum Item 4.

The Ballot Title shall be as follows:

REFERENDUM AMENDING CHARTER, PROVIDING THAT VIOLATIONS OF THE CHARTER'S NON-INTERFERENCE PROVISIONS CONSTITUTE GROUNDS FOR RECALL.

Section 4.04 Prohibitions--

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.**

The Ballot Question shall be as follows:

Shall the Town Charter be amended to provide that violations of Charter's non-interference with Town staff requirements constitute grounds for a councilmember's recall?

YES [] NO []

Referendum Item 5.

The Ballot Title shall be as follows:

REFERENDUM AMENDING CHARTER, SETTING COUNCILMEMBER SALARIES AND METHOD FOR ADJUSTMENT.

Section 4.05 Compensation.—

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.~~ 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.

The Ballot Question shall be as follows:

The Town Charter currently provides the Council can set its own compensation is by ordinance. Shall the Charter be revised to set Council pay and the method for its adjustment?

YES NO

Referendum Item 6.

The Ballot Title shall be as follows:

REFERENDUM AMENDING CHARTER, CLARIFYING THE TERMS OF FORFEITURE OF OFFICE.

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 **without an excused absence.**

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

The Ballot Question shall be as follows:

Shall the Town Charter be amended to provide for the forfeiture of a councilmember's seat upon their failure to attend regular meetings or live within the Town?

YES [] NO []

Referendum Item 7.

The Ballot Title shall be as follows:

REFERENDUM AMENDING CHARTER, CLARIFYING THE LANGUAGE REGARDING THE FILLING OF COUNCILMEMBER VACANCIES.

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.

The Ballot Question shall be as follows:

Shall the Town Charter be revised to remove unnecessary language relating to the filling of council vacancies?

YES [] NO []

Referendum Item 8.

The Ballot Title shall be as follows:

REFERENDUM AMENDING CHARTER, PROVIDING FOR REASONABLE NOTICE OF ALL MEETINGS.

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.

The Ballot Question shall be as follows:

The Town Charter currently requires at least 24 hours notice for all Council meetings. Shall the Charter be revised to require reasonable notice be provided for all meetings?

YES [] NO []

Referendum Item 9.

The Ballot Title shall be as follows:

REFERENDUM AMENDING CHARTER, REMOVING THE REQUIREMENT FOR A JOURNAL AND PROVIDING FOR RULES OF PROCEDURE.

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.**

The Ballot Question shall be as follows:

Shall Town Charter be amended to remove the requirement for a journal-keeping, in addition to minutes, and to require the Council to maintain a policy and procedure manual to govern its activities?

YES [] NO []

Referendum Item 10.

The Ballot Title shall be as follows:

REFERENDUM AMENDING CHARTER, PROVIDING FOR A MINIMUM VOTE OF THREE COUNCILMEMBERS TO TAKE OFFICIAL ACTIONS.

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.

The Ballot Question shall be as follows:

The Town Charter currently would allow for an official action to be adopted upon the vote of only two members in the event of a voting conflict or absentee member. Shall the Charter be amended to provide that all actions, except in emergencies, require an affirmative vote of at least three councilmembers?

YES [] NO []

Referendum Item 11.

The Ballot Title shall be as follows:

REFERENDUM AMENDING CHARTER, EXTENDING THE COUNCILMEMBERS TERMS OF OFFICE FROM THREE TO FOUR YEARS.

Section 5.03 Terms of office.—

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.~~

The Ballot Question shall be as follows:

The Town Charter currently limits councilmember terms to three year terms. Shall the Charter be amended to allow for terms of four years?

YES [] NO []

Referendum Item 12.

The Ballot Title shall be as follows:

REFERENDUM AMENDING CHARTER, ELIMINATING TERM LIMITS.

Section 5.03 Terms of office.—

~~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.~~

The Ballot Question shall be as follows:

The Town Charter currently limits councilmembers to two consecutive terms. Shall the Charter be amended to eliminate consecutive term limits?

YES [] NO []

Referendum Item 13.

The Ballot Title shall be as follows:

REFERENDUM AMENDING CHARTER, ESTABLISHING A CANVASSING BOARD.

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.

The Ballot Question shall be as follows:

Shall the Town Charter be amended to establish a canvassing board to review and certify Town election results?

YES NO

Referendum Item 14.

The Ballot Title shall be as follows:

REFERENDUM AMENDING CHARTER, CLARIFYING THE APPOINTMENT OF A TOWN MANAGER.

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.

The Ballot Question shall be as follows:

Shall the Town Charter be amended to remove obsolete language and clarify that the Town Manager shall be appointed by no less than three councilmember votes?

YES [] NO []

Referendum Item 15.

The Ballot Title shall be as follows:

REFERENDUM AMENDING CHARTER, AMENDING THE PROCESS FOR THE ADOPTION OF TOWN ORDINANCES.

Section 10.02 Adoption of ordinances.—

(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.

The Ballot Question shall be as follows:

Shall the Town Charter be amended to remove unnecessary language and limitations on the scope of emergency ordinances?

YES [] NO []

Referendum Item 16.

The Ballot Title shall be as follows:

REFERENDUM AMENDING CHARTER, REMOVING LIMITATIONS ON THE TOWN'S ABILITY TO ENGAGE IN LONG TERM FINANCING.

Section 11.03 Council action on the 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.~~

The Ballot Question shall be as follows:

The Town Charter currently limits all capital debt financing to three years unless approved by referendum. Shall the Charter be amended to allow the Town to borrow for more than three years to meet long term capital needs?

YES NO

Referendum Item 17.

The Ballot Title shall be as follows:

REFERENDUM AMENDING CHARTER, LOWERING THE REQUIREMENTS FOR RESIDENT INITIATIVES.

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.

The Ballot Question shall be as follows:

The Town Charter currently requires the support of at least twenty-five percent of all qualified voters for resident initiatives. Shall the Charter be amended to lower this threshold to fifteen percent?

YES NO

Referendum Item 18.

The Ballot Title shall be as follows:

REFERENDUM AMENDING CHARTER, REMOVING THE REFERENDUM REQUIREMENT FOR ROAD OR BRIDGE TOLLS.

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

The Ballot Question shall be as follows:

The Town Charter currently requires a referendum before the Council can impose either bridge or road tolls. Shall the Charter be amended to remove this language to reflect the reality that the Town does not own any toll-able bridges or roads?

YES NO

Referendum Item 19.

The Ballot Title shall be as follows:

REFERENDUM AMENDING CHARTER, REMOVE OBSOLETE LANGUAGE AND CLARIFY THE ROLE OF THE CHARTER REVIEW COMMISSION.

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.

The Ballot Question shall be as follows:

Shall the Town Charter be amended to remove obsolete language regarding prior Charter Review Commissions and clarifying the role of the Council in reviewing their recommendations?

YES [] NO []

Referendum Item 20.

The Ballot Title shall be as follows:

REFERENDUM AMENDING CHARTER, REMOVING OBSOLETE TRANSITIONAL LANGUAGE.

Article VX: Transition

~~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.~~

The Ballot Question shall be as follows:

The Town Charter currently provides for the provision of transitional elements regarding taxation and services upon the incorporation of the Town. Shall the Charter be amended to remove these obsolete provisions?

YES [] NO []

Referendum Item 21.

The Ballot Title shall be as follows:

REFERENDUM AMENDING CHARTER, REMOVING OBSOLETE LANGUAGE REGARDING INDEPENDENT SPECIAL DISTRICTS.

~~Article XVI: Independent Special Districts~~

~~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.~~

The Ballot Question shall be as follows:

The Town Charter currently provides for the potential cooperation with local independent special districts within the boundaries of the Town. No independent special districts exist wholly within the boundaries of the Town. Shall the Charter be amended to remove this unnecessary provision?

YES [] NO []

Referendum Item 22.

The Ballot Title shall be as follows:

REFERENDUM AMENDING CHARTER, REMOVING CERTAIN UNNECESSARY LANGUAGE REGARDING REVENUE SHARING.

Article XVII: Revenue Sharing

~~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.~~

The Ballot Question shall be as follows:

The Town Charter currently contains language regarding eligibility for state revenue sharing based on the calculations including local special districts. This authority is already provided for by both a special act of the legislature and by general law. Shall the Charter be amended to remove this unnecessary language regarding revenue sharing?

YES [] NO []