

## Charter "Clean" Version

AS OF November 4, 2020

### Section 1. Creation.

The City of Fernandina was first established in 1825, then later abolished and reincorporated in 1921 by the Florida Legislature. The Town of Fernandina Beach was established in 1949 by the Florida Legislature. The City of Fernandina and the Town of Fernandina Beach were consolidated as the City of Fernandina Beach on January 1, 1952 after referendum approval by voters.

### Section 2. Reserved.

### Section 3. Reserved.

### Section 4. Reserved.

### Section 5. Reserved.

### Section 6. Boundaries.

That the following is the territory the inhabitants of which are hereby established and organized into a municipal corporation, and over which such municipality exercises its jurisdiction and powers in accordance with state law and City ordinances, to wit:

(a) *Original boundaries of the City.* Beginning at a point where the range line between Range Twenty-eight (28) East, and Range Twenty-nine (29) East intersects the southerly boundary of Egan's Creek; thence north, along the said range line, to a point on the low water mark of Cumberland Sound; thence easterly, along the said low water mark of Cumberland Sound, to a point on the low water mark of the Atlantic Ocean; thence southerly, along the said low water mark of the Atlantic Ocean, to a point on the southerly boundary of Section Ten (10), Township Two (2) North, Range Twenty-eight (28) East; thence south eighty-nine degrees fifty-five minutes west (S89°55'W), along the southerly boundary of said Section Ten (10), a distance of five hundred eighty-three (583.0) feet, more or less, to a point at the southwest corner of said Section Ten (10), thence north seven degrees twenty-four minutes east (N7°24'E), along the westerly line of said Section Ten (10), a distance of one thousand seven hundred twenty-eight and three-tenths (1728.3) feet to a point at the northwest corner of said Section Ten (10) and on the south line of Section Eight (8), Township Two (2) North, Range Twenty-eight (28) East, said point being south eighty-five degrees fifty-three minutes west (S85°53'W) a distance of two hundred fifty and fourteen hundredths (250.14) feet from the southeast corner of said Section Eight (8); thence south eighty-five degrees fifty-three minutes west (S85°53'W), along the south line of said Section Eight (8), a distance of one thousand seventy-nine and six-tenths (1079.6) feet to a point; thence south eight degrees eighteen minutes west (S8°18'W) a distance of three thousand one hundred sixty-nine and eighty-eight hundredths (3169.88) feet to a point on the south line of Section Eleven (11), Township Two (2) North, Range Twenty-eight (28) East; thence south eighty degrees twenty-four minutes west (S80°24'W), along the south line of said Section Eleven (11), a distance of five thousand two hundred thirty-eight (5238.0) feet, more or less, to

a point at the southwest corner of said Section Eleven (11); thence in a northerly direction, along the west line of said Section Eleven (11) and the west line of Government Lots Four (4) and Three (3) in Section Six (6), Township Two (2) North, Range Twenty-eight (28) East, a distance of ten thousand seven hundred fifty (10,750.0) feet, more or less, to a point on the north line of said Section Six (6), said point being the southwest corner of Lot Sixty-six (66) of Ocean Breeze Farms Subdivision as recorded in Plat Book Two (2) at page nineteen (19) of the public records of said Nassau County, Florida; thence south eighty-eight degrees twenty-three minutes east (S88°23'E), along the north line of said Section Six (6), a distance of four hundred nineteen and six-tenths (419.6) feet to a point at the southwest corner of Lot Ninety-nine (99); thence north one degree thirty-seven minutes east (N1°37'E), along the west line of Lots Ninety-nine (99) and Sixty-five (65), a distance of five hundred eleven and five-tenths (511.5) feet to a point at the northwest corner of said Lot Sixty-five (65); thence south eighty-eight degrees twenty-three minutes east (S88°23'E), along the north line of Lots Sixty-five (65) and Fifty-two (52), a distance of one thousand three hundred twenty (1320.0) feet to a point at the northeast corner of said Lot Fifty-two (52); thence south one degree thirty-seven minutes west (S1°37'W), along the east line of Lots Fifty-two (52) and one hundred (100), a distance of five hundred eleven and five-tenths (511.5) feet to a point on the north line of said Section Six (6); thence south eighty-eight degrees twenty-three minutes east (S88°23'E), along the north line of Sections Six (6) and Seven (7), Township Two (2) North, Range Twenty-eight (28) East, a distance of three thousand ninety-nine and twenty-seven hundredths (3099.27) feet to a point in the center of the south line of Lot One hundred five (105) of Ocean Breeze Farms Subdivision as recorded in Plat Book "O" at page fifty-nine (59) of the public records of said Nassau County, Florida; thence north one degree fifty-four minutes east (N1°54'E), along the center line of Lot One hundred five (105) and Lot Six (6), a distance of three hundred forty-six and five-tenths (346.5) feet to a point in the center of said Lot Six (6); thence south eighty-eight degrees twenty-three minutes east (S88°23'E) a distance of three hundred three and twenty-five hundredths (303.25) feet to a point at the center of the west line of Lot Seven (7); thence north one degree thirty-seven minutes east (N1°37'E), along the west line of Lots Seven (7) and Eight (8), a distance of four hundred ninety-five (495.0) feet to a point at the northwest corner of said Lot Eight (8); thence south eighty-eight degrees twenty-three minutes east (S88°23'E), along the north line of Lots Eight (8), Nineteen (19), and Twenty-one (21), a distance of one thousand seven hundred ninety (1790.0) feet to a point at the northeast corner of said Lot Twenty-one (21); thence south three degrees eighteen minutes east (S3°18'E), along the east Lot Twenty-one (21), a distance of seven hundred forty-nine and eleven hundredths (749.11) feet to a point on the north line of said Section Eight (8); thence north eighty-five degrees fifty-three minutes east (N85°53'E) along the north line of said Section Eight (8), a distance of one thousand six hundred nine and six-tenths (1609.6) feet to a point at the northeast corner of said Section Eight (8); thence northerly, in a straight line through Sections Two (2) and One (1), Township Two (2) North, Range Twenty-eight (28) East, to a point at the northwest corner of Section Six (6), Township Two (2) North, Range Twenty-nine (29) East; thence northerly, along the range line between Ranges Twenty-eight (28) and Twenty-nine (29) East, Township Three (3) North, to a point at the northeast corner of Citrona Lot Twenty-eight (28), according to the official plat of the City of Fernandina Beach (formerly named Fernandina) as lithographed and issued by the Florida Railroad Company in 1857 and enlarged, revised, and reissued by the Florida Town

Improvement Company in 1887 and 1901; thence north eighty-two degrees twenty-eight minutes west (N82°28'W), along the prolongation of the southerly right-of-way line of Lime Street (60'R/W), to the low water mark of Amelia River; thence northerly, along the low water mark of Amelia River, to a point at the mouth of Egan's Creek; thence easterly, along the southerly boundary of Egan's Creek to the point of beginning.

(b) *Additions to City Boundaries.* Pursuant to Florida law, the City is permitted to annex additional properties in accordance with procedures established by state and local laws. The current boundary records are kept in the City Clerk's Office and are available for view upon request.

#### **Section 7. Powers of City generally.**

- (a) The City of Fernandina Beach has full power and authority to:
- (1) Acquire, take, hold, control and dispose of property, real, personal and mixed, both within and without its corporate limits, for the use, benefit, welfare and best interest of the municipality, by acquisition, condemnation or otherwise;
  - (2) Issue and sell bonds upon its property both within and without its corporate limits, or the earnings thereof, or both;
  - (3) Adopt and enforce local police, sanitary and other similar regulations not in conflict with the laws of the state;
  - (4) Do whatever is necessary and proper for the safety, health, convenience and general welfare of its inhabitants;
  - (5) Own and operate all utilities, both within its boundaries, and outside its boundaries, in order to serve the public health, safety and welfare; and
  - (6) Exercise all other powers of local self-government.
- (b) The enumeration of particular powers by this Charter are not exclusive, but are some of the municipal home rule powers provided for by the Florida State Constitution and Laws of Florida, and there are other governmental, corporate and proprietary powers not enumerated in this Charter which may be exercised by the City to conduct municipal government, perform municipal functions and render municipal services (as set forth in Section 166.021, Fla. Stats.).

#### **Section 8. Commission-manager plan (form) of government.**

The form of government of the City of Fernandina Beach provided for under this Act is known as the "Commission-Manager Plan," and the Commission consists of five (5) citizens, who are elected at large in the manner provided in this Charter. The Commission constitutes the governing body with powers to pass ordinances, adopt resolutions and appoint a chief administrative officer to be known as the "City Manager," and to exercise all other powers provided in this Charter and under Florida law.

#### **Section 9. Created; election by seats, number; term.**

The City Commission prescribes the conduct, method, dates and manner of holding elections by ordinance. In matters on which the conduct of municipal elections can vary from the conduct of state elections, the City Commission may, by ordinance, adopt rules specific to municipal elections. All City elections are non-partisan.

- (a) There is hereby created a City Commission of the City of Fernandina Beach to consist of five (5) seats, elected at large by the qualified voters of the City of Fernandina Beach. The designation of seats is not used or construed to divide the City into Commission districts for purposes of qualification, election, or representation.
- (b) Members serve for a term of four (4) years or until their successors have been elected and take office. Seats 1, 2, and 3 were elected in 2020. Seats 4 and 5 were elected in 2018. Thereafter, all seats are elected every four (4) years for a term of four (4) years.
- (c) If there are no more than two (2) qualified candidates seeking the same seat, then the election for that seat will be held at the general election in conjunction with county, state, and federal elections. If there are more than two (2) qualified candidates seeking the same seat, then an initial election for that seat will be held at the primary election in conjunction with county, state and federal elections (the "Initial Election"). The two (2) candidates at the Initial Election who receive the highest number of votes for a seat will advance with the election for that seat to be held at the general election in conjunction with county, state, and federal elections. For each seat, the candidate receiving the majority vote in the general election is elected for that seat. No candidates can qualify for more than one (1) seat in any initial election or general election in any election year.
- (d) City initial and general elections are held every two (2) years in even numbered years and in conjunction with county, state and federal elections. The City Commission has the authority to call for special elections at any time on dates other than the City initial and general elections.

**Section 10. Powers generally; dealing with administrative service through Charter Officers required; penalties for violations.**

- (a) The Mayor and Commissioners must not, in any manner, dictate the appointment or removal of any City officers or employees whom a Charter Officer or any of the Charter Officer's subordinates are empowered to appoint, evaluate and supervise. City Commissioners must each complete an annual performance evaluation for each Charter Officer.
- (b) The Mayor and Commissioners deal with administrative service through the respective Charter Officer. The Mayor and Commissioners must not directly interfere with or direct the conduct of any employee in the discharge of prescribed duties. However, with the express permission of the respective Charter Officer, the Mayor and Commissioners may communicate directly with an employee.
- (c) Any violation of the provisions of this section by any member of the City Commission is, upon first offense, grounds for recognition and discussion by the Commission of the violation, any second offense -within a Commissioner's term is grounds for sanction by the City Commission, and a third offense within the same Commissioner's term is grounds for forfeiture of the Commission seat by the offending Commissioner. Prior to forfeiture of a Commission

seat, any Commissioner accused of violating this Section is entitled to a public hearing conducted in accordance with the City's rules of procedure for quasi-judicial hearings as adopted by ordinance.

(d) Investigations or inquiries are conducted pursuant to Section 136 of this Charter.

**Section 10A. Referendum required for sale of City-owned recreational facilities and no sale of conservation land.**

- (a) A referendum election is required prior to the sale or lease for a period of more than 40 years of "recreational facilities" such as golf courses, swimming pools, and parks.
- (b) For a referendum election under this Section 10A, the City Commission must first adopt an ordinance by unanimous vote of the Commission to put a sale or lease of recreational facilities on a ballot for the voters, and the referendum must then pass by 70% of the voters in that referendum election.
- (c) "Conservation lands", including City-owned lands protected by conservation easements, must not be leased or sold by the City and are held by the City for the benefit of the public in perpetuity.
- (d) "Recreational facilities" and "conservation lands" are each defined in the City's Comprehensive Plan and generally mean lands or places with a Recreation or Conservation designation, respectively, on the City's Future Land Use Map of the City's Comprehensive Plan. Conservation lands may also include lands owned or leased by the City and protected by conservation easements.

**Section 10B. Reserved.**

**Section 11. Qualifications of members; holding of more than one office not permitted; interest in profits of City contracts prohibited; filling vacancies.**

- (a) The Commission is the judge of the election and qualification of its own members, subject to review by the courts. Members of the City Commission must be residents of the City and have the qualifications of electors. Officers and employees of the City may not hold more than one office in the City government of the City of Fernandina Beach, and must not be interested in the profits or emoluments of any contract work or service for the municipality, and any such contract in which any member is, or may become, interested must be declared void by the City Commission. City Commissioners are "public officers" under Ch. 112, Florida Statutes (Code of Ethics for Public Officers and Employees) and must abide by all of the ethical standards set forth in these statutes.
- (b) Any member of the City Commission ceasing to possess the foregoing qualifications, including violations of Ch. 112, Florida Statutes (state Code of Ethics), or who has been convicted of a felony is automatically suspended from office until the City Commission conducts a public hearing and issues a ruling regarding forfeiture of the Commissioner's seat. The public hearing must be conducted within ten (10) calendar days of a verified, written complaint or request for hearing submitted to the City Attorney. In addition, any member of the City Commission who misses three (3) regular meetings in a calendar year is automatically suspended from office until the City Commission conducts a hearing as set forth herein and issues a ruling regarding forfeiture of the Commissioner's seat. A hearing conducted pursuant to this Section must be conducted in accordance with the City's rules of procedure for quasi-judicial hearings, as adopted by resolution or ordinance.
- (c) Any vacancy in the City Commission must be filled until the next regular municipal election by vote of the remaining members of the City Commission; provided, that if such vacancy is not filled

within thirty (30) days after it has occurred, appointment to fill the existing vacancy will be made by the Governor. Vacancies resulting from a recall election shall be filled as required by state law.

**Section 12. Salary of members.**

The Mayor and City Commissioners receive a salary as established by appropriate City ordinance.

**Section 13. Limitation on successive terms in office.**

The City Commissioners are limited to two (2) successive terms in office. No person is qualified for election or appointment to a vacancy upon the City Commission of the City of Fernandina Beach, Florida, unless at least three (3) years have elapsed since such person last held such office, if at that time such person completed two (2) successive and full terms.

**Section 14. Reserved.**

**Section 15. Reserved.**

**Section 16. Mayor – When elected; procedure; term.**

- (a) The Mayor of the City will be elected by the voters by placement on the ballot as authorized in subsection (b) below and by receiving the highest number of votes for Mayor with such election to be held in conjunction with the regular general election held for the purpose of electing City Commissioners.
- (b) Candidates for the mayoral election must consist of incumbent Commissioners who are not subject to reelection to the City Commission at that same election. Any eligible candidate wishing to be considered for the position of Mayor must request in writing, no later than the City Commission's deadline for qualifying for running for City Commission in the City general election, to be placed on the ballot.
- (c) The mayoral candidate on the ballot with the second highest number of votes in the mayoral election must be appointed to the Vice-Mayor position.
- (d) On the occasion that only one incumbent City Commissioner should choose to be on the mayoral ballot, there is no need for the mayoral election, and the one mayoral candidate must be appointed to the position of Mayor at the City Commission's annual organizational meeting. The City Commission may choose any City Commissioner not appointed as the Mayor to be the Vice-Mayor, including newly-elected Commissioners. If no incumbent City Commissioner chooses to be on the mayoral ballot, the City Commission must vote to appoint one of the Commissioners to serve as Mayor and one Commissioner to serve as Vice-Mayor, and newly-elected Commissioners may be considered.
- (e) The Mayor and Vice-Mayor each serve a term of two (2) years to coincide with the municipal general election.
- (f) The existing Mayor and Vice-Mayor will serve until the organizational meeting following the next regular general election held by the City.

**Section 17. Functions and powers of the Mayor.**

The powers and duties of the Mayor are set forth in this Charter.

- (a) The Mayor has a voice and a vote in the proceedings of the Commission but no veto power;
- (b) The Mayor does not exercise any administrative power, unless specifically set forth in this Charter;
- (c) The Mayor presides at all meetings of the Commission and performs such other duties consistent with the office, including but not limited to ensuring that every Commissioner completes an annual performance evaluation for each Charter Officer. The Mayor may use the

title of Mayor in the execution of legal instruments or when required by the general or special laws of the state; and

- (d) The Mayor is the official head of the City for the purpose of serving civil processes and for all ceremonial purposes.

**Section 18. Reserved.**

**Section 19. Reserved.**

**Section 20. Reserved.**

**Section 21. Adoption and enactment of municipal ordinances and resolutions; quorum for City Commission.**

- (a) The adoption of ordinances and resolutions must be in compliance with Section 166.041, Florida Statutes, or such other section in Florida Statutes pertaining to the adoption of municipal ordinances or resolutions, as the same may be amended from time to time.
- (b) A majority of the members of the City Commission constitutes a quorum, except as otherwise required by this Charter. An affirmative vote of at least three City Commissioners is necessary to enact any ordinance or resolution; except that a supermajority of the City Commission is required to enact an emergency ordinance. In case of a serious medical condition, as provided by Florida law, a Commissioner may be permitted to vote in real time by communication media technology instead of being physically present. On final passage, the vote of each member of the City Commission voting must be entered on the official record of the meeting. All ordinances or resolutions passed by the City Commission become effective ten (10) days after passage or as otherwise provided therein.
- (c) Every ordinance or resolution shall, upon its final passage, be recorded in a book kept for that purpose and must be signed by the presiding officer and the City Clerk.

**Section 22. Boards**

The City Commission may at any time appoint an advisory board or committee, on a standing or ad hoc basis, composed of residents of the City of Fernandina Beach qualified to act in an advisory capacity to the City Commission or the City Manager, with respect to the conduct and management of any property or institutions or the exercises of any public functions of the City. The members of any such board or committee serve without compensation for the time fixed in their appointment or at the pleasure of the Commission, and their duties are to consult and advise with municipal officers and make written recommendations, which then become part of the records of the City.

**Section 23. Reserved.**

**Section 24. Reserved.**

**Section 25. City Manager appointment; tenure; tenure of office; qualifications.**

The City Commission must appoint a City Manager who is the administrative head of the municipal government under the direction and supervision of the City Commission and holds office at the pleasure of the City Commission. The City Manager must be chosen solely on the basis of executive and administrative qualifications without regard to political belief, and need not be a resident of the City or state at the time of appointment; however, not later than 90 days after executing the Oath of Office, the City Manager must become a resident of the City. The City Manager must have prior management experience, and the Commission must consider more than one (1) qualified candidate for City Manager. The City Manager must be a member in good standing of a professional organization such as the International City/County Management Association prior to appointment or within six (6) months after appointment. The City Commission will establish an appropriate contract for the City Manager, which

contains the employment conditions, compensation, benefits and such other terms as may be appropriate. The City Manager may also be deemed to be a regular employee of the City, and the employment conditions, compensation, benefits and other terms may be set by the City Commission through ordinance, resolution or policy.

**Section 26. Reserved.**

**Section 27. Reserved.**

**Section 28. Reserved.**

**Section 29. Powers and duties enumerated.**

The City Manager is responsible to the City Commission for the proper administration of all affairs of the City, and to that end has the following powers and duties:

- (a) To see that the laws and ordinances are enforced;
- (b) Except as hereinafter specifically provided, to appoint and remove all subordinate officers and employees of the City; all appointments to be made upon merit and fitness alone;
- (c) To exercise control and direct supervision over all departments and divisions of the municipal government under this Charter, or which may hereafter be created by the City Commission, including setting the compensation for officers and employees;
- (d) To see that all terms and conditions imposed in favor of the City or its inhabitants in any contract are faithfully kept and performed; and upon knowledge of any violation thereof, to call the same to the attention of the City Attorney, whose duty it is hereby made to take such legal steps as may be necessary to enforce the same;
- (e) To attend all meetings of the City Commission, and of its committees, with right to take part in the discussions, but without having a vote;
- (f) To recommend to the Commission for adoption such measures as deemed necessary or expedient in the interests of the City;
- (g) To keep the City Commission fully advised as to the financial condition and needs of the City and to submit for its consideration an annual budget and five-year capital improvement plan;
- (h) To be responsible for the procurement, sale of surplus, management, payment, and contract compliance for all supplies, services, and construction contracts, including any Federal, State, or other grant funded activity, at the direction of the City Commission and in accordance with all applicable City, State, or Federal laws and regulations; and
- (i) To designate a City Manager pro tem to be approved by the City Commission to serve in case of absence or disability of the City Manager.

**Section 30. Salaries and compensation.**

The City Manager fixes the number and compensation of all other officers and employees. The salaries or compensation must be uniform for like services in each grade of the City service, as the same will be graded or classified by the City Manager, and approved by the City Commission. All salaries and rates of pay, with dates of employment and discharge, must be immediately reported to the City Clerk. All fees and money received or collected by officers and employees must be immediately paid over to the City Comptroller on the date of their receipt.

**Section 31. City Attorney tenure of office; qualifications; appointment and duties; attorney pro tem.**

(a) The City Commission must appoint a City Attorney, who acts as the legal advisor to and attorney and counselor for the municipality and all of its officers in matters relating to their official duties. The City Attorney serves under the direction and supervision of the City Commission and holds office at the pleasure of the City Commission. The City Attorney must be chosen on the basis of legal and administrative qualifications. The City Commission must establish an appropriate contract for the City Attorney, which contains the employment conditions, compensation, benefits and such other terms as



may be appropriate. During the absence or disability of the City Attorney, the City Commission must designate a properly qualified person to temporarily execute the functions of the office. The City Attorney must be a lawyer admitted to and having authority to practice in all courts of the state, including circuit and district appellate courts of Florida. The City Attorney must also be admitted to practice in the federal Middle District of Florida court and the 11<sup>th</sup> Circuit Appeals court or be admitted within six months of taking the Oath of Office. It is preferred that the City Attorney be board certified in City, County and Local Government Law by the Florida Bar Association.

(b) The City Commission must establish an appropriate contract for the City Attorney, which contains the employment conditions, compensation, benefits and such other terms as may be appropriate. During the absence or disability of the City Attorney, the City Commission must designate a properly qualified person to temporarily execute the functions of the office.

(c) Powers and duties enumerated. The City Attorney is responsible to the City Commission for the proper administration of all affairs of the City assigned to the office of the City Attorney and to that end, the City Attorney's duties and powers are the following:

- 1) Prepare all contracts, bonds and other instruments in writing in which the municipality is concerned, and endorses on each the City Attorney's approval;
- 2) Take such action required to avoid default judgment against the City in any litigation and must obtain authorization by resolution to prosecute and defend all causes of action, lawsuits and claims in which the City is a party. The City Attorney must review with the City Commission at the next regular meeting when any action to avoid default has been taken by the City Attorney;
- 3) Provide opinions of law relating to the activities of the City, the City Commission, the City Manager and City Clerk, upon request; and the direct employees of the City Attorney in the office of the City Attorney report to the City Attorney. The City Attorney has the authority to hire, direct, promote and terminate the employees in the City Attorney's Office, notwithstanding Section 29(b) herein; and
- 4) For the purpose of serving during the absence or disability of the City Attorney, the City Attorney must propose a list of qualified attorneys for approval by the City Commission from which the City Commission may choose a City Attorney pro tem.

**Section 32. Reserved.**

**Section 33. Reserved.**

**Section 34. Reserved.**

**Section 35. Reserved.**

**Section 36. Reserved.**

**Section 37. Reserved.**

**Section 38. Reserved.**

**Section 39. Reserved.**

**Section 40. Reserved.**

**Section 41. Police department – Composition; authority of chief.**

The police department of the City of Fernandina Beach consists of a chief of police and as many subordinate officers, and employees as the City Commission determines by ordinance. The chief of police has exclusive control of the stationing and transfer of all officers and employees constituting the police department, subject to the approval of the City Manager and under such rules and regulations as the City Commission may prescribe or as may be prescribed by the ordinances of the City. In case of riot, conflagration or like emergency, the City Manager may appoint additional police personnel for temporary service. A referendum election is required prior to the City dissolving the police department of the City or contracting out law enforcement services to another agency.

**Section 42. Reserved.**

**Section 43. Reserved.**

**Section 44. Fire department; composition; authority of chief.**

The fire department of the City consists of a chief and as many subordinate officers, firefighter/rescue personnel and employees as the City Commission, by ordinance, determines. The fire chief has exclusive control of the stationing and transfer of all firefighter/rescue personnel and other officers and employees of the fire department subject to such rules and regulations as may be prescribed by the City Manager or by ordinance of the City; the fire chief has exclusive management and control of such officers and employees as may be employed in the administration of the affairs of the force. In case of riot, conflagration or like emergency, the City Manager may appoint additional firefighter/rescue personnel for temporary service. A referendum election is required prior to the City dissolving the fire department of the City or contracting out fire/rescue services to another agency.

**Section 45. Reserved.**

**Section 46. Reserved.**

**Section 47. City Clerk appointment and qualifications; powers and duties enumerated; and City Clerk pro tem.**

(a) The City Commission must appoint a City Clerk, who serves under the direction and supervision of the City Commission and holds office at the pleasure of the City Commission. The City Clerk must be chosen on the basis of administrative qualifications. The City Clerk must be a member in good standing of a professional organization such as the Florida Association of City Clerks. The City Commission must establish an appropriate contract for the City Clerk, which contains the employment conditions, compensation, benefits and such other terms as may be appropriate.

(b) The City Clerk is responsible to the City Commission for proper administration of all affairs of the City assigned to the office of the City Clerk and to that end, the City Clerk's duties and powers are the following:

- 1) Attend all meetings of the City Commission and keep a journal of its proceedings, the correctness of which proceedings as entered in such journal must be certified to after each meeting by the signature of the City Clerk and by the signature of the presiding officer of the City Commission. Additionally, a journal must be maintained of the proceedings of all boards and committees required by the City Commission;
- 2) Is the custodian of the seal of the City;
- 3) Conduct municipal elections exercising authority not reserved to county constitutional officers; however all such authority and responsibility to conduct municipal elections, either special or general municipal elections, may be contracted out to the Nassau County Supervisor of Elections, as determined by the City Commission from time to time;
- 4) Countersign all checks and review outgoing checks to determine compliance with the City's established Purchasing Policy and Procedures;

- 5) Serve as legal custodian of all City records including but not limited to, all contracts, deeds, abstracts, title insurance policies and other official documents;
- 6) Authenticate all ordinances, resolutions and transcripts of legislative functions;
- 7) Publish all public notices required by the City Commission or by law;
- 8) Prepare all awards, proclamations, certificates and other formal Documentation by the City Commission;
- 9) Notify the City Commission of all vacancies on boards or committees established by the City Commission;
- 10) File all liens, satisfactions and releases as authorized by the Mayor or City Manager;
- 11) Serve as notary public on behalf of the City and attest all City documents as required;
- 12) The direct employees of the City Clerk in the office of the City Clerk report to the City Clerk. The City Clerk has the authority to hire, direct, promote and terminate the employees in the City Clerk's office, notwithstanding Section 29(b) herein;
- 13) Maintain City records of annexations and the official City boundaries, as they may be amended from time to time; and
- 14) For the purpose of serving during the absence or disability of the City Clerk, a City Clerk pro tem must be proposed for approval by the City Commission.

**Section 48. Reserved.**

**Section 49. Reserved.**

**Section 50. Reserved.**

**Section 51. Reserved.**

**Section 52. Reserved.**

**Section 53. Reserved.**

**Section 54. Reserved.**

**Section 55. Reserved.**

**Section 56. Reserved.**

**Section 57. Reserved.**

**Section 58. Department of Finance established.**

There is established a department of Finance, which is headed by a City Comptroller, under the supervision of the City Manager. The City Comptroller must be a Certified Public Accountant (CPA) or have the same training and qualifications as a CPA. The Comptroller must be a member in good standing of the Florida Government Finance Officers Association within six (6) months of starting employment with the City. The City Comptroller is the custodian of all funds of the City and keeps, preserves, reconciles, records, invests and deposits all funds of whatever kind in a legally authorized manner in accordance with the guidelines of the Governmental Accounting Standards Board, as established by the State of Florida and any established policies and procedures of the City.

**Section 59. Liability Insurance.**

The City Comptroller must have professional liability to protect the City.

**Section 60. Collection of interest on investments or deposits.**

All money due as interest upon investments or deposits is collected by the City Comptroller and placed to the credit of the City, and any and all bonds and securities taken for investments and deposits are held by the City Comptroller for safe keeping for the benefit of the City. The Comptroller must propose sound, written investment policies which are approved by the City Commission.

**Section 61. Reserved.**

**Section 62. Payment of money; procedure.**

The City Comptroller issues checks to be paid from City funds only in accordance with established procedures, which procedures must be reviewed and approved by the City Manager and City Commission. The checks of the City may carry electronic signatures. In a declared emergency, the persons authorized to sign on behalf of the City must be established by resolution.

**Section 63. Reserved.**

**Section 64. Financial Report; submission to Commission monthly.**

At a regular City Commission meeting, the City Comptroller will submit monthly to the City Commission through the City Manager, a detailed report of the financial status of the City funds. The City Comptroller, or designee, will also attend the meeting to provide the necessary interpretation of the submitted financial data or to respond to the financial questions generated by the Commission. In addition, the City Comptroller must schedule an annual financial audit of accounts and records by an independent certified public accountant in accordance with state law.

**Section 65. Reserved.**

**Section 66. Reserved.**

**Section 67. Reserved.**

**Section 68. Reserved.**

**Section 69. Reserved.**

**Section 70. Reserved.**

**Section 71. Annual estimate of expenditures and revenues for forthcoming year; submission to City Commission by City Manager.**

- a) In accordance with Section 29(g), the City Manager sets forth an estimate of the expenditures and revenues of the City for the upcoming fiscal year. The estimate of expenditures and revenues must be submitted in compliance with the procedures set forth in the laws of Florida.
- b) The estimates, budget and 5-year capital improvement plan constituting the recommendation of the City Manager as to the amounts necessary to be appropriated for the ensuing fiscal year must be supported with information giving the reasons therefore in such detail as may be necessary to afford the City Commission a comprehensive understanding of the needs and requirements of the various departments and divisions of the City government for the ensuing fiscal year.

**Section 72. Reserved.**

**Section 73. Reserved.**

**Section 74. Transfer of funds.**

Upon request of the City Manager, the City Commission may authorize a budget amendment or budget transfer by resolution. The City Manager is authorized to transfer funds within the same department or division in such maximum amounts as established by ordinance or resolution from time to time; provided, however, this authorization does not extend to any funds received for or maintained in the Fernandina Beach Land Conservation Trust Fund.

**Section 75. Limitation on appropriations.**

At the close of each fiscal year the unencumbered balance of each appropriation reverts to the respective fund from which it was appropriated and is subject to future appropriation. Any accruing revenue of the City not appropriated and any balance at any time remaining after the purpose of the appropriation has been satisfied or abandoned may from time to time be appropriated by the City Commission to such use as will not conflict with any uses for which specifically such revenues accrued. No money may be drawn from the treasury of the City, nor any obligation for the expenditure of the money be incurred, except pursuant to the appropriation made by the City Commission. No funds received for or maintained in the Fernandina Beach Land Conservation Trust Fund may be appropriated for or applied to any expenditure for any purpose other than those set forth in the Fernandina Beach Land Conservation Program.

**Section 76. Reserved.**

**Section 77. Reserved.**

**Section 78. Reserved.**

**Section 79. Fees.**

- (a) Pursuant to the laws of the State of Florida, the City may levy reasonable business, professional, and occupational regulatory fees commensurate with the cost of the regulatory activity, including consumer protection, on such classes of businesses, professions, and occupations, the regulation of which has not been preempted by the state or a county pursuant to a county charter.
- (b) Pursuant to and in compliance with the laws of the State of Florida, the City may impose, by taxation and licenses or by user charges or fees authorized by ordinance, amounts of money which are necessary for the conduct of municipal government and may enforce their receipt and collection in the manner prescribed by law.

**Section 80. Reserved.**

**Section 81. Comptroller Certification of funds for contracts, obligations, etc.**

The Comptroller must certify to the City and the City Commission that money to be expended for an obligation, such as a contract, is contained in the City account from which it is to be drawn and not appropriated for any other purpose prior to any action being taken by the City Commission or any City employee that commits the City to incur the obligation.

**Section 82-107. Reserved.**

**Section 107A. Reserved.**

**Section 108-119. Reserved.**

**Section 120. Reserved.**

**Section 121. Oath of office.**

Every officer and employee of the City must, before entering upon the duties of employment or office, take and subscribe to an oath or affirmation to be filed and kept in the office of the City Clerk, which must be in compliance with state law and at a minimum be in the following form:

“I, \_\_\_\_\_, a citizen of the State of Florida and of the United States of America, and being employed by or an officer of the City of Fernandina Beach and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Constitutions of the United States and of the State of Florida, and I will in all respects observe and implement the laws of the State of Florida and the laws, and policies of the City of Fernandina Beach, including without limitation, the City’s Comprehensive Plan and the standards of conduct prescribed by the Florida Code of Ethics for Public Officers and Employees. I further promise to fairly and honestly use my position to support the best interests of the citizens of Fernandina Beach.”

**Section 122. Reserved.**

**Section 123. Reserved.**

**Section 123A. Reserved.**

**Section 124. Reserved.**

**Section 125. Reserved.**

**Section 125A-135. Reserved.**

**Section 136. Administrative investigations.**

- (a) The City Commission may by majority vote authorize investigations by resolution. The City Commission, Charter Officers and members of City Commission appointed boards, have the power at any time to cause the affairs of any department or the conduct of any officer or employee to be investigated. For such purpose each has the power to compel the attendance of witnesses and the production of books, papers, and other evidence; and may issue subpoenas or attachments which must be signed by the Mayor or the City Manager and must be served by any officer authorized by law to serve such process.
- (b) The authority making such investigation has the power to cause the testimony to be given under oath, such oath to be administered by some officer having authority under the law of the state to administer oaths. The authority has the power to punish as for contempt any person refusing to testify to any fact within their knowledge, or produce any book or papers under their control relating to the matter under investigation.
- (c) Nothing in this section should be construed to limit the Charter Officers' ability to inquire into matters under their respective areas of responsibility.

**Section 137. Dedication of streets.**

No street or alley hereinafter dedicated to public use by the owner of any land within the City will be deemed a public street or alley, under the care or control of the City, unless the dedication be accepted and confirmed by ordinance or resolution passed for such purpose.

**Section 138-140. Reserved.**

## **Section 141. Initiatives.**

(a) *Power to propose initiatives.* The registered voters of the City have the power to propose ordinances (which can include amending existing ordinances) to the City Commission provided that such power does not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of City officers or employees. If the City Commission fails to adopt the proposed ordinance without any change in substance, the voters have the power to adopt or reject it at a City election.

(b) *Commencement of proceedings.* Any five (5) registered voters may commence an initiative proceeding by filing an affidavit with the City Clerk stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance to be voted upon. Promptly after the affidavit of the petitioners' committee is filed, the City Clerk will, at the committee's request and expense, issue the appropriate petition blanks to the petitioners' committee.

(c) *Petitions.*

(1) *Number of signatures.* Initiative petitions must be signed by registered voters of the City equal in number to at least ten (10) percent of the total number of qualified voters registered to vote in the last regular City election.

(2) *Form and content.* All papers of a petition must be uniform in size and style and assembled as one instrument for filing. Each signature must be executed by hand in ink or indelible pencil and shall be followed by the address of the person signing. Petitions must contain or have attached thereto throughout their circulation, the full text of the ordinance being proposed.

(3) *Affidavit of circulator.* When filed, each paper of a petition must have attached to it an affidavit executed by its circulator stating that the circulator personally circulated the paper, giving the number of signatures thereon, and stating that all the signatures were affixed in the circulator's presence, that the circulator believes them to be genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance being proposed.

(d) *Procedure after filing.*

(1) *Certificate of City Clerk; amendment.* Within twenty (20) days after the petition is filed, the City Clerk will complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and promptly send a copy of the certificate to the petitioners' committee by registered mail. The only grounds for insufficiency are failure to comply with subsection (c) of this section. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the City Clerk within two (2) days after receiving the copy of the City Clerk's certificate and files a supplementary petition with additional signatures within ten (10) days after receiving the copy of such certificate. The supplementary petition must comply with the requirements of paragraphs (2) and (3) of subsection (c) above and within five (5) days after it is filed, the City Clerk will complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request City Commission review under paragraph (2) below within the time required, the City Clerk will promptly present their certificate to the City Commission and the certificate will then be a final determination as to the sufficiency of the petition. The City Clerk will be paid by the petitioners' committee any amount charged by the Nassau County Supervisor of Elections for verification of the names on the petition.

(2) *Commission review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it, or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the City Commission. The City Commission will review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the City Commission's determination is then the final determination as to the sufficiency of the petition.

(3) *Court review; new petition.* A final determination as to the sufficiency of a petition will be subject to court review. A final determination of insufficiency, even if sustained upon court review, does not prejudice the filing of a new petition for the same purpose.

(e) *Action on petitions.*

1) *Action by Commission.* When an initiative petition has been finally determined sufficient, the City Commission will promptly consider the proposed initiative ordinance. If the City Commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days after the date the petition was determined sufficient, the Commission will submit the proposed ordinance to the voters of the City.

2) *Submission to voters.* The vote by the electorate of a proposed ordinance will be held at the next regular general City election, but not less than ninety (90) days from the date that the petition was determined sufficient. The City Commission in its discretion may provide for a special election at an earlier date than the next regular general election provided that the date of the special election is at least ninety (90) days after the date that the petition was determined sufficient. Copies of the proposed ordinance will be made available at the polls.

3) *Withdrawal of petitions.* An initiative petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the City by filing with the City Clerk a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request, the petition has no further force or effect and all proceedings thereon are terminated.

(f) *Results of election.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, the ordinance is considered adopted upon certification of the election results and will be treated in all respects in the same manner as ordinances of the same kind adopted by the City Commission; provided, however, that the same shall not be amended or repealed except by a vote of a supermajority of the Commission. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

#### **Section 142. Charter amendment and review.**

(a) This Charter may be amended by either (1) ordinance proposed and adopted by the City Commission or (2) petition proposed and signed by at least 10 percent of the total number of qualified voters registered to vote in the last regular City election; in each case, in accordance with Florida Statute 166.031.

(b) Beginning in 2027, and at least once every eight (8) years thereafter, the City Commission must appoint a Charter Review Committee, of not less than seven (7) members from the City electors to review the City Charter and propose to the City Commission any amendments or revisions, which may be advisable for placement on the election ballot. The City Attorney is responsible for supporting such committee with staff and legal advice.

#### **Section 143. Savings clause.**

If any section or part of a section of this Charter proves to be invalid or unconstitutional, the same does not invalidate or impair the validity, force, or effect of any other section or part of a section of this



Charter, unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held to be unconstitutional or invalid.

**Section 144. When this Charter becomes effective.**

The foregoing sections of this Charter shall take effect upon their ratification by a majority vote of the qualified electors of the City of Fernandina Beach voting at a special or general election to be held in the City of Fernandina Beach.