

CITY OF BRADENTON BEACH ORDINANCE  
NO. 18-502

AN ORDINANCE OF THE CITY OF BRADENTON BEACH, FLORIDA RELATING TO CERTAIN PROPOSED AMENDMENTS TO THE CITY OF BRADENTON BEACH ORDINANCES 96-297, 00-331, 05-389, 10-418, 15-456, AND 17-493, THE CITY CHARTER; PROVIDING FOR THE BALLOT TITLES, BALLOT QUESTIONS AND TEXT FOR EACH OF THE PROPOSED AMENDMENTS; PROVIDING PROPOSED BALLOT LANGUAGE FOR CHARTER AMENDMENTS THAT IF ADOPTED AT REFERENDUM WOULD EXPRESSLY PROVIDE FOR A BALANCED COMMISSION FORM OF GOVERNMENT, GRANT EXCLUSIVE POWER TO THE COMMISSION TO REMOVE, TERMINATE OR SUSPEND APPOINTED OFFICIALS, REINSTITUTE AT-LARGE VOTING FOR ALL ELECTED OFFICIALS WITH FOUR NEIGHBORHOOD WARD COMMISSIONERS, CLARIFY, RENUMBER AND REORGANIZE ARTICLES II AND III OF THE CITY CHARTER, PROVIDE FOR AN ALTERNATIVE TO THE FILLING OF A VACANCY RESULTING FROM A RESIGNATION UNDER SECTION 99.012, FLORIDA STATUTES, ESTABLISH QUALIFICATIONS AND REQUIREMENTS TO HOLD PUBLIC OFFICE, AND CLARIFY THE TITLE TO ARTICLE IV BY EXPRESSLY STATING THAT IT CONTROLS ALL ORDINANCE, INITIATIVES AND REFERENDUMS; PROVIDING EFFECTIVE DATES FOR THE AMENDMENTS IF APPROVED BY REFERENDUM VOTE; PROVIDING A REFERENDUM ELECTION FOR APPROVAL OF THE PROPOSED AMENDMENTS; PROVIDING DIRECTION FOR BALLOT LANGUAGE; PROVIDING AUTHORIZATION TO PLACE THE PROPOSED CHARTER AMENDMENTS ONTO THE REFERENDUM BALLOT FOR THE GENERAL ELECTION TO BE HELD ON NOVEMBER 6, 2018; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE FOR THE ORDINANCE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH, FLORIDA, AS FOLLOWS:

WHEREAS, Article I, Section 4 of the City Charter requires the appointment of a Chartered Five Year Charter Review Committee ("Chartered CRC") for the purpose of reviewing and making recommendations regarding amendments to the City Charter at least every five (5) years; and

WHEREAS, in 2015, the City appointed a Chartered CRC to fulfill the five year requirement of Article I, Section 4 of the City Charter, thus not requiring a Chartered CRC until 2020; and

WHEREAS, on May 17, 2018, the City Commission of the City of Bradenton Beach, in furtherance of the Charter, appointed a special *ad hoc* Charter Review Committee ("CRC") with Mayor Chappie serving as *liaison* pursuant to Article I, Section 4 and Article II, Sections 3 and 4 of the City Charter, to address errors and omissions in the Charter resulting from the 2017 election, wherein a political action committee known as Concerned Neighbors of Bradenton Beach, "CNOBB", placed initiatives on the November 2017 ballot that were approved by voters to change sections of the City Charter. The Commission also asked for the committee to undertake additional work on the City Charter including:

1. a review of four new initiatives from former CNOBB members, now organized as the political action committee, Keep Our Residential Neighborhoods, "KORN;
2. define residency; and
3. comprehensively review the City Charter.

WHEREAS, the CRC has recommended, and the City Commission has considered and reviewed the proposed charter amendments, received public comment through the required public hearings, and determined that it is in the best interest of the residents of the City to amend the Charter through adoption of this Ordinance and the submittal of these proposed charter amendments to the citizens for voter approval pursuant to § 166.031, Florida Statutes; and

WHEREAS, the City Commission has determined that the adoption of this Ordinance is in the best interest of the public health, safety and welfare.

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE CITY COMMISSION AS FOLLOWS:

Section 1. The City Commission of the City of Bradenton Beach, Florida, hereby proposes by the adoption of this Ordinance, the following Charter Amendments to the City of Bradenton Beach Ordinances 96-297, 00-331, 05-389, 10-418, 15-456, and 17-493 (the "City Charter"), for the continued governance of the City of Bradenton Beach, Florida if, and as approved, by the electorate of the City of Bradenton Beach at the November 6, 2018 election.

Section 2. The proposed Amendments to the City of Bradenton Beach Charter, which are to be presented to the electorate at the November 6, 2018 election in abbreviated form include: a ballot title, a ballot question, and a ballot summary in substantially the following form: **SEE EXHIBIT A – ATTACHED HERETO AND INCORPORATED HEREIN.**

Section 3. Attached hereto and incorporated herein is Exhibit "B". Exhibit "B" contains the proposed text amendments to the Charter of the City of Bradenton Beach. The amended Charter is done in strikethrough/underscore format. All language shown as strikethrough is language of the existing City of Bradenton Beach Charter, which will be deleted from the current Charter if the proposed amendment is approved. All language shown as underscored is language that will be added to the Charter if the proposed amendment is approved. The proposed text amendments to the Charter, shall be mailed to each member of the City of Bradenton Beach electorate in a timely fashion prior to the November 6, 2018 general election. The Charter Report, without the

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attachments, shall also be provided to each member of the City of Bradenton Beach electorate.

Section 4. The amendments to the Charter of the City of Bradenton Beach, Florida as proposed by this Ordinance (Exhibits "A" and "B") shall become effective immediately if the amendments to the Charter are approved by a "yes" vote of a majority of those duly qualified electors voting on the referendum questions posed at the November 6, 2018 General Election, and shall be incorporated into and become a part of the City of Bradenton Beach Charter (Ord. 96-297, as amended by Ordinances 00-331, 05-389, 10-418, 15-458 and 17-493) as the result of approval of one or more or all of the Amendments by the electorate. If a majority of those voting shall not vote "yes" to an amendment proposed in Exhibit "A", such proposed amendment(s) to the Charter shall not be adopted and said proposed amendment(s) to the Charter and its provisions as proposed in this Ordinance, shall be of no force or effect.

Section 5. The proposed amendments to the Charter of the City of Bradenton Beach, Florida (Exhibits "A" and "B") shall be presented to the qualified City of Bradenton Beach electorate by placing the question of whether to adopt same on the Ballot at the General Election to be conducted on November 6, 2018.

Section 6. The questions on the ballot for the proposed amendments shall be substantially in the following form: **SEE EXHIBIT A – ATTACHED HERETO.**

Section 7. The City Commission, of the City of Bradenton Beach, Florida is hereby authorized to adopt all Resolutions and staff is authorized to coordinate with the Supervisor of Elections to take all actions necessary in order to ensure that the proposed amendments to the Charter are properly placed on the General Election Ballot to be held

on November 6, 2018. This Referendum shall be conducted according to the requirements of law governing General Elections in the State of Florida for City Charter Amendments.

**Section 8. SEVERABILITY.** If any section, paragraph, provision or term of this Ordinance, or any portion thereof, including Exhibits "A" and "B" (attached hereto), shall be determined by a Court of competent jurisdiction to be invalid, such decision shall not otherwise affect the validity of the remaining portions of this Ordinance, including Exhibits "A" and "B" (attached hereto), that were not declared to be invalid.

**Section 9. EFFECTIVE DATE.** This Ordinance shall become effective upon adoption, or as provided by law, but shall be of no further force or effect if none of the proposed Charter amendments (Exhibits "A" and "B") are approved by the electorate at the November 6, 2018 Election.

[INTENTIONALLY LEFT BLANK]

**Section 10. SCRIVENER'S ERRORS AND RENUMBERING.** Staff shall

be vested with the authority to correct any scrivener's errors and to renumber this Ordinance, including the City of Bradenton Beach City Charter, in accordance with the results of the November 6, 2018 Election.

**PASSED AND DULY ADOPTED**, with a quorum present and voting, this 27 day of August, 2018.

First Reading: August 16, 2018

Second Reading: August 27, 2018

CITY OF BRADENTON BEACH, FLORIDA, BY AND THROUGH THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH

By:   
John Chapple, Mayor

ATTEST: Terri Sanclemente,  
City Clerk

By:   
Clerk/Deputy Clerk

**EXHIBIT A**

Exhibit to Proposed Ordinance 18-502

-BALLOT 1-  
AMENDMENT 1 TO CITY OF BRADENTON BEACH CHARTER

Title

REINSTATEMENT OF AT-LARGE VOTING FOR ALL ELECTED OFFICIALS INCLUDING MAYOR AND FOUR NEIGHBORHOOD WARD COMMISSIONERS.

Summary

Should the City amend its Charter to allow all voters in the City to vote for any elected official, reinstate the four neighborhood ward commissioner representatives, and require the City Commission to adopt an ordinance establishing four wards that are equal in population and that maintain the integrity of neighborhoods and communities of interest commencing in 2019 for at-large commission seats elected in odd numbered years and 2020 for seats elected in even numbered years?

Yes, For Approval \_\_\_\_\_

No, For Rejection \_\_\_\_\_

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-BALLOT 2-  
AMENDMENT 2 TO CITY OF BRADENTON BEACH CHARTER

Title

QUALIFICATIONS AND REQUIREMENTS TO HOLD PUBLIC OFFICE.

Summary

Currently the City Charter does not require candidates for elective office to be electors and does not define nor establish specific residency criteria. Should the City revise its Charter to clarify residency and require candidates for elective office to be registered voters permanently residing in the City of Bradenton Beach?

Yes, For Approval \_\_\_\_\_

No, For Rejection \_\_\_\_\_

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- BALLOT 3-  
AMENDMENT 3 TO CITY OF BRADENTON BEACH CHARTER

Title

**BALANCED COMMISSION FORM OF GOVERNMENT**

Summary

While the governing body for the City consists of a mayor and four commissioners, the current City Charter does not expressly state the City's form of government. Should the City amend its Charter to expressly provide for a "Balanced Commission Form of Government" with the mayor and commissioners all having equal legislative and executive powers?

Yes, For Approval \_\_\_\_\_

No, For Rejection \_\_\_\_\_

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-BALLOT 4-  
AMENDMENT 4 TO CITY OF BRADENTON BEACH CHARTER

Title

**CITY COMMISSION EXCLUSIVE POWER TO REMOVE, TERMINATE OR SUSPEND APPOINTED OFFICIALS.**

Summary

The current City Charter confers appointed official status on the City Clerk, City Treasurer, Chief of Police, Public Works Director, City Attorney, City Planner and Building Official whereby a majority of the City Commission shall have the power to remove, terminate or suspend them. Should the City amend its Charter to provide that the City Commission shall exclusively retain these powers?

Yes, For Approval \_\_\_\_\_

No, For Rejection \_\_\_\_\_

-BALLOT 5-  
AMENDMENT 5 TO CITY OF BRADENTON BEACH CHARTER

Title

CLARIFYING, RENUMBERING AND REORGANIZATION OF ARTICLES II AND III OF THE CITY CHARTER.

Summary

Charter Article II, Municipal Organization and Officers, and Article III, Elections, both contain provisions for elected officials, qualifications for office, and election procedures. Should the City amend its Charter to clarify, renumber and reorganize these two articles?

Yes, For Approval \_\_\_\_\_

No, For Rejection \_\_\_\_\_

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-BALLOT 6-  
AMENDMENT 6 TO CITY OF BRADENTON BEACH CHARTER

Title

FILLING OF COMMISSION VACANCIES.

Summary

Currently the City Charter provides for a Commission appointment process for all commission vacancies per Florida Statutes. Should the City revise its Charter to provide an alternative process for vacancies longer than 6 months due to resignation under Section 99.012, Florida Statutes? The proposed process would provide that the Commission may temporarily fill this vacancy until the next general election, where a permanent successor would be elected for the balance of the term vacated.

Yes, For Approval \_\_\_\_\_

No, For Rejection \_\_\_\_\_

-BALLOT 7-  
AMENDMENT 7 TO CITY OF BRADENTON BEACH CHARTER

Title

**CLARIFICATION OF TITLE TO ARTICLE IV. ORDINANCES.**

Summary

Currently in Article IV, Ordinances, the City Charter sets forth requirements for ordinances, referendums and initiatives. Should the City amend its Charter to clarify the title to Article IV, Ordinances, by expressly stating in the title, Ordinances, Initiatives and Referendums?

Yes, For Approval \_\_\_\_\_

No, For Rejection \_\_\_\_\_

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**EXHIBIT B**

Exhibit to Proposed Ordinance 18-502

Amend and/or Add the following Charter provisions:

*[editorial note: Amendments – underlined language is added, strike through language is deleted]*

**-BALLOT 1-**

**AMENDMENT 1 TO CITY OF BRADENTON BEACH CHARTER**

Title

**REINSTATEMENT OF AT-LARGE VOTING FOR ALL ELECTED OFFICIALS INCLUDING MAYOR AND FOUR NEIGHBORHOOD WARD COMMISSIONERS.**

Summary

Should the City amend its Charter to allow all voters in the City to vote for any elected official, reinstate the four neighborhood ward commissioner representatives, and require the City Commission to adopt an ordinance establishing four wards that are equal in population and that maintain the integrity of neighborhoods and communities of interest commencing in 2019 for at-large commission seats elected in odd numbered years and 2020 for seats elected in even numbered years?

Yes, For Approval \_\_\_\_\_

No, For Rejection \_\_\_\_\_

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**-CHARTER AMENDMENT 1-**

**ARTICLE II. - MUNICIPAL ORGANIZATION AND OFFICERS**

**Section 1. Form of Government.**

In order to establish a transparent government close to the people, the official form of government shall be known as a Balanced Commission Form of Government. The Mayor and all Ward Commissioners shall be deemed to have equal legislative and executive powers with utmost adherence to the requirements of the Florida Sunshine Law.

**Section 2.4 Elected Officials.**

A. *General.* The City of Bradenton Beach shall have a City Commission consisting of five (5) officers elected at large, for two (2) years terms. The elected officers shall be a Mayor, residing in the City and four (4) Ward Commissioners. There shall be four (4) wards, which shall be established by ordinance, shall be as equal in population as possible, and to the extent possible, shall maintain the integrity of neighborhoods and communities of interest. Commencing with the elections in November 2019, the Mayor and two (2) Commissioners shall be elected, one each from Wards 1 and 3 for two-year terms. Commencing with the elections in November 2020, two (2) Commissioners shall be elected, one each from Wards 2 and 4 for two-year terms. The Commission shall elect from one of its number a Vice Mayor to serve in the absence of the Mayor.

B. *Vice-Mayor.* The Commission shall elect from one of its number a Vice Mayor to serve in the absence of the Mayor.

C. *Compensation.* Compensation shall be established in recognition of the principle that serving as Mayor and Commissioner are matters of public service and is not actual compensation for services rendered. The Commission shall determine by Ordinance the compensation for the Mayor and the Commissioners, provided that such changes in compensation shall not be effective for any such office until after the next election for that office.

D. *Continuing Education.* It is of primary importance to the public and to the elected officials of the City of Bradenton Beach that elected officials receive adequate training throughout the period of their active term of office. To accomplish that objective, each elected official shall meet certain minimum continuing educational requirements set forth in policies adopted by the City Commission.

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**ARTICLE III. - ELECTIONS.**

**Section 1. General.**

A. Election Procedures. The Commission shall, by ordinance, prescribe the method and manner of holding all elections provided that such procedures are not in conflict with this chapter or State or Federal law. The Commission shall judge the qualifications of candidates and provide procedures for resolving contested elections or election disputes, all subject to review by a court of law. ~~The candidate for Mayor or Commissioner who receives the largest number of votes of all mayoral candidates running for each seat shall be elected to that seat. Vacancies on the commission shall be filled by the candidates receiving the largest number of votes.~~

B. Election of Mayor and Ward Commissioners. The Mayor and all four (4) Ward Commissioners shall be elected at large. The candidate(s) in each ward receiving the

greatest number of at large votes, among all candidates from that ward, shall be elected. Voters shall only cast one vote per vacant seat.

C. Terms of Office. The Mayor and the two (2) Ward Commissioners elected in odd numbered years shall continue to be elected in the odd numbered years and the two (2) Ward Commissioners elected in the even numbered years shall continue to be elected in the even numbered years. No person may hold the same elected office for more than three (3) consecutive terms or portions thereof.

**Section 2. - Qualifications of candidates for elective office.**

Candidates for elective office shall be registered voters and permanently residing in the City of Bradenton Beach for the previous 12 calendar months immediately prior to the date of qualifying. No person may hold the same elected office for more than three (3) consecutive terms or portions thereof.

The Mayor shall be a resident of, and be primarily domiciled at the time of filing in the City in which the candidate has filed their candidacy. Each Ward Commissioner candidate shall be a resident of and be primarily domiciled at the time of filing in the ward in which the candidate has filed their candidacy. Each Ward Commissioner shall at all times remain primarily domiciled in the ward in which the candidate is elected.

The Commission shall provide by ordinance the terms and criteria for establishing a candidate's residency.

-BALLOT 2-  
AMENDMENT 2 TO CITY OF BRADENTON BEACH CHARTER

Title

QUALIFICATIONS AND REQUIREMENTS TO HOLD PUBLIC OFFICE.

Summary

Currently the City Charter does not require candidates for elective office to be electors and does not define nor establish specific residency criteria. Should the City revise its Charter to clarify residency and require candidates for elective office to be registered voters permanently residing in the City of Bradenton Beach?

Yes, For Approval \_\_\_\_\_

No, For Rejection \_\_\_\_\_

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-CHARTER AMENDMENT 2-

Article III. ELECTIONS.

**Section 2. - Qualifications of candidates for elective office.**

Candidates for elective office shall be registered voters and permanently residing in the City of Bradenton Beach for the previous 12 calendar months immediately prior to the date of qualifying. No person may hold the same elected office for more than three (3) consecutive terms or portions thereof.

The Mayor shall be a resident of, and be primarily domiciled at the time of filing in the City in which the candidate has filed their candidacy. Each Ward Commissioner candidate shall be a resident of and be primarily domiciled at the time of filing in the ward in which the candidate has filed their candidacy. Each Ward Commissioner shall at all times remain primarily domiciled in the ward in which the candidate is elected.

The Commission shall provide by ordinance the terms and criteria for establishing a candidate's residency.

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- BALLOT 3-  
AMENDMENT 3 TO CITY OF BRADENTON BEACH CHARTER

Title

**BALANCED COMMISSION FORM OF GOVERNMENT**

Summary

While the governing body for the City consists of a mayor and four commissioners, the current City Charter does not expressly state the City's form of government. Should the City amend its Charter to expressly provide for a "Balanced Commission Form of Government" with the mayor and commissioners all having equal legislative and executive powers?

Yes, For Approval \_\_\_\_\_

No, For Rejection \_\_\_\_\_

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-CHARTER AMENDMENT 3-

**ARTICLE II. - MUNICIPAL ORGANIZATION AND OFFICERS**

**Section 1. Form of Government.**

In order to establish a transparent government close to the people, the official form of government shall be known as a Balanced Commission Form of Government. The Mayor and all Ward Commissioners shall be deemed to have equal legislative and executive powers with utmost adherence to the requirements of the Florida Sunshine Law.

**Section 2. Elected Officials.**

A. *General.* The City of Bradenton Beach shall have a City Commission consisting of five (5) officers elected at large, for two (2) years terms. The elected officers shall be a Mayor, residing in the City and four (4) Ward Commissioners. There shall be four (4) wards, which shall be established by ordinance, shall be as equal in population as possible, and to the extent possible, shall maintain the integrity of neighborhoods and communities of interest. Commencing with the elections in November 2019, the Mayor and two (2) Commissioners shall be elected, one each from Wards 1 and 3 for two-year terms. Commencing with the elections in November 2020, two (2) Commissioners shall be elected, one each from Wards 2 and 4 for two-year terms.

~~The Commission shall elect from one of its number a Vice Mayor to serve in the absence of the Mayor.~~

B. Vice-Mayor. The Commission shall elect from one of its number a Vice Mayor to serve in the absence of the Mayor.

C. Compensation. Compensation shall be established in recognition of the principle that serving as Mayor and Commissioner are matters of public service and is not actual compensation for services rendered. The Commission shall determine by Ordinance the compensation for the Mayor and the Commissioners, provided that such changes in compensation shall not be effective for any such office until after the next election for that office.

D. Continuing Education. It is of primary importance to the public and to the elected officials of the City of Bradenton Beach that elected officials receive adequate training throughout the period of their active term of office. To accomplish that objective, each elected official shall meet certain minimum continuing educational requirements set forth in policies adopted by the City Commission.

**Section 3 2. Appointed officials.**

The Mayor shall nominate and the Commission approve the appointment of a City Clerk, City Treasurer, Chief of Police, City Attorney, City Planner, Public Works Director, and Building Official. Removal, termination, or suspension of an appointed official shall only be approved by a majority of the City Commission.

**Section 4 3. Duties and powers of the Mayor and Vice Mayor.** ... [No change to text other than renumbering of section.]

**Section 5 4. Duties and powers of the City Commission.** ... [No change to text other than renumbering of section.]

**Section 6. 5 Vacancies.** ... [No change to text other than renumbering of section.]

**Section 7. 6 Forfeiture of office.** ... [No change to text other than renumbering of section.]

**Section 8. 7 Filling of vacancies.**

A. Mayor and Vice-Mayor. Except for a vacancy created pursuant to Paragraph C herein, whenever ~~Whenever~~ there is a vacancy in the office of the Mayor, the Vice Mayor shall succeed to the office of Mayor until the next election. The Commission then shall elect a Vice Mayor from the remaining members and fill the Commission vacancy as provided below.

B. City Commissioner. Except for a vacancy created pursuant to Paragraph C herein, whenever ~~Whenever~~ there is a vacancy, the Commission shall propose by nomination one or more names of willing and qualified successors for the vacancy. The Commission will then vote among the nominees to fill the vacancy for the remainder of the term. If a

majority of the Commissioners are unable to fill a vacancy or vacancies after two (2) meetings then the successor shall be chosen by lot by the City Clerk from the nominees proposed. All nominees shall be from the Ward from which the vacancy occurred.

C. Resign-to-Run. A vacancy on the City Commission created by a resignation required by Section 99.012, Florida Statutes to run for another office, which resignation shall result in more than six (6) months until the next general municipal election, shall be filled by election of a qualified candidate at the next general municipal election. The Commission may appoint a temporary successor to fill the vacancy, which appointment shall be effective until the next general municipal election. At the next general municipal election, a permanent successor shall be elected for the balance of the term vacated.

-BALLOT 4-  
AMENDMENT 4 TO CITY OF BRADENTON BEACH CHARTER

Title

CITY COMMISSION EXCLUSIVE POWER TO REMOVE, TERMINATE OR SUSPEND APPOINTED OFFICIALS.

Summary

The current City Charter confers appointed official status on the City Clerk, City Treasurer, Chief of Police, Public Works Director, City Attorney, City Planner and Building Official whereby a majority of the City Commission shall have the power to remove, terminate or suspend them. Should the City amend its Charter to provide that the City Commission shall exclusively retain these powers?

Yes, For Approval \_\_\_\_\_

No, For Rejection \_\_\_\_\_

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-CHARTER AMENDMENT 4-

Article II. MUNICIPAL ORGANIZATION AND OFFICERS.

Section 2. Appointed Officials.

Section 3 2. Appointed officials.

The Mayor shall nominate and the Commission approve the appointment of a City Clerk, City Treasurer, Chief of Police, City Attorney, City Planner, Public Works Director, and Building Official. Removal, termination, or suspension of an appointed official shall only be approved by a majority of the City Commission.

-BALLOT 5-  
AMENDMENT 5 TO CITY OF BRADENTON BEACH CHARTER

Title

CLARIFYING, RENUMBERING AND REORGANIZATION OF ARTICLES II AND III OF THE CITY CHARTER.

Summary

Charter Article II, Municipal Organization and Officers, and Article III, Elections, both contain provisions for elected officials, qualifications for office, and election procedures. Should the City amend its Charter to clarify, renumber and reorganize these two articles?

Yes, For Approval \_\_\_\_\_

No, For Rejection \_\_\_\_\_

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-CHARTER AMENDMENT 5-

ARTICLE II. - MUNICIPAL ORGANIZATION AND OFFICERS

Section 1. Form of Government.

In order to establish a transparent government close to the people, the official form of government shall be known as a Balanced Commission Form of Government. The Mayor and all Ward Commissioners shall be deemed to have equal legislative and executive powers with utmost adherence to the requirements of the Florida Sunshine Law.

Section 2. † Elected Officials.

A. *General.* The City of Bradenton Beach shall have a City Commission consisting of five (5) officers elected at large, for two (2) years terms. The elected officers shall be a Mayor, residing in the City and four (4) Ward Commissioners. There shall be four (4) wards, which shall be established by ordinance, shall be as equal in population as possible, and to the extent possible, shall maintain the integrity of neighborhoods and communities of interest. Commencing with the elections in November 2019, the Mayor and two (2) Commissioners shall be elected, one each from Wards 1 and 3 for two-year terms. Commencing with the elections in November 2020, two (2) Commissioners shall be elected, one each from Wards 2 and 4 for two-year terms.

~~The Commission shall elect from one of its number a Vice Mayor to serve in the absence of the Mayor.~~

B. Vice-Mayor. The Commission shall elect from one of its number a Vice Mayor to serve in the absence of the Mayor.

C. *Compensation.* Compensation shall be established in recognition of the principle that serving as Mayor and Commissioner are matters of public service and is not actual compensation for services rendered. The Commission shall determine by Ordinance the compensation for the Mayor and the Commissioners, provided that such changes in compensation shall not be effective for any such office until after the next election for that office.

D. *Continuing Education.* It is of primary importance to the public and to the elected officials of the City of Bradenton Beach that elected officials receive adequate training throughout the period of their active term of office. To accomplish that objective, each elected official shall meet certain minimum continuing educational requirements set forth in policies adopted by the City Commission.

**Section 3 2. Appointed officials.**

The Mayor shall nominate and the Commission approve the appointment of a City Clerk, City Treasurer, Chief of Police, City Attorney, City Planner, Public Works Director, and Building Official. Removal, termination, or suspension of an appointed official shall only be approved by a majority of the City Commission.

**Section 4 3. - Duties and powers of the Mayor and Vice Mayor. ...** [No change to text other than renumbering of section.]

**Section 5 4. - Duties and powers of the City Commission. ...** [No change to text other than renumbering of section.]

**Section 6. 5 - Vacancies. ...** [No change to text other than renumbering of section.]

**Section 7. 6 - Forfeiture of office. ...** [No change to text other than renumbering of section.]

**Section 8. 7 - Filling of vacancies.**

A. Mayor and Vice-Mayor. Except for a vacancy created pursuant to Paragraph C herein, whenever ~~Whenever~~ there is a vacancy in the office of the Mayor, the Vice Mayor shall succeed to the office of Mayor until the next election. The Commission then shall elect a Vice Mayor from the remaining members and fill the Commission vacancy as provided below.

B. City Commissioner. Except for a vacancy created pursuant to Paragraph C herein,, whenever ~~Whenever~~ there is a vacancy, the Commission shall propose by nomination one or more names of willing and qualified successors for the vacancy. The Commission will then vote among the nominees to fill the vacancy for the remainder of the term. If a

majority of the Commissioners are unable to fill a vacancy or vacancies after two (2) meetings then the successor shall be chosen by lot by the City Clerk from the nominees proposed. All nominees shall be from the Ward from which the vacancy occurred.

C. Resign-to-Run. A vacancy on the City Commission created by a resignation required by Section 99.012, Florida Statutes to run for another office, which resignation shall result in more than six (6) months until the next general municipal election, shall be filled by election of a qualified candidate at the next general municipal election. The Commission may appoint a temporary successor to fill the vacancy, which appointment shall be effective until the next general municipal election. At the next general municipal election, a permanent successor shall be elected for the balance of the term vacated.

### ARTICLE III. - ELECTIONS.

#### Section 1. General.

A. Election Procedures. The Commission shall, by ordinance, prescribe the method and manner of holding all elections provided that such procedures are not in conflict with this chapter or State or Federal law. The Commission shall judge the qualifications of candidates and provide procedures for resolving contested elections or election disputes, all subject to review by a court of law. ~~The candidate for Mayor or Commissioner who receives the largest number of votes of all mayoral candidates running for each seat shall be elected to that seat. Vacancies on the commission shall be filled by the candidates receiving the largest number of votes.~~

B. Election of Mayor and Ward Commissioners. The Mayor and all four (4) Ward Commissioners shall be elected at large. The candidate(s) in each ward receiving the greatest number of at large votes, among all candidates from that ward, shall be elected. Voters shall only cast one vote per vacant seat.

C. Terms of Office. The Mayor and the two (2) Ward Commissioners elected in odd numbered years shall continue to be elected in the odd numbered years and the two (2) Ward Commissioners elected in the even numbered years shall continue to be elected in the even numbered years. No person may hold the same elected office for more than three (3) consecutive terms or portions thereof.

#### Section 2. - Qualifications of candidates for elective office.

Candidates for elective office shall be registered voters and permanently residing in the City of Bradenton Beach for the previous 12 calendar months immediately prior to the date of qualifying. No person may hold the same elected office for more than three (3) consecutive terms or portions thereof.

The Mayor shall be a resident of, and be primarily domiciled at the time of filing in the City in which the candidate has filed their candidacy. Each Ward Commissioner

candidate shall be a resident of and be primarily domiciled at the time of filing in the ward in which the candidate has filed their candidacy. Each Ward Commissioner shall at all times remain primarily domiciled in the ward in which the candidate is elected.

The Commission shall provide by ordinance the terms and criteria for establishing a candidate's residency.

...

[Sections 3-7 are unchanged.]

-BALLOT 6-  
AMENDMENT 6 TO CITY OF BRADENTON BEACH CHARTER

Title

**FILLING OF COMMISSION VACANCIES.**

Summary

Currently the City Charter provides for a Commission appointment process for all commission vacancies per Florida Statutes. Should the City revise its Charter to provide an alternative process for vacancies longer than 6 months due to resignation under Section 99.012, Florida Statutes? The proposed process would provide that the Commission may temporarily fill this vacancy until the next general election, where a permanent successor would be elected for the balance of the term vacated.

Yes, For Approval \_\_\_\_\_

No, For Rejection \_\_\_\_\_

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-CHARTER AMENDMENT 6-

**Article II. MUNICIPAL ORGANIZATION AND OFFICERS.**

**Section 8.7 – Filling of vacancies.**

A. Mayor and Vice-Mayor. Except for a vacancy created pursuant to Paragraph C herein, ~~whenever~~ Whenever there is a vacancy in the office of the Mayor, the Vice Mayor shall succeed to the office of Mayor until the next election. The Commission then shall elect a Vice Mayor from the remaining members and fill the Commission vacancy as provided below.

B. City Commissioner. Except for a vacancy created pursuant to Paragraph C herein, ~~whenever~~ Whenever there is a vacancy, the Commission shall propose by nomination one or more names of willing and qualified successors for the vacancy. The Commission will then vote among the nominees to fill the vacancy for the remainder of the term. If a majority of the Commissioners are unable to fill a vacancy or vacancies after two (2) meetings then the successor shall be chosen by lot by the City Clerk from the nominees proposed. All nominees shall be from the Ward from which the vacancy occurred.

C. Resign-to-Run. A vacancy on the City Commission created by a resignation required by Section 99.012, Florida Statutes to run for another office, which resignation shall result in more than six (6) months until the next general municipal election, shall be filled

by election of a qualified candidate at the next general municipal election. The Commission may appoint a temporary successor to fill the vacancy, which appointment shall be effective until the next general municipal election. At the next general municipal election, a permanent successor shall be elected for the balance of the term vacated.

-BALLOT 7-  
AMENDMENT 7 TO CITY OF BRADENTON BEACH CHARTER

Title

CLARIFICATION OF TITLE TO ARTICLE IV. ORDINANCES.

Summary

Currently in Article IV, Ordinances, the City Charter sets forth requirements for ordinances, referendums and initiatives. Should the City amend its Charter to clarify the title to Article IV, Ordinances, by expressly stating in the title, Ordinances, Initiatives and Referendums?

Yes, For Approval \_\_\_\_\_

No, For Rejection \_\_\_\_\_

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-CHARTER AMENDMENT 7-

Article IV. ORDINANCES, INITIATIVES AND REFERENDUMS.