

**RESOLUTION NUMBER 16-13**

**A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA,  
CERTIFYING THE RESULTS OF THE REFERENDA HELD ON MARCH  
15, 2016 REGARDING CHARTER AMENDMENTS AS SET FORTH IN  
ORDINANCE 15-02; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII, Section 2 of the State Constitution and Chapter 166 of the Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, Article X of the Fort Myers Beach Town Charter empowers the Town Council to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

**WHEREAS**, Section 13.01 of Article XIII of the Town Charter provides that the Council may, by ordinance, propose amendments to the Charter to be submitted to the electors, as provided by general law; and

**WHEREAS**, the Town Council adopted Ordinance 15-02 pertaining to proposed Charter amendments and submitted the proposed amendments as referendum questions to the qualified electors of the Town on March 15, 2016, in accordance with all applicable laws.

**IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH,  
FLORIDA AS FOLLOWS:**

**Section One. Recitals.** The above recitals are true and correct and incorporated herein as though fully set forth below.

**Section Two. Certification of Results of Election.** It is hereby certified that the appropriate election officials have canvassed the ballots and certified same to the Lee County Supervisor of Elections and the Supervisor has in turn, certified the election results to the Town Council of the Town of Fort Myers Beach, Florida.

**Section Three. Referendum Questions.**

**The referendum questions on the March 15, 2016 election ballot are set forth in attached Exhibit "A".**

**Section Four. Vote Tabulation for Referendum.**  
Referendum question are as follows:

The votes received for this

Referendum #1		
Yes	Percentage:	51.70%
No	Percentage:	48.30%
Referendum #2		
Yes	Percentage:	45.64%
No	Percentage:	54.36%
Referendum #3		
Yes	Percentage:	88.01%
No	Percentage:	11.99%
Referendum #4		
Yes	Percentage:	39.01%
No	Percentage:	60.99%
Referendum #5		
Yes	Percentage:	16.89%
No	Percentage:	83.11%
Referendum #6		
Yes	Percentage:	70.38%
No	Percentage:	29.62%
Referendum #7		
Yes	Percentage:	53.71%
No	Percentage:	46.29%
Referendum #8		
Yes	Percentage:	89.20%
No	Percentage:	10.80%
Referendum #9		
Yes	Percentage:	92.20%
No	Percentage:	7.80%
Referendum #10		
Yes	Percentage:	73.91%
No	Percentage:	26.09%
Referendum #11		
Yes	Percentage:	77.03%
No	Percentage:	22.97%
Referendum #12		
Yes	Percentage:	78.51%
No	Percentage:	21.49%
Referendum #13		
Yes	Percentage:	84.01%
No	Percentage:	15.99%
Referendum #14		
Yes	Percentage:	79.17%
No	Percentage:	20.83%
Referendum #15		
Yes	Percentage:	84.14%
No	Percentage:	15.86%
Referendum #16		
Yes	Percentage:	50.83%
No	Percentage:	49.17%

Referendum #17  
 Yes Percentage: 89.94%  
 No Percentage: 11.06%

Referendum #18  
 Yes Percentage: 66.73%  
 No Percentage: 33.27%

Referendum #19  
 Yes Percentage: 50.98%  
 No Percentage: 49.02%

Referendum #20  
 Yes Percentage: 76.89%  
 No Percentage: 23.11%

Referendum #21  
 Yes Percentage: 79.88%  
 No Percentage: 20.12%

**Section Five. Effective Date.** This Resolution takes effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach, Florida.

The foregoing resolution was adopted by the Fort Myers Beach Town Council upon motion by Councilmember Hosafros and seconded by Vice Mayor Stockton, and being put to a vote, the result was as follows:


Dennis C. Boback, Mayor	aye	Summer Stockton, Vice Mayor	aye
Anita Cereceda, Council Member	absent	Rexann Hosafros, Council Member	aye
Tracey Gore, Council Member	aye		

APPROVED THIS 4<sup>th</sup> DAY OF APRIL, 2016.

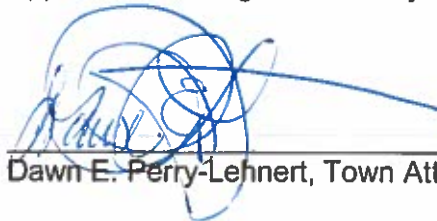
ATTEST:

TOWN OF FORT MYERS BEACH

By:   
 Michelle D. Mayher, Town Clerk

By:   
 Dennis C. Boback, Mayor

Approved as to legal sufficiency and form by:

  
 Dawn E. Perry-Lehnert, Town Attorney

**EXHIBIT A  
(21 Ballot Referendum Questions)**

**REFERENDUM # 1  
Sec. 11.03**

**TITLE:** REMOVING LIMITATIONS ON THE TOWN'S ABILITY TO ENGAGE IN LONG TERM FINANCING

**SUMMARY:** This amendment will allow the Town to borrow the funds necessary to meet long term capital improvement funding needs in accordance with the Town's Debt Management Policy.

**QUESTION:** Shall the above-described amendment be adopted?

**OPTIONS:**  Yes for approval  
 No, for rejection

**TEXT:** Sec. 11.03. Council action on the budget.

~~(a) Unless authorized by the electors of the town at a duly held referendum election, the council shall not authorize or allow to be authorized the issuance of revenue bonds or enter into lease purchase contracts or any other unfunded multi-year contracts all for the purchase of real property or the construction of any capital improvement, the repayment of which extends in excess of 36 months, unless mandated by state or federal governing agencies.~~

<b>RESULT:</b> Yes for approval	1,432 votes	51.70%
No, for rejection	1,338 votes	48.30%

**REFERENDUM # 2**  
**Sec. 12.01**

**TITLE:** LOWERING THE REQUIREMENTS FOR RESIDENT INITIATIVES

**SUMMARY:** This amendment will lower the threshold percentage for resident initiatives to be presented to the Town Council regarding adoption of an ordinance affecting the Town from 25% to 15%.

**QUESTION:** Shall the above-described amendment be adopted?

**OPTIONS:**  Yes for approval  
 No, for rejection

**TEXT:** **Sec. 12.01. Initiative and referendum.**

At least ~~25~~ 15 percent of the qualified electorate of the town shall have the power to petition the council to propose an ordinance or to require reconsideration of an adopted ordinance, and if the council fails to adopt such ordinance so proposed, or to repeal such adopted ordinance, without any change in substance, then the council shall place the proposed ordinance, or the repeal of the adopted ordinance, on the ballot at the next municipal election.

<b>RESULT:</b> Yes for approval	1,226 votes	45.64%
No, for rejection	1,460 votes	54.36%

**REFERENDUM # 3**  
**Sec. 4.13**

**TITLE:** REQUIRING THREE AFFIRMATIVE COUNCIL MEMBER VOTES TO TAKE OFFICAL ACTION

**SUMMARY:** The Charter currently allows an official action to be adopted upon the affirmative vote of only two members in the event of a voting conflict or absentee member. This amendment will require that all official actions, except in the case of emergencies, will require an affirmative vote of at least three members.

**QUESTION:** Shall the above-described amendment be adopted?

**OPTIONS:**  Yes for approval  
 No, for rejection

**TEXT:** **Sec. 4.13. Voting; quorum.**

Roll call voting shall be required for ordinances or upon the specific request of a council member and shall be recorded in the minutes; otherwise, voting shall be by ayes and nays. Three members of the council shall constitute a quorum. No action of the council shall be valid or binding unless adopted by the affirmative vote of ~~a majority of the~~ at least 3 members of council, except in an emergency situation. All council members in attendance shall vote on all council actions, except when, with respect to any such member, there is, or appears to be, a possible conflict of interest as defined under general law.

RESULT: Yes for approval	2,423 votes	88.01%
No, for rejection	330 votes	11.99%

**REFERENDUM # 4**  
**Sec. 5.03**

**TITLE:** EXTENDING COUNCIL MEMBER TERMS OF OFFICE FROM THREE TO FOUR YEARS

**SUMMARY:** This amendment will change the council member terms of service from three years to four years, with elections being held in odd number years. Seats #1, and #2 will initially be for a term from March 2016 to March 2019.

**QUESTION:** Shall the above-described amendment be adopted?

**OPTIONS:**  Yes for approval  
 No, for rejection

**TEXT:** **Sec. 5.03. Terms of Office.**

The terms for all council seats, #1, #2, #3, #4, and #5, shall be for 3 4 years with elections held every other year ending in an odd number. Seats #1 and #2 shall initially be for a term from March 2016 to March 2019.  ~~,except during the transition period, seats #1 and #2 shall initially be for a term from November, 2000 to March, 2005.~~

<b>RESULT:</b> Yes for approval	1,084 votes	39.01 %
No, for rejection	1,695 votes	60.99%

**REFERENDUM # 5**  
**Sec. 5.03**

**TITLE:** ELIMINATING TERM LIMITS

**SUMMARY:** This amendment will allow elected council members to serve more than two full consecutive terms; and, eliminates term limits.

**QUESTION:** Shall the above-described amendment be adopted?

**OPTIONS:**  Yes for approval  
 No, for rejection

**TEXT:** **Sec. 5.03. Terms of office.**

~~No member of council shall serve for more than two consecutive full terms. After one year out of office, a candidate may qualify for any vacant seat.~~

<b>RESULT:</b> Yes for approval	462 votes	16.89%
No, for rejection	2,273 votes	83.11%



**REFERENDUM # 6**

**Sec. 5.09**

**TITLE:** ESTABLISHING A TOWN CANVASSING BOARD

**SUMMARY:** This amendment will create a Town Canvassing Board. At the close of any Town election, the Town Canvassing Board will review the votes on file with the Supervisor of Elections and certify the total number of votes taken.

**QUESTION:** Shall the above-described amendment be adopted?

**OPTIONS:**  Yes for approval  
 No, for rejection

**TEXT:** Sec. 5.09. Town canvassing board.

The town canvassing board shall be composed of a Town Council Member, selected by Town Council, who is not a candidate for reelection, the Town Manager and the Town Clerk, who shall act as chairperson. At the close of polls of any town election, or as soon thereafter as practicable, the canvassing board shall meet at a time and place designated by the chairperson and shall proceed to publicly canvass the vote as shown by the returns then on file in the Office of the Supervisor of Elections. The Board shall prepare and sign a certificate containing the total number of votes cast for each person or other measure voted on. The certificate shall be placed on file with the Town Clerk.

<b>RESULT:</b> Yes for approval	1,853 votes	70.38%
No, for rejection	780 votes	29.62%

**REFERENDUM # 7**  
**Sec. 4.05**

**TITLE:** SETTING COUNCIL MEMBER SALARIES AND METHOD FOR ADJUSTMENT

**SUMMARY:** This amendment establishes a specific annual salary for the mayor and council members, effective April 1, 2016, and provides a method for annual adjustment.

**QUESTION:** Shall the above-described amendment be adopted?

**OPTIONS:**  Yes for approval  
 No, for rejection

**TEXT:** **Sec. 4.05. Compensation.**

(a) ~~An ordinance establishing, increasing, or decreasing compensation of the council may be adopted at any time; however, in no event shall any establishment of compensation or any increase in compensation become effective prior to the first day of the first month following the first regular election of the town subsequent to the adoption of such ordinance.~~ Effective April 1, 2016, base pay for the Mayor will be \$19,200 annually and Council Members will be \$16,800 annually as compensation for their services. Compensation shall be revised annually based on across-the-board adjustments budgeted for staff and administered at the same time as Town employees.

<b>RESULT:</b> Yes for approval	1,426 votes	53.71%
No, for rejection	1,229 votes	46.29%

**REFERENDUM # 8**

**TITLE:** CLARIFYING THE DATE MAYOR AND VICE MAYOR ARE SELECTED

**SUMMARY:** This amendment clarifies that the selection of the council members to serve as mayor and vice mayor will occur at the first meeting following the second Tuesday in March.

**QUESTION:** Shall the above-described amendment be adopted?

**OPTIONS:**  Yes for approval  
 No, for rejection

**TEXT:** **Sec. 4.02. Mayor.**

At the first ~~regularly scheduled meeting following the town's regular election meeting after the second Tuesday in March~~, the council, by majority vote, shall elect from its membership a mayor. The mayor shall serve as chairperson during meetings of the council and shall serve as the head of municipal government for the purpose of execution of legal documents as required by ordinance. The mayor shall also serve as the ceremonial head of the town.

**Sec. 4.03. Vice mayor.**

At the first ~~regularly scheduled meeting following the town's regular election meeting after the second Tuesday in March~~, the council, by a majority vote, shall elect from among its membership a vice mayor who shall serve as mayor during the absence or disability of the mayor and, if a vacancy occurs, shall become interim mayor pursuant to section 4.08 of this charter.

<b>RESULT:</b> Yes for approval	2,355 votes	89.20%
No, for rejection	285 votes	10.80%

**REFERENDUM # 9**  
**Sec. 4.07**

**TITLE:** CLARIFYING THE TERMS OF FORFEITURE OF OFFICE

**SUMMARY:** This amendment clarifies that a council member may forfeit elected office for failure to attend three consecutive regularly scheduled council meetings without an excused absence, or failure to maintain a permanent residence in the Town of Fort Myers Beach.

**QUESTION:** Shall the above-described amendment be adopted?

**OPTIONS:**  Yes for approval  
 No, for rejection

**TEXT:** **Sec. 4.07. Forfeiture of office.**

A member of the council may forfeit the office, if the member:

- (d) Misses three consecutive regularly scheduled council meetings without an excused absence.
- (e) Does not maintain a permanent residence in the Town of Fort Myers Beach.

RESULT: Yes for approval	2,459 votes	92.20%
No, for rejection	208 votes	7.80%

**REFERENDUM # 10**  
**Sec. 10.02**

**TITLE:** AMENDING AND CLARIFYING THE PROCESS FOR THE ADOPTION OF EMERGENCY TOWN ORDINANCES

**SUMMARY:** This amendment eliminates unnecessary restraints on the Town Council to enact ordinances under emergency conditions. Emergency ordinances adopted by Council will automatically be repealed 61 days after adoption.

**QUESTION:** Shall the above-described amendment be adopted?

**OPTIONS:**  Yes for approval  
 No, for rejection

**TEXT:** Sec. 10.02. Adoption of ordinances.

(b) ~~To meet a public emergency affecting life, health, property, or the public peace, the~~ The council, as provided by a two-thirds vote of those present as required by general law, may adopt an emergency ordinance without complying with the requirements of notice expressed in the foregoing paragraph. ~~An emergency ordinance 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.~~ An emergency ordinance shall become effective upon adoption and automatically stand repealed as of the 61st day following the date on which it was adopted. This shall not prevent reenactment of such an ordinance under regular procedures.

<b>RESULT:</b> Yes for approval	1,946 votes	73.91%
No, for rejection	687 votes	26.09%

**REFERENDUM # 11**

**Sec. 13.03**

**TITLE:** CLARIFY THE PROCESS OF COUNCIL ACTION IN RESPONSE TO RECOMMENDATION OF THE CHARTER REVIEW COMMISSION

**SUMMARY:** This amendment removes obsolete language regarding the timing of charter review, which will be conducted every 10 years. It clarifies that Council action with respect to Charter Review Commission recommendations includes the authority to accept, reject or modify the proposed changes after two public hearings.

**QUESTION:** Shall the above-described amendment be adopted?

**OPTIONS:**  Yes for approval  
 No, for rejection

**TEXT:** **Sec. 13.03. Charter review.**

The charter will be reviewed ~~no later than 3 years after approval, then no later than 5 years after the initial charter review, and thereafter~~ at least every 10 years. A five-member charter review commission shall be appointed and funded by the council. The charter review commission shall be appointed at least 6 months before the next scheduled election and complete its work and present any recommendations to the Council for change no later than 60 days before the election. The council shall hold a minimum of two public hearings on to approve, reject or modify the proposed changes to the charter prior to placing the proposed changes on the scheduled election ballot.

RESULT: Yes for approval	2,005 votes	77.03%
No, for rejection	598 votes	22.97%

**REFERENDUM # 12**  
**Sec. 4.04**

**TITLE:** ESTABLISHING THAT VIOLATIONS OF THE CHARTER'S NON-INTERFERENCE PROVISIONS CONSTITUTE GROUNDS FOR RECALL.

**SUMMARY:** The Charter provides that council members will direct improvements to operations of Town government through the Town Manager. This amendment establishes that a violation of this requirement for non-interference with Town staff will constitute grounds for a council member's recall.

**QUESTION:** Shall the above-described amendment be adopted?

**OPTIONS:**  Yes for approval  
 No, for rejection

**TEXT:** **Sec. 4.04. Prohibitions.**

(a) Neither the council, nor any individual member of the council, shall in any manner dictate the employment or removal of any employee other than the town manager and town attorney. No individual member of the council shall give orders to any officer or employee of the town. Recommendations for the improvements in the town government operations shall come through the town manager, but each member of the council shall be free to discuss or recommend improvements to the town manager, and the council is free to direct the town manager to implement specific recommendations for improvement in town government operations. Violations of this Section of the Charter shall constitute malfeasance within the meaning of Section 100.361, Florida Statutes, as may be amended.

<b>RESULT:</b> Yes for approval	2,042 votes	78.51%
No, for rejection	559 votes	21.49%

**REFERENDUM # 13  
SEC. 2.01**

**TITLE:** CLARIFYING THE TERRITORIAL BOUNDARIES OF THE TOWN OF FORT MYERS BEACH.

**SUMMARY:** The Town Charter currently describes its territorial waters as a corporate limit 1,000 feet offshore. This amendment will clarify that the Town boundaries include the waters within 1,000 feet of Estero Island into the Gulf of Mexico.

**QUESTION:** Shall the above-described amendment be adopted?

**OPTIONS:**  Yes for approval  
 No, for rejection

**TEXT:** **Sec. 2.01. Boundaries of the Town of Fort Myers Beach.**

The territorial boundaries of the Town of Fort Myers Beach upon the date of incorporation shall include the following areas situated in the County of Lee, State of Florida:

A corporate limit lying offshore from Estero Island, which line is described as follows: all that part of Lee County ~~that is located and~~ situated within Estero Island, ~~including a corporate limit line offshore~~ and the area within 1,000 feet in the Gulf of Mexico and 1,000 feet in the inland bays, and parallel with the shore line of said Estero Island, excluding all of San Carlos Island, Black Island and, structures exclusively attached thereto.

<b>RESULT:</b> Yes for approval	2,243 votes	84.01%
No, for rejection	427 votes	15.99%



**REFERENDUM # 14**  
**Sec. 4.12**

**TITLE:** UPDATING REQUIREMENTS FOR KEEPING RECORDS AND MINUTES OF COUNCIL MEETINGS

**SUMMARY:** The requirement to keep a journal in addition to minutes of Council meetings is outdated and will be eliminated by this amendment. Minutes of Council meetings will be maintained in accordance with the Town Council Policies and Procedures Manual.

**QUESTION:** Shall the above-described amendment be adopted?

**OPTIONS:**  Yes for approval  
 No, for rejection

**TEXT:** **Sec. 4.12. Rules and journal.**

The council shall determine its own rules and order of business and shall provide for keeping a journal and minutes of its proceedings. The journal and minutes shall be public records. The Town Council shall maintain a Policies and Procedures Manual that provides guidelines for how it will operate.

<b>RESULT:</b> Yes for approval	2,105 votes	79.17%
No, for rejection	554 votes	20.83%

**REFERENDUM # 15**  
**Sec. 4.08**

**TITLE:** CLARIFYING THE LANGUAGE REGARDING THE FILLING OF COUNCIL MEMBER VACANCIES

**SUMMARY:** This amendment deletes unnecessary language relating to the filling of council vacancies and establishes a gender neutral statement.

**QUESTION:** Shall the above-described amendment be adopted?

**OPTIONS:**  Yes for approval  
 No, for rejection

**TEXT:** Section 4.08 Filling of vacancies.--A vacancy on the council, except for the position of mayor, shall be filled by appointment by majority vote of the council members remaining, and said appointment shall be effective until a successor is chosen at the next regular election. In the event that a majority of the members of the council are removed by death, disability, law, or forfeiture of office, the governor shall appoint an interim council that shall call a special election to be held within 45 days following the occurrence of the vacancies to elect a new council. In the event that the mayor becomes unable to fulfill the duties of his office, ceases to be qualified, or is removed from office as provided by law or this charter, the vice mayor of the council shall assume the full powers and duties of the mayor. The vice mayor of the council shall temporarily relinquish his office as council member and shall assume the office of mayor for the remainder of the unexpired term. The council vacancy thus created shall be filled by an interim appointment under the provisions of this charter, to be effective only until such time as the mayor resumes his office or until the expiration of the term of the office, whichever occurs first.

<b>RESULT:</b> Yes for approval	2,223 votes	84.14%
No, for rejection	419 votes	15.86%

**REFERENDUM # 16**  
**Sec. 4.11**

**TITLE:** CLARIFYING THAT REASONABLE NOTICE WILL BE PROVIDED FOR ALL MEETINGS

**SUMMARY:** The Town Charter currently requires at least 24 hours notice for all Council meetings. This amendment will delete the 24-hour timeframe and require reasonable notice for all meetings.

**QUESTION:** Shall the above-described amendment be adopted?

**OPTIONS:**  Yes for approval  
 No, for rejection

**TEXT:** **Section 4.11 Meetings.** The council shall meet regularly at least eight times per year and shall meet no less often than bimonthly at such times and locations within the boundaries of the town as the council may prescribe. Special meetings may be held on the call of the mayor or the town manager ~~and, whenever practical, upon no less than a 24-hour notice~~ with reasonable notice to each member and the public. Action taken at a special meeting shall be limited to the purpose for which the special meeting is called. A special meeting may be held outside the town with ~~proper notice~~ with reasonable notice. All meetings shall be public and shall be scheduled to commence no earlier than 7 a.m. nor later than 10 p.m.

<b>RESULT:</b> Yes for approval	1,352 votes	50.83%
No, for rejection	1,308 votes	49.17%

**REFERENDUM # 17**  
**Sec. 6.02**

**TITLE:** CLARIFYING COUNCIL VOTE TO REMOVE TOWN MANAGER

**SUMMARY:** This amendment clarifies that removal of the Town Manager requires an affirmative vote of at least three Council members.

**QUESTION:** Shall the above-described amendment be adopted?

**OPTIONS:**  Yes for approval  
 No, for rejection

**TEXT:** **Sec. 6.02. Removal.**

The council may remove the town manager for any reason by affirmative vote of at least 3 members of the council. If the vote is less than unanimous by all council members, the town manager may, within 7 days of the dismissal motion by council, submit to the mayor a written request for reconsideration. Any action taken by the council at the reconsideration hearing shall be final.

<b>RESULT:</b> Yes for approval	2,355 votes	88.94%
No, for rejection	293 votes	11.06%

**REFERENDUM # 18**  
**Sec. 6.01**

**TITLE:** CLARIFYING THE TERMS OF THE TOWN MANAGER'S APPOINTMENT

**SUMMARY:** This amendment removes the requirement that Town Council appoint a Town Manager for an indefinite term.

**QUESTION:** Shall the above-described amendment be adopted?

**OPTIONS:**  Yes for approval  
 No, for rejection

**TEXT:** **Sec. 6.01. Appointment and qualifications.**

The council shall appoint a town manager ~~for an indefinite term and fix compensation.~~ The town manager shall be appointed primarily on the basis of executive and administrative qualifications.

<b>RESULT:</b> Yes for approval	1,721 votes	66.73%
No, for rejection	858 votes	33.27%

**REFERENDUM # 19**  
**Sec. 12.02**

**TITLE:** REMOVING THE REFERENDUM REQUIREMENT FOR ROAD AND BRIDGE TOLLS

**SUMMARY:** This amendment deletes the requirement for a referendum vote before the Council can impose bridge or road tolls. Amendment will reflect the reality that the Town does not own any toll-able bridges or roads.

**QUESTION:** Shall the above-described amendment be adopted?

**OPTIONS:**  Yes for approval  
 No, for rejection

**TEXT:** ~~Sec. 12.02. Tolls-Referendum.~~

~~The council may impose road or bridge tolls only after approval by the electors, as provided by general law.~~

<b>RESULT:</b> Yes for approval	1,327 votes	50.98%
No, for rejection	1,276 votes	49.02%

**REFERENDUM # 20**  
**Sec. 16.01**

**TITLE:** REMOVING OBSOLETE LANGUAGE REGARDING INDEPENDENT SPECIAL DISTRICTS

**SUMMARY:** This amendment is necessary to clean up the charter. It will eliminate provisions applicable to local independent special districts within the boundaries of the Town. No independent special districts exist wholly within the boundaries of the Town.

**QUESTION:** Shall the above-described amendment be adopted?

**OPTIONS:**  Yes for approval  
 No, for rejection

**TEXT:** ~~Article XVI.—Independent Special Districts.~~

~~Sec. 16.01.—[Dissolution procedure; interlocal agreements between town and districts.]~~

~~Its recognized that certain services within the municipal boundaries are provided by independent special districts created by special acts of the Florida Legislature. The municipality is empowered to merge the functions of said districts with those of the municipality only upon dissolution of the special district, or upon affirmative vote of a majority of the town council and an affirmative vote of the majority of the council or board governing the district after meeting all requirements for merger or dissolution in the district's enabling legislation and chapter 189, Florida Statutes. It is recognized that certain planning and interlocal agreements may be necessary between the town and such districts and the town council shall endeavor to maximize the benefits of the districts to the fullest extent possible. In the event the town council desires to supplement or duplicate services determined to be inadequate, the council is fully empowered to do so.~~

<b>RESULT:</b> Yes for approval	1,960 votes	76.89%
No, for rejection	589 votes	23.11%

**REFERENDUM # 21**  
**Sec. 17.01**

**TITLE:** REMOVING UNNECESSARY LANGAUGE REGARDING REVENUE SHARING

**SUMMARY:** This amendment is necessary to clean up the Charter. The Town Charter currently contains language regarding eligibility for state revenue sharing based on the calculations including local special districts. This authority is already provided for by both a special act of the legislature and by general law.

**QUESTION:** Shall the above-described amendment be adopted?

**OPTIONS:**  Yes for approval  
 No, for rejection

**TEXT:** ~~Article XVII.—Revenue Sharing.~~

~~Sec. 17.01. [Town-eligibility; procedure.]~~

~~It is recognized that the services provided by independent districts within the municipal boundaries provide essential services which would customarily be provided by municipal government. It is therefore declared that the Town of Fort Myers Beach shall be eligible to participate in revenue sharing beyond the minimum entitlement in any fiscal year, provided that the town and all independent special districts created under special law, combined, levy ad valorem taxes in amounts as required by section 218.23, Florida Statutes.~~

<b>RESULT:</b> Yes for approval	2,045 votes	79.88%
No, for rejection	515 votes	20.12%



**EXHIBIT B**  
**(Non-referendum Charter Amendments to Remove Transitional Provisions)**

**Sec. 4.01. Council members; elections.**

(a) There shall be a town council, hereinafter referred to as the council, with all legislative powers of the town vested therein, consisting of five council members, all of whom shall be elected from the town at-large, ~~for the initial election. The council shall place the matter of a change in the charter regarding at-large or district elections for council members to a vote of the electorate no later than 2 years after formation of the municipality with public hearings as to said matter as required under section 13.03 hereof.~~

(b) Council seats shall be designated as seats #1, #2, #3, #4, and #5. ~~Candidates shall not seek election to a specific seat on council.~~ All qualified candidates shall be deemed to be seeking election to all open council seats. Assignment of open seat numbers shall be alphabetically by incoming Council members' last names.

**Article VX: TRANSITION**

~~Sec. 15.03. Creation and establishment of the Town of Fort Myers Beach. For the purpose of compliance with section 200.066, Florida Statutes, relating to assessment and collection of ad valorem taxes, the Town of Fort Myers Beach is hereby created and established effective December 31, 1995.~~

~~Sec. 15.11. Contractual services and facilities. Services for fire, police, public works, parks and recreation, planning and zoning, building inspection, development reviews, animal control, and solid waste collection may be supplied by contract between the town and county, special districts, municipalities, or private enterprise until such time as the town council establishes such independent services. Facilities for housing the newly formed municipal operation may be rented or leased until the town is in the position to obtain its own facilities.~~

~~Sec. 15.12. Elimination of transition elements from the charter. Upon completion of the transition phase as contained herein, those sections of the charter relating to transition shall be eliminated from the charter.~~

