

**ORDINANCE NO. 33-24-28**

**AN ORDINANCE OF THE CITY OF ATLANTIC BEACH, FLORIDA PROPOSING AN AMENDMENT TO THE CHARTER OF THE CITY OF ATLANTIC BEACH ARTICLE II, THE COMMISSION, SEC. 9 – POWERS; SUBMITTING THE AMENDMENT TO THE CHARTER FOR CONSIDERATION BY THE ELECTORS OF THE CITY FOR APPROVAL OR DISAPPROVAL; PROVIDING FOR THE APPEARANCE OF THE CHARTER AMENDMENT ON THE BALLOT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Atlantic Beach, Florida, after receiving input from the Charter Review Committee and from its citizens, finds that the proposed amendment to the City Charter as attached to this Ordinance should be submitted to the qualified electors of the City of Atlantic Beach for consideration; and

**WHEREAS**, the City of Atlantic Beach, appreciates the diligent efforts of the Charter Review Committee comprised of: Bruce Andrews, Debbie Buckland, Charles "Chip" Drysdale, Kelly Elmore, Ellen Golombek, Kirk Hansen, Mitchell Reeves, Suzanne Shaughnessy, Jennifer Lagner, Dawn Scott, Steve Swann, and Donald Young pursuant to and under the Chairmanship of William "Bill" Gulliford; and

**WHEREAS**, the City Commission of the City of Atlantic Beach, Florida finds that the adoption of this Ordinance is in the best interest of Atlantic Beach, Florida and its citizens.

**NOW THEREFORE, BE IT ENACTED** by the City Commission on behalf of the people of the City of Atlantic Beach, Florida:

**SECTION 1. Proposed Amendment to Charter.** The City Commission of the City of Atlantic Beach, Florida hereby proposes the following amendment to the City Charter:

**Article II – The Commission**

Sec. 9 – Powers, to require that the sale or disposition of any City public parks be approved through a referendum vote by the electors of Atlantic Beach (instead of by a unanimous vote of the entire city commission),

all as set forth in Exhibit A attached hereto and incorporated herein by reference, which, if approved by the qualified electors of the City, would replace the former provision of Section 9 of the City Charter.

**SECTION 2. Submission of Charter Amendment to Public Referendum.** The amendment to the Charter of the City of Atlantic Beach, Florida set forth in the attached Exhibit A shall be submitted to public referendum at the next general election held in the City of Atlantic Beach, Florida for approval or disapproval by the qualified electors of the City.

**SECTION 3. Appearance of Charter Amendments on Ballot.**

- a. The ballot title to be used in said election shall be as follows:

PROPOSED AMENDMENT TO THE ATLANTIC BEACH CITY CHARTER  
REQUIRING REFERENDUM FOR THE DISPOSITION OF PARKS

b. The ballot summary shall be as follows:

Shall the Powers set forth in Section 9 of the Atlantic Beach City Charter be modified to require that the sale or other disposition of public parks within the City be approved only through a referendum vote of the electors (instead of by a unanimous vote of the entire city commission), be adopted?

Below the summary shall appear the following:

YES \_\_\_\_\_

NO \_\_\_\_\_

**SECTION 4. Effective Date.** The proposed amendment to the Charter of the City of Atlantic Beach shall become effective upon approval by the electors of the City and shall be filed with the Florida Department of State as required by law.

PASSED by the City Commission on first reading, this 24<sup>th</sup> day of June, 2024.

PASSED by the City Commission on second and final reading, this 8<sup>th</sup> day of July, 2024.

CITY OF ATLANTIC BEACH



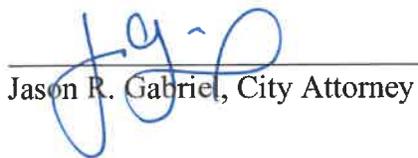
Curtis Ford, Mayor

ATTEST:



Donna L. Bartle, City Clerk

Approved as to form and correctness:



Jason R. Gabriel, City Attorney

**EXHIBIT A**

**Proposed Amendment to Section 9 of Article II  
of the City Charter**

**CITY OF ATLANTIC BEACH**

**CHARTER**

**ARTICLE II. – THE COMMISSION**

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**Sec. 9. Powers.**

Except as may be otherwise provided in this Charter, all powers of the city and the determination of all matters of policy shall be vested in the city commission. Without limitation of the foregoing, the city commission shall have power to:

- (1) Adopt a budget;
- (2) Authorize the issuance of bonds, revenue certificates, and other evidences of indebtedness;
- (3) Establish or abolish official boards and elect the members thereof as recommended by the mayor;
- (4) Adopt and modify the official map of the city;
- (5) Regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land and water for trade, industry, residence or other purposes;
- (6) Provide for an independent audit;
- (7) Pass ordinances and laws for the preservation of the public peace and order and impose penalties for the violation thereof; provided that the maximum penalty to be imposed shall be a fine of not more than one thousand dollars (\$1,000.00) and imprisonment for a period of time not longer than ninety (90) days, or as otherwise provided for by Florida Statutes;
- (8) Lease golf courses, hospitals and airports, or any portion thereof, after the city commission has passed an ordinance authorizing any such lease;
- (9) Sell golf courses and the public utility system, or any portion thereof, now owned by the city or hereafter acquired by it after the city commission has passed an ordinance that: (a) there is a finding that public welfare no longer requires the operation of any such facility; and (b) the terms of sale of real property within the city limits are stated; and (c) after such ordinance has been submitted to the qualified voters of the city at an election called for that purpose;

- (10) Provide rules and regulations for all purchases and sales made for and in behalf of the city;
- (11) Appoint, remove and fix the compensation of all officers and employees appointed by the city commission as hereinafter provided; the city commission shall perform an annual performance review of the city clerk, city manager and city attorney;
- (12) Exercise any right or authority given or permitted by the Constitution and the laws of the State of Florida to city commissions not inconsistent with the provisions of this Charter;
- (13) The mayor pro tempore shall be appointed by the city commission from its members; and
- (14) Provide for the protection and preservation of parks as follow: Any real property owned by the city which is used principally or held out for use as a public park, shall be used only as a public park; and parks shall not be sold, leased long term, gifted, changed in description or use, or otherwise disposed of; and no structure shall be built in any such park to accommodate activities not customarily associated with park use or outdoor recreation; unless such sale, lease disposal, gift or structure is approved by ~~unanimous vote of the entire city commission~~ the electors through a referendum vote.
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Words ~~stricken~~ are deletions; words underlined are additions.