

Complete Charter document changes as of 4-19-14

**HOLMES BEACH, FLORIDA**

**PART 1**

**CHARTER\***

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## ARTICLE 1. CREATION AND POWERS

### Sec. 1.01. Creation and powers.

The City of Holmes Beach, Manatee County, Florida, as heretofore created shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law.

(Ord. No. 82-1, § 1(A), 1-19-82/3-9-82)

### Sec. 1.02. Construction.

The powers of the city shall be construed liberally in favor of the city, limited only by the constitution, general law and specific limitations contained herein. Future special acts pertaining to the jurisdiction and exercise of powers by this city shall be considered amendments to this Charter and, pursuant to the provisions adopted for the incorporation of other Charter amendments, shall be incorporated as official amendments to the Charter.

### Sec. 1.03. Prescribed limitations.

The government of the city of Holmes Beach in the performance of all municipal functions, in the rendering of all municipal services, and in the establishment of municipal ordinances, shall adhere to the following limitations:

- (a) Building height limitations and exceptions thereto:
  - 1. Aside from approved exemptions, no building or part thereof shall exceed a height of 36 feet as measured from the crown of the road at the front center of the property to the highest point of any portion of the building.
  - 2. The following features are exempt from the height limitations set forth in this section provided they conform to the requirements set forth in subsection 2.b:
    - a. *Exempt Features.*
      - (1) Chimneys, house of worship spires and elevator shafts,
      - (2) Flagpoles and similar devices,
      - (3) Heating and air conditioning, solar collectors, and similar equipment with appropriate screening.
    - b. *Requirements for exemption.*
      - (1) Not more than one-third of the total roof area may be consumed by such features.
      - (2) The features described in subsection 2.a., above, must be set back from the edge of the roof a minimum distance of one foot for every foot by which such features extend above the roof surface of the principal building to which they are attached.

(b) Establishment of Zoning District Designations, Purpose and Intent, and restrictions thereto:

1. The following Zoning District designations are established in the City:

| Zoning District Designation      | Purpose and Intent  |
|----------------------------------|---|
| R-1AA, Single Family Residential | This zoning district is intended to protect and enhance the residential character of the Key Royale area. It provides for residential use in the form of single-family detached homes together with essential services and accessory and related uses as may be necessary or normally compatible with a single-family residential neighborhood.   |
| R-1, Single Family Residential   | This zoning district is intended to protect and enhance the residential character of single-family areas located throughout the city. It provides for residential use in the form of single-family detached homes together with essential services and accessory and related uses as may be necessary or normally compatible with a single-family residential neighborhood.   |
| R-2, Two Family Residential      | This zoning district is intended to provide locations for residential use in the form of a mix of single-family and two-family residential dwellings, and to protect and enhance the character of such residential areas located throughout the city. In addition, this district provides for essential services and accessory and related uses as may be necessary or normally compatible with such residential neighborhoods. |
| R-3, Medium Density Residential  | This zoning district is intended to provide locations for a mix of single-family, two-family, and multifamily residential dwellings, and resort housing, and to protect and enhance the character of such residential areas located in the city. In addition, this district provides for essential services and accessory and related uses as may be necessary or normally compatible with such residential neighborhoods.      |
| R-4, Medium Density Residential  | This zoning district is intended to provide locations for a mix of single-family, two-family, and multifamily residential dwellings, and resort housing, and to protect and enhance the character of such residential areas located in the city. In addition, this district provides for essential services and accessory and related uses as may be necessary or normally compatible with such residential neighborhoods.      |

| Zoning District Designation                   | Purpose and Intent  |
|---|---|
| A-1, Multifamily Residential/Seasonal Tourist | This zoning district is intended to recognize that the City of Holmes Beach is, to a limited degree, a resort community and to provide suitable locations adjacent to the Gulf of Mexico for intense multifamily residential/seasonal occupancy and short-term/transient occupancy by tourists. In addition, this district provides for limited ancillary commercial uses, essential services, and accessory and related uses as may be necessary or normally compatible with such occupancies.   |
| PUD, Residential Planned Unit Development     | A parcel to be planned and developed as a single entity containing one or more residential dwelling units. Appropriate recreational, public and semipublic uses may be included if such uses are primarily for the benefit of the residential development. The PUD district is established to encourage innovative creative designs; to insure ample provision and efficient use of open space; to promote balanced developments of mixed housing types; to promote high standards in the layouts, design and construction; to reflect a harmonious development of the site, and the surrounding areas and community facilities; and to provide for safe and efficient internal and external traffic circulation. |
| C-1, Commercial District                      | This zoning district is intended for office locations for the provision of personal, professional and business services to the community's residents, businesses and visitors. In addition, this district provides for essential services, temporary uses and accessory uses as may be necessary or normally compatible with uses allowable within the district.  |
| C-2, Commercial District                      | This zoning district is intended to provide locations for professional offices, retail businesses and personal and business services serving the day-to-day needs of local residents, businesses and visitors to the community. In addition, this district provides for essential services, temporary uses and accessory uses as may be necessary or normally compatible with uses allowable within the district.   |
| C-3, Commercial District                      | This zoning district is intended as the most intensive commercial district in the city. In addition to allowing offices, retail and service businesses, it provides locations for automotive- and marine-related businesses and other commercial activities more intensive in nature than those associated [with] retail sales and the provision of personal and business services to the general public. In addition, this district provides for essential services, temporary uses and accessory uses as may be necessary or normally compatible with uses allowable within the district.   |
| POS, Private Recreation/Open-space District   | The purpose of this district is to provide for privately owned open space that is designed and/or improved for recreational use by the residents of a particular development or project.  |

| Zoning District Designation   | Purpose and Intent  |
|---|---|
| REC, Public Recreation/Open-space District  | The purpose of this district is to provide for and recognize existing open space lands designed and/or improved for recreational use by the residents of the city and citizens from surrounding areas.  |
| PRES, Preservation District   | This zoning district is intended to implement the preservation land use category, as set forth in the comprehensive plan, by preserving areas in the city that are considered vital for the maintenance and recharge of water resources; exhibit valuable topographic or subsurface features; or are of significant environmental or ecological importance (for example, coastal beach soils). Areas designated as PRES may not be developed and must be kept in their natural state.   |
| CON, Conservation District  | This zoning district is intended to implement the conservation land use category by providing for low intensive preservation, conservation and recreation uses that require the retention of an essential natural landscape with the predominant surface cover being vegetated and permeable.   |
| PSP, Public/Semi-public District  | This zoning district is intended to implement the public/semi-public land use category by recognizing identifiable areas of the community which support public, municipal and semipublic centers, community services and facilities including houses of worship and schools, both public and private.   |
| <p data-bbox="185 1024 467 1092">??? MXD, Mixed Use Overlay District ???</p> <p data-bbox="185 1192 467 1297">[may not be appropriate as it is not part of the Current Zoning Map]</p> <p data-bbox="185 1402 467 1507">Note: Stacey – need to see this “future land use map”</p> | <p data-bbox="500 1024 1367 1255">The MXD district is intended to promote redevelopment and enhance the opportunity for a more vibrant community center by providing a vehicle for development of a variety of residential uses and nonresidential uses in mixed use planned developments. These developments must contain a mix of residential and nonresidential uses. The latter category includes retail, personal and business services, offices, institutional uses, tourist related uses; and public; semi-public; or recreational uses.</p> <p data-bbox="500 1276 1367 1402">(The MXD district is an optional set of regulations that may be voluntarily employed in the development of lands located within geographic limits of the mixed use overlay area shown on the future land use map of the comprehensive plan.</p> |

1. The maximum allowable residential district densities are established as follows:

| Zoning District | Maximum Density |
|-----------------|-----------------|
|                 |                 |

| Zoning District                               | Maximum Density  |
|---|--|
| R-1AA, Single Family Residential              | No building, structure or part thereof shall be constructed, altered or used so as to result in a density in excess of 5.8 dwelling units per gross acre of land.  |
| R-1, Single Family Residential                | No building, structure or part thereof shall be constructed, altered or used so as to result in a density in excess of 5.8 dwelling units per gross acre of land.  |
| R-2, Two Family Residential                   | No building, structure or part thereof shall be constructed, altered or used so as to result in a density in excess of ten dwelling units per gross acre of land.  |
| R-3, Medium Density Residential               | No building, structure or part thereof shall be constructed, altered or used so as to result in a density in excess of ten dwelling units per gross acre of land.  |
| R-4, Medium Density Residential               | No building, structure or part thereof shall be constructed, altered or used so as to result in a density in excess of ten dwelling units per gross acre of land.  |
| A-1, Multifamily Residential/Seasonal Tourist | Maximum allowable density shall be as follows:<br>(1) Ten units per gross acre of land for residential units;<br>(2) Fourteen units per gross acre of land for seasonal tourist units (which includes time-shares, hotels, and motels) with not more than one room suitable for sleeping purposes;<br>(3) Twelve units per gross acre of land for seasonal tourist units (which includes time-shares, hotels and motels) with more than one room suitable for sleeping purposes;<br>(4) For the purposes of this section, a room suitable for sleeping purposes includes the main living area of a unit and all separate bedrooms, dens, lofts, offices or similar spaces, but excludes bathrooms, laundry rooms, and stand-alone kitchen areas. |
| PUD, Residential Planned Unit Development     | No building, structure or part thereof shall be constructed, altered or used so as to result in a density in excess of ten dwelling units per gross acre of land.  |

- Boundaries of the residential zoning districts (R-1AA, R-1, R-2, R-3, R-4, A-1, PUD) as designated on the official zoning map as of November 4, 2014, are not subject to change by ordinance.

## ARTICLE II. CORPORATE LIMITS

### Sec. 2.01. Corporate limits description.

The municipal boundaries and included land areas of the City of Holmes Beach are described as follows:

U.S. Lot 1, Section 16, U.S. Lots 1, 3, 4, Section 17, U.S. Lot 1, Section 19, U.S. Lots 1, 2, 3, 4, 5, 6, 7, Section 20, U.S. Lots 1, 2, Section 21, U.S. Lot 1, Section 29, U.S. Lots 1, 2, 3, together with that portion of the causeway for State Road 64 lying immediately East of the eastern boundary of U.S. Lot 3, bounded on the west by said eastern boundary of U.S. Lot 3 and bounded on the north, east, and south by the mean high water line of Anna Maria Sound (Sarasota Pass), Section 28, U.S. Lot 1, Section 33 all in Township 34 South, Range 16E with a southern boundary described as follows: Starting at Sarasota Pass continuing westerly along the entire southern boundary as shown on the Sunrise Park Plat (page 31, Plat Book 10, County of Manatee 1957) continuing westerly along the south line of Lots 20 and 1 of Block 33 of the Ilexhurst Plat (page 154 Plat Book 1, County of Manatee, 1911) to Gulf Drive thence northerly along Gulf Drive approximately 50 ft. thence westerly approximately 100 ft. along the south line of Lot 19 Block 34 Ilexhurst Plat thence northerly approximately 100 ft. along the west line of Lots 19 and 18, Block 34 Ilexhurst Plat thence westerly to the Gulf of Mexico. Such property being otherwise described as beginning at the City Limits of the City of Anna Maria on the north and continuing easterly and southerly from said city limits to the above described southern boundary otherwise described as the northern boundary of the City of Bradenton Beach.

Provided, however, that the said city shall have power to change its boundaries in the manner hereinafter or as otherwise by the laws of the State of Florida provided.

## ARTICLE III. LEGISLATIVE

### Sec. 3.01. City commission; Powers, composition.

There shall be a city commission with all legislative powers of the city vested therein consisting of five members, who shall be electors of the city, elected by the electors of the city.

(Ord. No. 97-04, § 1(D), 1-7-97)

### Sec. 3.02. Qualifications.

Any elector of the city shall be eligible to hold the office of city commission member, provided the elector has resided in the city for at least two consecutive years immediately prior to the date of qualifying for office.

(Ord. No. 87.1, § 1(A), 1-6-87/3-10-87; Ord. No. 92-3 § 1, 4-7-92; Ord. No. 97-04, § 1 (D), 1-7-97)

### **Sec. 3.03. Election and terms.**

The city general election of city commissioner shall be held on the first Tuesday after the first Monday in November, in the manner prescribed in article XI of this Charter.

The number of commission members to be elected shall be three in odd-numbered years and two in even-numbered years. Length of term is two years.

(Ord. No. 97-04, § 1(D), 1-7-97; Ord. No. 99-15, § 1, 10-12-99; Ord. No. 00-10, § 1, 7-18-00)

### **Sec. 3.04. Compensation.**

The commission shall determine the annual salary of commission members by ordinance; provided that no elected officer's salary or unaccountable expenses shall be increased during his/her current term of office.

(Ord. No. 91-01, § 1, 12-17-91/3-10-92; Ord. No. 97-04, § 1(D), 1-7-97)

### **Sec. 3.05. First meeting of the commission; chairperson and vice-chairperson of the commission.**

The commission shall hold a special meeting immediately following the swearing in of newly elected city commission members. The mayor shall be the presiding officer at the special meeting of the commission until a chairperson is duly elected. In the absence of the mayor at the special meeting of the commission, the commission members shall, from among themselves, elect a temporary chairperson to preside until a permanent chairperson is duly elected. Each newly elected commission shall annually at the special meeting or as soon thereafter as practicable elect from its own members a chairperson and vice-chairperson who shall serve at the pleasure of the commission. The chairperson shall preside at meetings of the commission. The vice-chairperson shall act as chairperson during the absence or disability of the chairperson. The holding of such office shall not deprive the chairperson or vice-chairperson of his/her vote on any question. The chairperson shall also serve as deputy mayor during the temporary absence or temporary disability of the mayor as set forth in section 4.03.

(Ord. No. 91-10, § 1(A), 12-17-91/3-10-92; Ord. No. 92-3, § 1, 4-7-92; Ord. No. 97-04, § 1(A), (D), 1-7-97)

### **Sec. 3.06. Prohibitions.**

(a) *Appointments and removals.* Neither the commission nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the mayor or any of the mayor's subordinates are empowered to appoint, but commission approval of certain appointments and removals shall be required as set forth in section 4.05(a).

(b) *Interference with administration.* Except for the purpose of inquiries and investigations, the commission or its members shall deal with city officers and employees who are subject to the direction and supervision of the mayor solely through the mayor, and neither the commission nor its members shall give orders to any such officer or employee, either publicly or privately. Nothing in the foregoing is to be construed to prohibit individual members of the commission from closely scrutinizing by questions and personal observations all aspects of city government operations so as to gain independent information to assist the members in the formulation of sound policies to be considered by

the commission. It is the express intent of this Charter, however, that recommendations for improvements in city government operations by individual commission members be made to and through the mayor, so that the mayor may coordinate efforts of all city departments to achieve the greatest possible savings through the most efficient and sound means available.

(c) *Holding other office.* No former elected city official shall hold any compensated appointive city office or employment until one year after the expiration of the term for which he was elected.

(Ord. No. 92-3, § 1, 4-7-92; Ord. No. 97-04, § 1(D), 1-7-97)

### **Sec. 3.07. Vacancies; Forfeiture of office; filling of vacancies.**

(a) *Vacancies.* The office of a commission member shall become vacant upon the commission member's death, resignation or removal from office in any manner authorized by law, or the forfeiture of his/her office, such forfeiture to be declared by a majority of the remaining members of the commission.

(b) *Forfeiture of office.* A commission member shall forfeit his/her office if he/she: (1) lacks at any time during the term of office any qualification for the office prescribed by this Charter or by law, or (2) violates any standard of conduct or code of ethics established by law for public officials, such violation to be determined by the remaining members of the commission after review of the issue by the Florida Commission on Ethics pursuant to Chapter 112, F.S., or (3) fails to maintain residency within the city during his/her term of office, or (4) fails to meet attendance requirements that shall be established by the commission. In no event shall a commission member be required to forfeit his/her office without a public hearing.

(c) *Filling of vacancies.* A vacancy on the commission shall be filled by appointment of the commission. Such appointment shall receive the approval of the majority of the remaining members and shall be for a term expiring at the next city general election. The unexpired term, if any, shall be filled by election at such city general election.

(d) *Extraordinary vacancies.* In the event that all members of the commission are removed by death, resignation, removal, or forfeiture of office, the governor shall appoint an interim commission that shall call a special election as provided in Article XI in a manner that also institutes term rotations.

(Ord. No. 82-1, § 1(B), 1-19-82/3-9-82; Ord. No. 87-1, § 1(A), 1-6-87/3-10-87; Ord. No. 92-3, § 1, 4-7-92; Ord. No. 97-04, § 1(A), (D), 1-7-97.

### **Sec. 3.08. Procedure.**

(a) *Meetings.* The commission shall meet regularly at least once in every month at such time and place as the commission may prescribe by rule. Special meetings may be held on the call of the mayor, the chairperson, or a majority of the members, and, whenever practical, upon no less than 24 hours' notice to each member and the public.

(b) *Rules and journal.* The commission shall determine its own rules and the chairperson shall set the order of business for each meeting.

(c) *Voting.* Voting, on ordinance and resolutions, shall be by roll call and shall be recorded in the journal. A majority of the commission shall constitute a quorum; except that four members of the commission shall constitute a quorum for enactment of ordinances; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission. No action of the commission except as otherwise provided in the preceding sentence and in [sections] 3.07(a), 3.07(c), 3.10(b), 4.04(b), 4.06, 12.01, 12.03, or as provided by general law, shall be valid or binding, unless adopted by the affirmative vote of the majority of a quorum present.

(Ord. No. 82-1, § 1(B), 1-19-82/3-9-82; Ord. No. 92-3, § 1, 4-7-92; Ord. No. 97-04, § 1(D), 1-7-97)

**Sec. 3.09. Action requiring an ordinance.**

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city commission shall be by ordinance which:

- (a) Adopt or amend an administrative code or establish, alter or abolish any city department or agency;
- (b) Establish a rule or regulation the violation of which carries a penalty;
- (c) Levy taxes authorized by general law;
- (d) Grant, renew or extend a franchise;
- (e) Set service or user charges for municipal services or grant administrative authority for such charges;
- (f) Authorize the borrowing of money not inconsistent with the limitations established in the constitution and general law of the state;
- (g) Convey or lease or authorize by administrative action the conveyance or lease of any land of the city;
- (h) Amend or repeal any ordinance previously adopted, except as otherwise provided herein;
- (i) Adopt a budget for the ensuing fiscal year on or before the thirtieth day of September of each year. If it fails to adopt the budget by this date, the commission by resolution may direct that the amounts appropriated for operations for the current fiscal year shall be deemed adopted for the ensuing fiscal year, until such time as the commission adopts a budget for the ensuing fiscal year. An ordinance adopting an annual budget shall constitute appropriation of the amounts specified therein as expenditures from the funds indicated.

(Ord. No. 82-1, § 1(B), 1-19-82/3-9-82; Ord. No. 97-04, § 1(D), 1-7-97)

### **Sec. 3.10. Emergency ordinances.**

To meet a public emergency affecting life, health, property or the public peace, the commission may adopt one or more emergency ordinances, but such ordinances 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 except as provided under the emergency appropriations provisions of this Charter if applicable; or enact or amend a land use plan or rezone private real property.

- (a) *Form.* An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.
- (b) *Procedure.* An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least four members of all the commission shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances.
- (c) *Effective date.* Emergency ordinances shall become effective upon adoption or at such other date as may be specified in the ordinance.
- (d) *Repeal.* Every emergency ordinance except emergency appropriations shall automatically stand repealed as of the sixty-first day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance under regular procedures, or if the emergency still exists, in the manner specified in this section. An emergency ordinance also may be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.
- (e) *Emergency appropriations.* The commission may make emergency appropriations in the manner provided in this section. To the extent that there are no available unappropriated revenues to meet such appropriations, the commission may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(Ord. No. 87-1, § 1(A), 1-6-87/3-10-87; Ord. No. 97-04, § 1(D), 1-7-97)

### **Sec. 3.11. Initiative and referendum.**

- (1) [*Power.*]
  - (a) *Initiative.* The qualified voters of the city shall have power to propose ordinances to the commission and, if the commission fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election, provided that such power shall not extend to the budget or capital program or any ordinance relating to comprehensive plans, development orders, appropriation of money, levy of taxes or salaries of city officers or employees.

(b) *Referendum.* The qualified voters of the city shall have power to require reconsideration by the commission of any adopted ordinance and, if the commission fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, provided that such power shall not extend to the budget or capital program or any emergency ordinance, levy of taxes or salaries of city officers or employees.

(2) *Commencement of proceedings.* Any five qualified voters may commence initiative or referendum proceedings by filing with the city clerk or other official designated by the commission an affidavit 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 or citing the ordinance sought to be reconsidered.

After the affidavit of the petitioners' committee is filed, the Petitioners' Committee shall file the petition form it intends to use. The City shall have ten days to review the petition form for compliance with paragraphs 3.11 (3) and return it to the Petitioner Committee with comment.

(3) *Petitions.*

(a) *Number of signatures.* Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least ten percent of the total number of qualified voters registered to vote at the last city general election.

(b) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled together for filing. Each signature shall be executed in ink and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he/she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his/her presence, that he/she believes them to be the 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 proposed or sought to be reconsidered.

(d) *Time for filing referendum petitions.* Referendum petitions must be filed within (60) days after adoption by the commission of the ordinance sought to be reconsidered.

(4) *Procedure for filing.*

(a) *Certificate of clerk; amendment.* Within 20 days after the initiative petition or referendum petition is filed, the city clerk or other official designated by the commission shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee provided that the method provides for proof of receipt by hand delivery, email or by U.S. mail. Grounds for insufficiency are only those specified in subsection (3). 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 clerk or other official designated by the commission within two days after receiving a copy of the

certificate and files a supplementary petition upon additional papers within ten days after receiving a copy of the certificate within ten days after receiving a copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of subsection (3), and within ten days after it is filed, the city clerk or other official designated by the commission shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee provided that the method provides for proof of receipt by hand delivery, email or by U.S. 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 commission review under subsection (b) of this section within the time required, the clerk or other official designated by the commission shall promptly present his/her certificate to the commission and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) *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 days after receiving a copy of such certificate file a request that it be reviewed by the commission. The commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the commission's determination shall then be a final determination as to the sufficiency of the petition.

(5) *Referendum petitions; suspension of effect of ordinance.* When a referendum petition is filed with the city clerk or other official designated by the commission, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (a) There is a final determination of insufficiency of the petition; or
- (b) The petitioners' committee withdraws the petition; or
- (c) The commission repeals the ordinance; or
- (d) A vote of the city electors on the ordinance, has been certified.

(6) *Action on petitions.*

(a) *Action by commission.* When an initiative or referendum petition has been finally determined sufficient, the commission shall promptly consider the proposed initiative ordinance in the manner provided in Article III or reconsider the referred ordinance by voting its repeal. If the commission fails to adopt a proposed initiative ordinance without any change in substance within 60 days or fails to repeal the referred ordinance within 30 days, it shall submit the proposed or referred ordinance to the voters of the city.

(b) *Submission to voters.* The vote of the city on a proposed or referred ordinance shall be held not less than 60 days and not later than 90 days from the date that the petition was determined sufficient. If no city general election is to be held within the period described in this subsection, the commission shall provide for a special election, except that the commission may, in its discretion, provide for a special election at an earlier date within the described period. Copies of the proposed or referred ordinance shall be made available at the polls.

(c) *Withdrawal of petitions.* An initiative or referendum 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 or other official designated by the commission a request for withdrawal signed by at least four members of the petitioner's committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereof shall be terminated.

(7) *Results of election.*

(a) *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and be treated in all respects in the same manner as ordinances of the same kind adopted by 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.

(b) *Referendum.* If a majority of the qualified electors voting on a referred ordinance vote in favor of the referendum, the Ordinance shall be considered repealed upon certification of the election results.

(Ord. No. 91-10, § 1, 12-17-91/3-10-92; Ord. No. 92-3, § 1, 4-7-92; Ord. No. 97-04, § 1(D), 1-7-97)

**Sec. 3.12. Codification of ordinances**

(a) The commission shall provide for the continuing revision, codification, and publication of all the general and permanent ordinances of the city, with copies available to the public at reasonable cost.

(b) Every such revision or codification, after adoption by the commission, shall be received in any of the courts of this state as prima facie evidence of the existence and content of the ordinances therein contained.

(Ord. No. 97-04, § 1(D), 1-7-97)

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**State law references** – Minimum procedural requirements for adoption of ordinances and resolutions, F.S. § 166.041.

## ARTICLE IV. MAYOR

### Sec. 4.01. Mayor.

There shall be a mayor who shall be the chief executive officer of the city. The mayor shall be elected at the city general election in even numbered years. The mayor shall be responsible to the electorate for the administration of all city affairs placed in his/her charge by or under this Charter.

(Ord. No. 92-3, § 1, 4-7-92)

### Sec. 4.02. Mayor: Qualifications, term of office.

- (a) *Qualifications.* The mayor shall be an elector of the city and shall have resided in the city at least two consecutive years immediately prior to the date on which he/she qualified to run for the office of mayor. If he/she shall cease to possess any such qualifications during his/her term of office, the mayor shall forfeit the office and the commission shall remove him. The mayor shall hold no other public office or public employment with the City of Holmes Beach during his/her term of office.
- (b) *Term.* The mayor shall be elected for a two-year term and may be reelected subsequently.
- (c) *Compensation.* The commission shall determine the annual salary of the mayor by ordinance; provided that no elected officer's salary or unaccountable expenses shall be increased during his/her current term of office.
- (d) *Elections.* Election of the mayor shall be held on the first Tuesday after the first Monday of November, in the manner prescribed in article XI of this Charter.

(Ord. No. 87-1, § 1(B), 1-6-87/3-10-87; Ord. No. 91-10, § 1, 12-17-91/3-10-92; Ord. No. 92-3, § 1, 4-7-92; Ord. No. 97-04, § 1(B), (D), 1-7-97; Ord. No. 99-15, § 2, 10-12-99; Ord. No. 00-10, § 2, 7-18-00)

### Sec. 4.03. Deputy mayor.

The chairperson of the commission shall also serve as deputy mayor. During the temporary absence or temporary disability of the mayor, the deputy mayor shall exercise the powers, duties and obligations of the office of mayor. During any period when the deputy mayor is temporarily exercising said powers, duties and obligations of the office of mayor, he/she shall retain his/her seat/voice/vote as a commission member.

(Ord. No. 91-10, § 1, 12-17-91/3-10-92; Ord. No. 97-04, § 1(D), 1-7-97)

### Sec. 4.04. Vacancy in office of mayor; forfeiture of office.

- (a) *Vacancy.* In the event that the mayor dies, resigns, becomes permanently disabled, ceases to be qualified or is removed from office as provided by law, the chairperson of the commission shall, for a period not exceeding 90 days, become interim mayor, with the full powers and duties of mayor as provided by Charter or other law. While serving as interim mayor, he/she shall retain his/her seat, voice/vote as a commission member. The commission shall call a special election to fill the office of mayor for the unexpired portion of the term and such election shall be held and completed within 90 days of the occurrence of the vacancy;

provided, however, that if either the unexpired portion of the term for which the special election would be called, or the time between such special election and the date of the next city general election, is 90 days or less, then the commission may, by unanimous vote, elect to waive the necessity of such special election. In such event, the chairperson of commission shall continue to serve as interim mayor until a mayor is elected at the next city general election, at which election the office of mayor shall be filled for either the full term, or the unexpired portion of the term of the mayor who has ceased to hold office, as may be applicable. Filing of qualification papers for a candidate for such election shall be between 45 days and 30 days prior to the election date.

- (b) *Forfeiture of office.* The mayor shall forfeit his/her office if he/she: (1) lacks at any time during his/her term of office any qualifications for the office prescribed by this Charter or by law, or (2) violates any standard of conduct or code of ethics established by law for public officials, such a violation to be determined by a vote of four members of the commission after review of the issue by the Florida Commission on Ethics pursuant to Chapter 112, F.S., or (3) fails to maintain residency within the city during his/her term of office, or (4) fails to meet attendance requirements that shall be established by commission. However, in no event shall the mayor be required to forfeit his/her office without a public hearing.

(Ord. No. 82-1, § 1(C), 1-19-82/3-9-82; Ord. No. 87-1, § 1(B), 1-6-87/3-10-87; Ord. No. 92-3, § 1, 4-7-93; Ord. No. 97-04, § 1(B), (D), 1-7-97)

#### **Sec. 4.05. Power and duties of the mayor.**

The mayor shall:

- (a) (1) Have the authority and duty to appoint, suspend or remove all city employees or administrative officers, and shall follow procedures established under personnel rules adopted pursuant to this Charter in exercising his/her authority. However, concurrence by the commission shall be required for appointment or removal of: (a) all Department Heads and Officials as identified in Articles V through X of this Charter; (b) and appointive boards or commissions as established by statute or ordinance. Concurrence by the commission must be obtained prior to termination of any officer or employee of the city who furnished information or testified in an investigation of city employees or city operations. (2) The mayor may authorize any administrative officer who is subject to her/his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
- (b) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this Charter or by law;
- (c) Have the right to attend all commission meetings and may take part in discussion but may not vote;
- (d) See that all laws, provisions of this Charter and acts of the commission, subject to enforcement by the mayor or by officers subject to his/her direction and supervision, are faithfully executed;
- (e) Prepare and submit the annual budget, budget message and capital program to the commission.

- (f) Submit to the commission and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
- (g) Make such other reports as the commission may require concerning the operations of city departments, offices and agencies subject to the mayor's direction and supervision;
- (h) Keep the commission fully advised as to the financial condition and future needs of the city and make such recommendations to the commission concerning the affairs of the city as he/she deems desirable.
- (i) Sign contracts on behalf of the city pursuant to the provisions of appropriations ordinances;
- (j) Administer oaths required or authorized under any law, this Charter, or ordinance of the city;
- (k) Perform such other duties as are specified in this Charter or may be required by the commission which do not conflict with the mayor's Charter role.

(Ord. No. 82-1, § 1(C), 1-19-82/3-9-82; Ord. No. 87-1, § 1(B), 1-6-87/3-10-87; Ord. No. 91-10, § 1, 12-17-91/3-10-92; Ord. No. 92-3, § 1, 4-7-92; Ord. No. 97-04, § 1(B), (D), 1-7-97)

**Sec. 4.06. Mayor veto power.**

Any ordinance or resolution adopted by the commission shall, before it becomes effective, be presented to the mayor for his/her approval. The mayor shall have ten days in which to approve or disapprove of the ordinance or resolution. If he/she approves the ordinance or resolution, he/she shall sign it and it shall become effective according to the terms thereof. If he/she disapproves the proposed ordinance he/she shall return it to the commission with a message indicating the reason or reasons for his/her disapproval. The commission may override the disapproval of the mayor by a vote of four members of the commission. If the mayor does not return the ordinance within the time required, it shall become effective without his/her approval.

(Ord. No. 87-1, § 1(B), 1-6-87/3-10-87; Ord. No. 91-10, § 1, 12-17-91/3-10-92; Ord. No. 97-04, § 1(D), 1-7-97)

## **ARTICLE V. OFFICE OF THE CITY CLERK**

### **Sec. 5.01. Scope and Responsibilities.**

The Office of the City Clerk shall be the custodian of records of the City and shall be responsible for the proper administration of all affairs concerning the records of the city placed under the City Clerk's authority under this Charter or by local ordinance or as otherwise required by general law. The City Clerk shall:

- (a) Serve as the clerk to the commission and recorder of all its official actions.
- (b) Serve as the election official of the city.
- (c) Be custodian of the city seal and authenticate documents of the city where required by ordinance or general law.
- (d) Maintain codification of city ordinances.
- (e) Attest all ordinances, resolutions, bonds, contracts and other instruments on behalf of the city.
- (f) Administer and oversee the city's records and information management including, but not limited to, records, indexing, digitizing, and retention/archiving scheduling per applicable law.
- (g) Provide supervision, training and professional development of all employees within the office of the city clerk.
- (h) Perform such other administrative and records related services by direction of the Mayor in accordance with law, this Charter, ordinance, or resolution of the commission.

(Ord. No. 97-04, § 1(D), 1-7-97)

### **Sec. 5.02. Composition and Structure**

The Office of the City Clerk shall consist of the City Clerk and employee assistants as may be established.

(Ord. No. 87-1, § 1(C), 1-6-87/3-10-87; Ord. No. 97-04, § 1(D), 1-7-97)

### **Sec. 5.03. Selection and Appointment of the City Clerk**

- (a) **Qualifications:** The City Clerk shall possess demonstrated, direct experience and capabilities to be the head of the department to execute the Scope and Responsibilities as identified in Sec. 5.01, including but not limited to a work history in related positions as well as having demonstrated achievement and compliance with standards for the Office of City Clerk as established within general law.
- (b) **Selection and Appointment:** In the event of a vacancy in the position of City Clerk, the Mayor shall select and appoint the City Clerk, with commission approval as provided in Sec. 4.05(a).

(Ord. No. 97-04, § 1(D), 1-7-97)

## ARTICLE VI. CITY TREASURER

### Sec. 6.01. Scope and Responsibilities.

The City Treasurer is responsible for safeguarding and accounting for city assets through the application of generally accepted accounting principles, and as required by general law, subject to such policies and procedure as the commission may by resolution or ordinance direct.

The City Treasurer shall:

- (a) Manage and administer the collection of revenues and oversee the disbursement of expenditures and ensure the audit thereof.
- (b) Oversee the investment of city funds as directed by the commission.
- (c) Manage the city's insurance and coordination of city debt issuance.
- (d) Prepare and report on the city's annual budget.
- (e) Prepare and present audited annual financial statements of the city.
- (f) Prepare and manage the city payroll.
- (g) Maintain and manage accounts payable.
- (h) Provide supervision, training and professional development of all employees within the office of the treasurer.
- (i) Perform such other fiscal services by direction of Mayor in accordance with law, this Charter, ordinance, or resolution of the commission.

(Ord. No. 97-04, § 1(D), 1-7-97)

### Sec. 6.02. Composition and Structure

The Office of the City Treasurer shall consist of the Treasurer and employee assistants as may be established.

### Sec. 6.03. Selection and Appointment of the City Treasurer.

- (a) **Qualifications:** The City Treasurer shall possess demonstrated, direct experience and capabilities to be the head of the department to execute the Scope and Responsibilities as identified in Sec. 6.01, including but not limited to a work history in related positions as well as having demonstrated achievement and compliance with standards for the Office of City Treasurer as established within general law.
- (b) **Selection and Appointment:** In the event of a vacancy in the position of City Treasurer, the Mayor shall select and appoint the City Treasurer, with commission approval as provided in Sec. 4.05(a).

## ARTICLE VII. CITY ATTORNEY

### **Sec. 7.01. Scope and Responsibilities.**

The City Attorney shall serve as legal advisor to the city, the commission and all of the governmental functions of the city and its departments, officers, boards and committees. The City Attorney shall:

- (a) Prepare or review all proposed ordinances or resolutions of the city.
  - (b) Approve as to form and legal correctness all contracts entered into by the city.
  - (c) Defend all legal actions wherein the city is a party of interest.
  - (d) Perform such other legal services as requested by the commission or the mayor. .
- (Ord. No. 97-04, § 1(C), (D), 1-7-97)

### **Sec. 7.02. Composition and Structure.**

The City Attorney is a special appointed position.

(Ord. No. 97-04, § 1(D), 1-7-97)

### **Sec. 7.03. Selection and Appointment of City Attorney.**

- (a) **Qualifications:** The City Attorney shall be a member of the Florida Bar in good standing, and shall possess demonstrated, direct experience and capabilities to execute the Scope and Responsibilities as identified in Sec. 7.01, including but not limited to a work history in related positions requiring an operating familiarity with the general law related to municipal government activities and operations in the state of Florida (e.g., Florida Chapter 119 – Florida Government in the Sunshine Florida Public Records Laws; Florida Chapter 112 – Ethics in Government; Florida Statute 166 – Municipalities; Florida Chapter 286 – Public Business: Miscellaneous Provisions).
- (b) **Selection and Appointment:** In the event of a vacancy in the position of City Attorney, the mayor shall select and appoint the City Attorney, with commission approval as provided in Sec. 4.05(a).

## ARTICLE VII. POLICE DEPARTMENT

### Sec. 8.01. Scope and Responsibilities.

The Police Department, under the leadership and direction of the Chief of Police, shall operate with a commitment to professionalism, excellence and quality of service to the community; establish and maintain a partnership between the community and the Police Department and shall have all the responsibilities and powers prescribed by the general laws of the state, including, but not limited to:

- (a) Preservation of the public peace.
- (b) Prevention of crime.
- (c) Apprehension of criminals.
- (d) Protection of persons and property rights.
  
- (e) Enforcing federal and state laws, city ordinances, and all rules and regulations made in accordance therewith.
- (f) Provide supervision, training and professional development of all employees within the Police Department.
- (g) Perform such other law enforcement duties by direction of the mayor in accordance with law, this Charter, ordinance, or resolution of the commission,
- (h) Coordinate law enforcement efforts between other law enforcement agencies within the local community, state and federal government to provide efficiency of services within the city.

### Sec. 8.02. Composition and Structure.

There shall be a Police Department consisting of a Chief and such other officers and employees of such rank and grade as may be established.

(Ord. No. 92-3, § 1, 4-7-92; Ord. No. 97-04, § 1(D), 1-7-97)

### Sec. 8.03. Selection and Appointment of Chief of Police.

- (a) **Qualifications:** The Chief of Police shall hold a current Florida Police Standards Certification of Compliance and possess demonstrated, direct experience and capabilities to be the head of the department to execute the Scope and Responsibilities as identified in Sec. 8.01, including but not limited to a work history in related positions as well as having demonstrated achievement and compliance with standards for the Office of Chief of Police as established within general law.
- (b) **Selection and Appointment:** In the event of a vacancy in the position of Chief of Police, the mayor shall select and appoint the Chief of Police, with commission approval as provided in Sec. 4.05(a).

## ARTICLE IX. BUILDING AND PUBLIC WORKS DEPARTMENT

### Sec. 9.01. Scope and Responsibilities.

The Building and Public Works Department, under the leadership and direction of the Building Official, shall have all the responsibilities and powers prescribed by the general law of the federal, state, regional and county governments and/or agencies and in the ordinances of the City of Holmes Beach, FL, to:

- (a) Manage and maintain the city's infrastructure and environment in accordance with the Comprehensive Plan, Land Development Code, and other federal, state, and regional agency rules and laws.
- (b) Oversee and administer policies and programs pertinent to streets, drainage systems, beaches, lands and buildings whether City owned or City controlled.
- (c) Administer and enforce laws, ordinances, regulations and codes pertinent to building construction and zoning within the city, including but not limited to conducting inspections of permitted work.
- (d) Provide supervision, training and professional development of all employees within the Building and Public Works Department.
- (e) Perform such building and public works related duties by direction of the mayor in accordance with law, this Charter, ordinance, or resolution of the commission.

(Ord. No. 87-1, § 1(E), 1-6-87/3-10-87)

### Sec. 9.02. Composition and Structure.

There shall be a Building and Public Works Department consisting of a Building Official and such employees as may be established.

(Ord. No. 87-1, § 1(E), 1-6-87/3-10-87)

### Sec. 9.03. Section and Appointment of the Building Official.

- (a) **Qualifications:** The Building Official will be certified as required by Florida Statutes Chapter 468 and shall possess demonstrated, direct experience and capabilities to be the head of the department to execute the Scope and Responsibilities as identified in Sec. 9.01, including but not limited to a work history in related positions as well as having demonstrated achievement and compliance with standards for the title of Building Official as established within general law.
- (b) **Selection and Appointment:** In the event of a vacancy in the position of Building Official, the mayor shall select and appoint the Building Official, with commission approval as provided in Sec. 4.05(a).

(Ord. No. 87-1, § 1(E), 1-6-87/3-10-87)

## **ARTICLE X. HUMAN RESOURCES**

### **Sec. 10.01. Scope and Responsibilities.**

The Human Resources Officer is responsible for the overall management and provision of Human Resource services, policies and programs within the city's departments and offices, overseeing organizational leadership and culture, and ensuring compliance with employment and labor laws, subject to such policies and procedures as the commission may by resolution or ordinance direct.

The Human Resources Officer's duties shall include, but not be limited to:

- (a) Oversight and analysis of employee staffing, recruitment, and assimilation within all departments.
- (b) Oversight and analysis of performance management and evaluation programs.
- (c) Oversight of the termination, removal, retirement of all city employees.
- (d) Oversight and analysis of employee compensation and benefits programs.
- (e) Oversight and analysis of employee safety, welfare, wellness and health programs and policies.
- (f) Provide for employee services and counseling services as required.
- (g) Ensure training and professional development of all employees engaged in the performance of Human Resource functions within all departments.
- (h) Perform such other Human Resource related services by direction of the mayor in accordance with law, this Charter, ordinance, or resolution of the commission.

### **Sec. 10.02. Composition and Structure.**

There shall be a Human Resources Department that consists of a Human Resources Officer and such employees and assistants as may be established.

### **Sec. 10.03. Selection and Appointment of the Human Resources Officer.**

- (a) **Qualifications:** The Human Resources Officer shall possess demonstrated, direct experience and capabilities to execute the Scope and Responsibilities as identified in Section 10.01, including but not limited to a work history in related positions, an applied understanding of organizational behavior, demonstrated achievement and compliance with standards for the office as established within general law.
- (b) **Selection and Appointment:** In the event of a vacancy in the position of Human Resources Officer, the Mayor shall select and appoint the Human Resources Officer, with commission approval as provided in Sec. 4.05(a).

## ARTICLE XI. PROCEDURES FOR ELECTIONS AND RECALLS

### Sec. 11.01. Nonpartisan elections; election results.

- (a) *Nonpartisan elections.* All elections for the offices of city commission member and mayor shall be conducted on a nonpartisan basis without regard for or designation of political party affiliation of any nominee or any nomination petition or ballot.
- (b) *Election results.*
- (1) The candidate for mayor receiving the highest number of votes shall be declared the winner.
  - (2) Vacancies in the commission shall be filled by the candidates receiving the largest number of votes, and of the elected candidates the one(s) having the fewest votes shall be deemed elected to any unexpired terms(s).
  - (3) If there is only one candidate for each vacancy, he/she shall be deemed elected without the necessity of having his/her name appear on the ballot.
  - (4) In the event that a vacancy on the commission exists because of an insufficiency of candidates, the remaining members of the commission shall fill the vacancy by appointment (by majority vote) of an individual qualified as required by Section 3.02, and the appointee shall serve until the next city general election.
  - (5) In the event there is no mayoral candidate, then, immediately following the First Meeting of the commission as specified in Article III, Sec. 3.05, there shall be deemed to be a vacancy in the office of the Mayor which shall be addressed as provided for in Article IV, Sec. 4.04 (a).
  - (6) The duly elected officers shall take office on the eleventh day following the adjournment of the canvassing board, and its certification of the election results.
  - (7) In the event any office is not filled because of a tie vote between two or more candidates, such persons shall draw lots to determine who shall be elected to the office.

(Ord. No. 87-1(F), 1-6-87/3-10-87; Ord. No. 91-10, § 1, 12-17-91/3-10-92; Ord. No. 92-3, § 1, 4-7-92; Ord. No. 97-04, § 1(D), 1-7-97)

### Sec. 11.02. Filing of notices.

Candidates for the offices of city commission member and mayor shall file a written notice of candidacy with the city clerk at such time and in such manner as may be prescribed by this Charter or by ordinance.

(Ord. No. 97-04, § 1(D), 1-7-97)

**Sec. 11.03. Form of ballots.**

(a) The commission by ordinance shall prescribe the form of the ballot including method for listing candidates for city commission and mayor elections and any other city election.

(b) A Charter amendment to be voted on by the qualified voters of the city shall be presented for voting by Ballot Title of no more than 15 words in length and Ballot Question of no more than 75 words in length. The Ballot Question presents the amendment, of a group of amendments, in a

clear, concise manner describing the measure without argument or prejudice. Below the ballot question shall be the word “yes” followed by the word “no”.

(Ord. No. 97-04, § 1(D), 1-7-97)

**Sec. 11.04. Recall**

The qualified voters of the city shall have the power to recall and to remove from office any elected official of the city, as provided by law.

State law reference— Municipal recall, F.S. § 100.361

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State law references – State Law reference— Electors and elections, F.S. chs. 97—106

**ARTICLE XII. CHARTER AMENDMENT**

**This Charter may be amended as follows:**

**Sec. 12.01. Initiation by ordinance.**

As allowed by general law, the commission may, by ordinance, propose amendments to any part or all of this Charter, except article II prescribing boundaries, and upon passage of the initiating ordinance by a super majority of the commission shall place the proposed amendment to a vote of the electors at the next general election held within the city or at a special election called for such purpose. Amendment of article II resulting from annexation done in accordance with general law shall be by ordinance of the commission and shall not be subject to a vote of the electors except as provided by general law.

(Ord. No. 97-04, § 1(D), 1-7-97)

**Sec. 12.02. Initiation by petition.**

(a) The qualified voters of the city may propose amendments to any part or all of the charter, except Article II prescribing boundaries, using the same initiative process as generally described in Section 3.11. (2) Commencement of Proceedings; the required number of signatures of qualified voters, petition form and content, and affidavit of circulator as described in Section 3.11 (3) Petitions, subsections (a), (b), and (c); and the requirements for certification of petition sufficiency by the city clerk, petition amendment options; and any

final review by the Commission as described in Section 3.11. (4) Procedure for filing, subsections (a) and (b);

- (b) Upon certification by the city clerk, or a final determination by the Commission, that the petition is sufficient, the Commission shall place the proposed amendment to a vote of the electors at the next city general election or at a special meeting called for such purpose. The petitioner's committee may also withdraw the petition prior to the vote as described in Section 3.11 (6) Action on Petitions, subsection (c).

(Ord. No. 91-10, § 1, 12-17-91/3-10-92; Ord. No. 92-3, § 1, 4-7-92; Ord. No. 97-04, § 1(D), 1-7-97)

**Sec. 12.03. Amendment by ordinance.**

(a) The city commission may, by a unanimously voted ordinance, amend this Charter to correct typographical errors and to delete language and provisions which have been judicially construed to be contrary to either the state or federal constitution or which have been superseded by the general law of the State of Florida. However, no amendment made to correct a typographical error shall affect the substance or intent of the provision containing the error. No amendment made according to the provisions of this section shall be effective unless, prior to its adoption by city commission, the city attorney shall have rendered a written opinion to the effect that the proposed amendment or amendments fall within the provisions of this paragraph and do not affect the substance of this Charter falling within state and federal laws and constitutions.

(Ord. No. 97-04, § 1(D), 1-7-97)

(b) The city commission may, by a unanimously voted ordinance, amend this charter to abolish a municipal department provided for in the charter.

**Sec. 12.04. Multiple Charter amendments.**

In the event that conflicting Charters or Charter amendments are approved at the same election, the one receiving the greatest number of votes shall prevail. In the event of tie vote, neither amendment shall prevail and the Charter will not be amended.

**Sec. 12.05. Initiation by Charter review commission.**

Amendments to the Charter may be initiated by a Charter Review Commission as provided for in article XII.

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**State law references** – State Law reference— Charter amendments, F.S. § 166.031

## ARTICLE XIII. CHARTER REVIEW

### **Sec. 13.01. Schedule.**

This Charter shall be reviewed within the fifth year of its adoption by a commission of five members elected by the electors of the city in a city general election. Thereafter, it shall be reviewed every fifth year by a commission similarly elected.

(Ord. No. 82-1, § 1(D), 1-19-82/3-9-82)

### **Sec. 13.02. Commission rules and organization.**

The Charter commission shall elect a chairperson from amongst its members and shall adopt such rules of procedure as a majority of its members may approve.

(Ord. No. 92-3, § 1, 4-7-92)

### **Sec. 13.03. Election procedure.**

Any proposed amendment or amendments to the Charter adopted by a vote of a super majority of the Charter commission shall be presented to the city commission which shall provide for its submission to the voters in the next city general election.

(Ord. No. 87-1, § 1(I), 1-6-87/3-10-87; Ord. No. 97-04, § 1(D), 1-7-97)

### **Sec 13.04. Term of office.**

The Charter review commission shall be sworn in no later than the first commission meeting following its election, and it shall serve until the amendments and/or revisions to the Charter, if any are incorporated into ordinance by the city commission for placement on the ballot for the next city general election.

(Ord. No. 97-04, § 1(D), 1-7-97)

### **Sec. 13.05. Vacancies.**

In the event that a vacancy exists on the commission for any reason, the remaining members shall, by majority vote, fill the vacancy by appointment.

## ARTICLE XIV. TRANSITION SCHEDULE

### **Sec. 14.01. Ordinances preserved.**

All ordinances in effect upon the adoption of this Charter, to the extent not inconsistent with it, shall remain in force until repealed or changed as provided herein.

### **Sec. 14.02. Rights of officers and employees.**

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are city officers or employees at the time of adoption. Elected officers shall continue to hold their offices and discharge the duties thereof until their successors are elected on the present city general election schedule.

**Sec. 14-03. Pending matters.**

All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the city shall continue except a modified pursuant to the provisions of this Charter.

**Sec. 14.04. Effective date.**

This Charter shall take effect upon ratification by a majority vote of the electors of the city, and filed with the proper authorities.

(Ord. No. 97-04, § 1(D), 1-7-97)

We, the undersigned commissioners, elected to revise the Charter for the City of Holmes Beach, have prepared and approved this draft Charter which we propose to be presented to a vote of the qualified electors of the City of Holmes Beach at a general election on November 4, 2014..

|  |  |
|--|--|
|  | /s/ _____<br>Bob Johnson    Chair        |
|  | /s/ _____<br>David A. Cheshire    Mbr.   |
|  | /s/ _____<br>Pam Leckie            Mbr.  |
|  | /s/ _____<br>David Lester           Mbr. |
|  | /s/ _____<br>James W. Plath        Mbr.  |