

Introduced by: Councilmember Hoffman  
1st Reading: May 4, 2020  
2nd Reading: May 18, 2020

**ORDINANCE NO. 2020-8141**

**AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, SUBMITTING TO THE ELECTORS OF JACKSONVILLE BEACH PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF JACKSONVILLE BEACH; PROVIDING BALLOT TITLES, SUMMARIES AND TEXT FOR THE PROPOSED AMENDMENTS; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE FOR APPROVED AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE FOR THE ORDINANCE.**

**WHEREAS**, the members of the City of Jacksonville Beach City Council have, in public meetings, studied and reviewed the City of Jacksonville Beach Charter (the “Charter”) and received public input regarding proposed amendments to the Charter; and

**WHEREAS**, the City Council has determined that the Charter should be updated and revised in various sections; and

**WHEREAS**, Section 166.031, Florida Statutes, provides that the governing body of a municipality may, by ordinance, submit to the electors of said municipality proposed amendments to its Charter, which amendments may be to any part or to all of its Charter except that part describing the boundaries of such municipality; and

**WHEREAS**, the City Council finds it to be in the best interests of its citizens to submit said proposed Charter amendments to the voters at the municipal election on November 3, 2020.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA:**

**Section 1.** The City Council of the City of Jacksonville Beach, pursuant to Section 166.031, Florida Statutes, hereby proposes and approves amendments to the Charter of the City of Jacksonville Beach to be submitted to the electorate for consideration, which proposed amendments and the complete text thereof, as amended, is set forth in Section 2 below. Additions are shown with underlining, deletions are shown with ~~striketrough~~ type, and asterisks (\*\*\*) indicate an omission from the existing text which is intended to remain unchanged.

**Section 2.** Such election shall be held in conformity with the laws of the State of Florida and the Charter and ordinances of the City of Jacksonville Beach now in force relating to elections in the City of Jacksonville Beach. The Supervisor of Elections for Duval County is hereby requested to coordinate all matters to said referendum election with the City Clerk. The proposed Charter amendments shall be submitted to the voters at the November 3, 2020 election.

**Section 3.** The proposed amendments, the ballot title, and the wording of the substance of the proposed amendments to the Charter, as contained in this Ordinance, shall appear on the ballot in the form of questions affixed to this Ordinance as Composite Exhibit 1.

**Section 4.** The City Clerk is hereby directed to ensure that all advertising, translation, and notice requirements are complied with, and to coordinate all activities necessary to conduct the referendum election called for in Section 2 of this Ordinance with the Supervisor of Elections for Duval County.

**Section 5.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereto. Further, the lack of approval by a majority of electors of one or more separate amendments to this Charter, as set forth in Section 2 herein, shall not be deemed to affect the validity of any amendments that may be approved by a majority of the electors.

**Section 6.** All ordinances and Charter provisions, or parts of ordinances and Charter provisions in conflict herewith, are hereby repealed.

**Section 7.** This Ordinance shall take effect immediately and pursuant to the City's Charter. The revised Charter provisions proposed for approval in this Ordinance shall become effective upon their approval at a referendum election of the electors of the City of Jacksonville Beach in accordance with Section 166.031, Florida Statutes. If the electors reject an amendment, the rejected amendment shall not take effect.

AUTHENTICATED THIS 20<sup>th</sup> DAY OF May, A.D., 2020.

  
\_\_\_\_\_  
William C. Latham, Mayor

  
\_\_\_\_\_  
Laurie Scott, City Clerk

**COMPOSITE EXHIBIT 1**

**Ballot Title, Summary and Proposed Amendment – Removal of City Manager**

**A. Introduction.**

This Charter amendment would require a supermajority of five (5) votes of the City Council to remove the City Manager and removes the gender specific references to the City Manager position.

**B. Ballot Proposal:** The ballot title and question for Question #1 are as follows:

REQUIRING A SUPERMAJORITY VOTE OF  
COUNCIL TO REMOVE CITY MANAGER AND  
REMOVING GENDER REFERENCES

Amending the Charter by requiring a supermajority vote of five (5) members of the Council to remove the City Manager and removing gender specific references to the City Manager.

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**C. Text Revisions:** Chapter 5, Section 27 of the City of Jacksonville Beach Charter is amended as follows: (Underline text is added to the Charter; ~~strikethrough~~ text is deleted; unmarked text is existing).

**Section 27. - Term of appointment; procedure for removal.**

The City Manager shall receive a salary for his services as set by City Council and shall be appointed by affirmative *vote* of four (4) members of the Council for an indefinite term, but may only be removed by ~~like~~ supermajority vote of five (5) members of said Council. At least thirty (30) days before such removal may become effective, the Manager shall be furnished with a formal statement in the form of a resolution passed by a majority *vote* of ~~the four (4)~~ five (5) members of the Council, stating the Council's intention to remove ~~him~~ the Manager and reasons therefor. The Manager may reply in writing to such resolution. If so requested by the Manager, the Council shall fix a time for a public hearing upon the question of ~~his~~ the Manager's removal and the final resolution removing the Manager shall not be adopted until such public hearing has been had. Upon passage of a resolution stating the Council's intention to remove the Manager, the Council may suspend ~~him~~ the Manager from duty, but ~~his~~ the Manager's pay shall continue until ~~his~~ the Manager's removal shall become effective as herein described. The action of the

Council in removing the Manager shall be final. In case of the absence or disability of the Manager, the Council may designate a qualified administrative officer of the City to perform the duties of the Manager during such disability or absence.

**Ballot Title, Summary and Proposed Amendment – Removal of City Attorney**

**A. Introduction.**

This Charter amendment would require a supermajority vote of five (5) members of the City Council to remove the City Attorney.

**B. Ballot Proposal: The ballot title and question for Question #2 are as follows:**

REQUIRING A SUPERMAJORITY VOTE OF  
COUNCIL TO REMOVE CITY ATTORNEY AND  
PROVIDING FORMAL NOTICE PROCEDURES

Amending the Charter by requiring a supermajority vote of five (5) members of the Council to remove the City Attorney.

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**C. Text Revisions: Chapter 6, Section 34 of the City of Jacksonville Beach Charter is amended as follows: (Underline text is added to the charter; ~~strikethrough~~ text is deleted; unmarked text is existing).**

**Section 34. - City Attorney; appointment by council; removal.**

There is hereby created the office of City Attorney, which said City Attorney shall be appointed by the affirmative vote of four (4) members of the City Council, but may only be removed by supermajority vote of five (5) members of said Council. At least thirty (30) days before such removal may become effective, the City Attorney shall be furnished with a formal statement in the form of a resolution passed by a majority vote of four (4) members of the Council, stating the Council's intention to remove the City Attorney and reasons therefor. The City Attorney may reply in writing to such resolution. If so requested by the City Attorney, the Council shall fix a time for a public hearing upon the question of the City Attorney's removal and the final resolution removing the City Attorney shall not be adopted until such public hearing has been had. Upon passage of a resolution stating the Council's intention to remove the City Attorney, the Council may suspend the City Attorney from duty, but the City Attorney's pay shall continue until the City Attorney's removal shall become effective as herein described. The action of the Council in removing the City Attorney shall be final. In case of the absence or disability of the

City Attorney, the Council may hire a qualified attorney to perform the duties of the City Attorney during such disability or absence.

**Ballot Title, Summary and Proposed Amendment – Elimination of City Departments**

**A. Introduction.**

This Charter amendment would require a simple majority *vote* of four (4) members of the City Council to eliminate any City Department, with the exception of the Police Department and Beaches Energy Services. The elimination of the Police Department or Beaches Energy Services shall be accomplished only with a simple majority *vote* of four (4) members of the City Council and a majority *vote* of the qualified electors of the City of Jacksonville Beach by referendum. Any referendum *vote* will take place following the simple majority *vote* of the City Council at the next available general election of the City or in a special election called by the City for the conduct of such referendum.

**B. Ballot Proposal: The ballot title and question for Question #3 are as follows:**

ESTABLISHING PROCEDURES TO  
ELIMINATE CITY DEPARTMENTS,  
INCLUDING REFERENDA TO ELIMINATE  
POLICE AND BEACH ENERGY SERVICES.

Amending the Charter by requiring a simple majority vote of four (4) members of the City Council to eliminate City Departments with the exception of the City Police Department and Beaches Energy Services which, in addition to a simple majority vote of four (4) members of the City Council, shall also require a majority vote of the qualified electors of the City of Jacksonville Beach by referendum.

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**C. Text Revisions: Chapter 9, Section 60 of the City of Jacksonville Beach Charter is created as follows: (Underline text is added to the charter; ~~strike through~~ text is deleted; unmarked text is existing).**

**Section 60. – Elimination of City Departments.**

The elimination of any City Department, with the exception of the Police Department and Beaches Energy Services, shall be accomplished by simple majority vote of four (4) members of the City Council. The elimination of the Police

Department or Beaches Energy Services shall be accomplished only with a simple majority vote of four (4) members of the City Council and a majority vote of the qualified electors of the City of Jacksonville Beach by referendum. Any referendum vote will take place following the simple majority vote of the City Council at the next available general election of the City or in a special election called by the City for the conduct of such referendum.

**Ballot Title, Summary and Proposed Amendment – Prohibiting Interference with Administration and City Employees**

**A. Introduction.**

This Charter amendment would clarify that except for purposes of inquiry and information, no member of the City Council or any member of its appointed committees or boards shall interfere with the performance of the duties of any City employee who is under the direct or indirect supervision of the City Manager.

**B. Ballot Proposal:** The ballot title and question for Question #4 are as follows:

PROHIBITING INTERFERENCE WITH CITY  
EMPLOYEE DUTIES EXCEPT FOR  
PURPOSES OF INQUIRY AND  
INFORMATION.

Amending the Charter by prohibiting City Council or its members, including any members of appointed boards or committees, from interfering with the performance of City employee's duties, except for purposes of inquiry and information.

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**C. Text Revisions:** Section 30 of the City of Jacksonville Beach Charter is amended as follows: (Underline text is added to the charter; ~~strikethrough~~ text is deleted; unmarked text is existing).

**Section 30. – Council and appointees not to interfere in performance of city employee duties, appointments or removals.**

~~Subject to the provisions of this Charter, neither the council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the city manager or any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, the council~~

Except for the purposes of inquiry and information, neither the City Council and its members nor any of its appointed boards and committees and their members shall interfere with the performance of any city employee's duties who is under the direct or indirect supervision of the City Manager. This prohibition extends to any directive or request for the appointment or promotion of any person to, or removal or demotion from, any office or employment in the service of the city, except where otherwise provided for in this Charter or the city code. The City Council and its members shall deal with the administrative service solely through the City Manager, and neither the council nor any members thereof shall give orders to any subordinate of the City Manager either publicly or privately. This section shall not preclude the City Council from making known to the City Manager its views concerning personnel actions and the internal administration of city government, including advising and consulting with the City Manager and other officers and employees of the city whenever in the judgment of the City Council it may be necessary, or from making suggestions to the City Manager. Any violation of the provisions of this section by a member of council shall constitute malfeasance and subject said member or members to municipal recall under the procedures set forth in Fla. Stat. § 100.361 be a misdemeanor, conviction of which shall immediately forfeit the office of the member so convicted. Additionally, a violation of the provisions of this section by a member of the City's appointed boards or committees shall be punishable by removal from said position(s) by a majority vote of City Council.