

CITY OF ST. PETE BEACH, FLORIDA  
ORDINANCE NO. 2010-46

**AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROPOSING PURSUANT TO SECTION 8.01 OF THE CITY CHARTER AN AMENDMENT TO CITY CHARTER TO AMEND THE CHARTER TO ELIMINATE REFERENCES TO THE CITY CLERK; PROVIDING FOR A BALLOT QUESTION TO BE SUBMITTED TO THE ELECTORS OF THE CITY AT A REFERENDUM ELECTION TO BE HELD ON MARCH 8, 2011; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, notice of this ordinance has been provided in accordance with applicable law;

WHEREAS, it is appropriate to amend the City Charter eliminate all references to the City Clerk contained in the Charter;

WHEREAS, Section 8.01 of the City Charter provides that the City Commission may by ordinance propose an amendment to the City Charter and upon passage of the initiating ordinance 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.

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAINS:**

**SECTION 1:** The City Commission hereby proposes an amendment to the following City Charter Sections as set forth in Section 2 hereof.

**SECTION 2:** Section 3.09 and Subsections 7.04 (a), (c), (d), and (e) of the City Charter are amended to read as follows:

Sec. 3.09. Commission appointments.

The city commission shall appoint but not be limited to the following offices:

- (a) ~~City clerk~~
- (b) City manager,
- (c) City attorney,

and such other officials that they deem necessary; provided this power to appoint officials shall not be construed to authorize the city commission to make appointments of administrative officials or interfere with the powers granted to the city manager under sections 3.07(a), (b) and 4.04(a), (b) of this Charter. No person shall be appointed to more than one of the aforementioned offices. The duties of these officials shall be as prescribed by the commission.

Sec. 7.04. Commencement of proceedings; petitions; procedure for filing; referendum petitions; suspension of effect of ordinance; action on petitions; results of election.

(a) Commencement of proceedings. Any five (5) qualified voters may commence initiative and referendum proceedings by filing with the city clerk an affidavit stating they will constitute the petitioner's committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the addresses at 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. Promptly after the affidavit of the petitioner's committee is filed, the ~~city clerk~~ City Manager may, at the committee's request, issue the appropriate petition blanks to the petitioner's committee at the committee's expense.

(c) Procedure for filing.

(1) Certificate of ~~clerk~~ City Manager; amendment. Within twenty (20) days after the petition is filed (five (5) days for referendum) the ~~city clerk~~ City Manager 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 by registered mail. Grounds for insufficiency are only those specified in section 7.04(b). A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the ~~city clerk~~ City Manager within two (2) days after receiving the copy of his certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (2) and (3) of section 7.04(b), and within five (5) days after it is filed the ~~city clerk~~ City Manager 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 by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request commission review under subsection (2) of this section within the time required, the ~~city clerk~~ City Manager shall promptly present his certificate to the commission and the certificate shall then be a final determination as to the sufficiency of the petition.

(2) Commission review. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it, or if an amended petition has been certified

insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the 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.

(d) Referendum petitions; suspension of effect of ordinance. When a referendum petition is filed with the ~~city clerk~~ City Manager the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition; or
- (2) The petitioners' committee withdraws the petition; or
- (3) The commission repeals the ordinance; or
- (4) After a vote of the electors of the city on the ordinance has been certified.

(e) Action on petitions.

(1) Action by the 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 ninety (90) days or fails to repeal the referred ordinance within ninety (90) days, it shall submit the proposed or referred ordinance to the voters of the city.

(2) Submission to voters. The vote of the city on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than ninety (90) days from the date that the petition was determined sufficient. If no regular city election is to be held within the period prescribed in this subsection, the commission shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the commission may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

(3) 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~~ City Manager a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

**SECTION 3:** A special city referendum election is called for March 8, 2011.

The following measure shall be placed on the ballot for the March 8, 2011, general election ballot to be voted upon by the qualified electors of the City of St. Pete Beach, Florida:

NO. \_\_\_\_  
**REFERENDUM QUESTION**

BALLOT SUBTITLE:

**Charter amendment removing references to City Clerk in City Charter**

BALLOT SUMMARY:

Charter Section 3.09 and Subsections 7.04 (a), (c), (d), and (e) refer to the office of City Clerk. Shall the charter be amended to delete all references to the City Clerk?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**SECTION 4.** If any portion, part or section of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

**SECTION 5.** All ordinances or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

**SECTION 6.** Section 2 of this Ordinance shall become effective immediately upon adoption as required by law and approval by a majority of the electors of the City voting in an election.

**SECTION 7.** The remaining provisions of this Ordinance shall become effective immediately upon adoption as provided for herein.

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**Michael Finnerty, MAYOR**

**FIRST READING** : \_\_\_\_\_  
**PUBLISHED** : \_\_\_\_\_  
**SECOND READING** : \_\_\_\_\_  
**PUBLIC HEARING** : \_\_\_\_\_

I, Pamala Prell, Acting City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Pamala Prell, Acting City Clerk