



Fort Myers Beach Charter Review Commission

Town Hall Council Chambers
6231 Estero Boulevard
Fort Myers Beach, FL 33931
Tuesday, February 3, 2026

Agenda

2:00 PM

ORDER OF BUSINESS

- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL**
- IV. **PUBLIC COMMENT**
- V. **APPROVAL OF MINUTES**
 - A. Charter Review Commission — January 6, 2026
- VI. **MEMBER ITEMS**
 - A. CRC Member Dunlap
Blue Ribbon Committee
- VII. **OLD BUSINESS**
 - A. Article V. Nominations and Elections; Terms of Office
Recap of Article V. NOMINATIONS AND ELECTIONS; TERMS OF OFFICE from the January 6, 2026 meeting.
 - B. Article VI. Town Manager
Recap of Article VI. TOWN MANAGER from the January 6, 2026 meeting
 - C. Article VIII. Town Attorney
Recap of Article VIII. TOWN ATTORNEY from the January 6, 2026 meeting.
 - D. Discussions/Suggestions/Notes from meetings to date from members to date
Discussions/Suggestions/Notes from meetings to date from members
- VIII. **NEW BUSINESS**
 - A. ARTICLE VII. TOWN CLERK
Review of Article VII of the Town Charter
 - B. ARTICLE IX. ADMINISTRATIVE DEPARTMENTS
Review of Article IX of the Town Charter

C. ARTICLE X. ORDINANCES AND RESOLUTIONS**Review of Article X of the Town Charter**D. ARTICLE XI. FINANCIAL PROCEDURES**Review of Article XI of the Town Charter****IX. NEXT MEETING DATE - MARCH 3, 2026****X. ADJOURNMENT**

NOTE: THIS MEETING IS STREAMED LIVE ON [YOUTUBE](#).



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Fort Myers Beach Charter Review Commission

**Town Hall Council Chambers
6231 Estero Boulevard
Fort Myers Beach, FL 33931
Tuesday, January 6, 2026**

Minutes

2:00 PM

ORDER OF BUSINESS

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Members present: Chair Jim Dunlap, Anita Cereceda, Michele Cherney, Beverly Milligan, Bryan Thomas, Ed Schoonover and Hank Zuba.

Staff: Town Clerk Amy Baker and Town Attorney Nancy Stuparich.

IV. PUBLIC COMMENT

No public comment.

V. APPROVAL OF MINUTES

A. Charter Review Committee - December 2, 2025

Mr. Zuba moved to approve the minutes, seconded by Mr. Thomas.

The motion carried unanimously.

VI. MEMBER ITEMS

A. CRC Member Zuba

Draft Ethics Inclusion

Mr. Zuba proposed that they include a statement under Council Member Responsibilities with an ethics subtext. He suggested that ex parte communications should include people who have contacted council members, that any expenses or gifts be disclosed and that all council members be required to disclose any conflict of interest.

Town Attorney Stuparich noted that the code defined what an ex parte communication was and members were asked for ex parte communications before quasi-judicial matters. Property owners were also given an opportunity to ask questions about ex parte communication.

Ms. Cereceda did not think the ex parte disclosure was sufficient because the

public could not ask questions and had no way of knowing who the town council or LPA member met with, what they discussed, how long they spoke, when they met, etc. She felt it created a sense of mistrust. She noted that many things would not have been such a big deal 10 or 15 years ago because they did not have the instant push of media and instant commentary then. She felt they needed to update ex parte and add a statement to the charter.

Vice Mayor Safford agreed with Ms. Cereceda.

Town Attorney Stuparich noted that amending the ordinance or the procedural rules were options rather than adding it to the charter. The issue will be revisited.

Town Attorney Stuparich said there was an existing state statute that regulated gift disclosures and prohibited the acceptance of gifts. The conflict of interest was also there. She noted the council did have a code of ethics in the procedural rules, including the code of conduct, ethics, ex parte communications and references to conflicts.

Ms. Cherney read the ethics provision in the charter of another local community, specifically regarding a conflict of interest. Town Attorney Stuparich noted that elected officials were required to fill out a form if there was a conflict.

Ms. Cherney's information will be included in next month's agenda packet.

VII. OLD BUSINESS

A. Recap of ARTICLE IV. CHARTER OFFICES from December 2, 2025 meeting

Ms. Cherney stated they needed to strengthen 4.06, Vacancies and 4.07, Forfeiture of Office, because they needed to cross over and link up. Her recommendations are included in the packet and will be added to the next agenda packet. All members agreed with Ms. Cherney's recommendations. Chair Dunlap brought up 4.05 regarding town council members discussing their salaries. Vice Mayor Safford was in favor of a Blue Ribbon committee and if the salary was going to stay there, the coalition should stay. Town Attorney Stuparich commented that the code of ordinances contained outdated language specifying the monthly payment amount. She was working with the HR director to draft language to allow council members to waive their salaries.

Mr. Schoonover favored the COLA.

Mr. Zuba favored the Blue Ribbon committee but disagreed with salaries for the town council in general.

Ms. Milligan liked the Blue Ribbon committee idea.

Mr. Thomas favored the Blue Ribbon committee.

Ms. Cereceda noted that the town council appointed the Blue Ribbon committee. She would leave the compensation as it was in the charter.

Chair Dunlap was in favor of the Blue Ribbon.

Ms. Cherney mentioned adding compensation and benefits.

VIII. NEW BUSINESS

A. ARTICLE V. NOMINATIONS AND ELECTIONS; TERMS OF OFFICE

5.01, Elections. Town Attorney Stuparich will research removing outdated items regarding the qualifying time period.

5.03, Terms of Office. Chair Dunlap noted that two other charters said 24 months or less, the person serves out the term. More than that, it flips to the next general election and is codified by the voters. All members except Mr. Schoonover agreed. Mr. Schoonover felt it should be until the next election, so the voters choose the person who sits on the town council. Town Attorney Stuparich pointed out that 4.08 stated that the term of the set appointment shall be effective until a successor is chosen at the next regular election. In her opinion, 5.03 was a four-year term. A discussion was held concerning waiting three years for an election and protecting the staggered system.

Town Attorney Stuparich noted there was an opportunity to have a special election in 4.08 with qualifiers. They may want to open it up to have a special election without the governor intervening if a majority of the members were removed.

None of the members felt the seat numbers were relevant. They agreed that an appointment or opening would have to run for the remainder of that term, not the full-year term normally afforded. The candidate with the lowest vote count would get the two-year term. The voters' preference gets the four-year terms. Ms. Cherney recommended parking the discussion and bringing it back to the top of the agenda at the next meeting.

5.09, Town canvassing board. Ms. Cherney noted that in other areas, the town does not get involved due to potential conflicts of interest. Town Clerk Baker indicated that all the canvassing board meetings and the accuracy and logistics testing were open to the public.

B. ARTICLE VI. TOWN MANAGER

Ms. Cherney noted that the Deputy Town Manager was not listed in the section. Chair Dunlap will talk with the Town Manager to make sure they do not develop anything that is not harmonious.

6.01, Appointment and qualifications. Remove the word primarily. Town Attorney Stuparich pointed out that the procedural rules provided a detailed process for selecting the Town Manager.

6.02, Removal of the Town Manager. Ms. Cherney pointed out that the mayor does not have executive authority. Town Attorney Stuparich noted that the mayor was the ceremonial head of the town. Ms. Cherney thought a supermajority vote should be required to remove the town manager and Ms. Cereceda agreed. No one else agreed. No change.

6.03, Powers and duties of the town manager. Town Attorney Stuparich

noted that more details are embedded in the employment contract, which allows more flexibility. She described 8.01, which was her position and recommended no changes to that section. The law firm believed they were there to serve and would do what was directed by the council.

Town Manager Will McKannay joined the meeting. Ms. Cherney asked him whether the deputy town manager's duties should be added to the charter. He will provide the commission with his contract and the deputy town manager's job description so they can determine whether they should add to the charter that the deputy town manager would temporarily replace the town manager if needed.

IX. NEXT MEETING DATE - TUESDAY, FEBRUARY 3, 2026

X. ADJOURNMENT

Mr. Thomas moved to adjourn, seconded by Mr. Schoonover.
The meeting was adjourned at 4:00 p.m.

Blue Ribbon Committee Discussion Dialogue Outline

Charter Review Commission– February 3, 2026

Scope

- Scope: Blue Ribbon Committee
- Purpose: Review and make recommendations on compensation and benefits for elected officials only.

Naples Reference Model

- In the City of Naples, the Blue Ribbon Committee is charter-based and narrowly focused
- Committee members are appointed every four(4) years to study and recommend Mayor and Council compensation and benefits
- The committee itself does not change the law and has no independent authority
- The committee's role ends with providing a recommendation report to City Council
- If Town Council accepts the recommendations, implementation occurs through formal Council action, typically by ordinance
- Where compensation provisions are contained in the Charter, Council adopts charter-amending ordinances and places those amendments before voters when required
- Recommendations are typically due no later than three months before the next regular municipal election when tied to election cycles.

Purpose for Discussion

To consider whether the Charter Review Commission would like to recommend a narrowly scoped Blue Ribbon Committee to Town Council. This committee would focus solely on reviewing and making recommendations related to elected official compensation and benefits, not broader charter items.

Why This Model Is Being Considered

The benefit of this model is that it creates an independent, resident-driven process for reviewing elected official compensation. It helps reduce political pressure on Council, improves transparency with the public, and creates a structured, periodic review instead of ad hoc decisions.

Draft Timeline (anchored to November 3, 2026 election)

If the Charter Review Commission would like to recommend the addition of a Blue Ribbon Committee to the Charter for potential voter consideration in November 2026, a practical high-level timeline would be:

- February 2026: Charter Review Commission decides whether to recommend the concept

- Summer 2026: Town Council decides if it should go on the ballot or not
- November 2026: Blue Ribbon Committee Goes to Town Council

Any additional follow up to be completed in 2027

Proposed Membership Structure (Conceptual Only)

The structure would generally include:

- An odd number of members (for example, minimum of three to a maximum of seven)
- Charter could establish desired qualifications for appointment (for example, finance, human resources, law, public administration, business leadership, or related professional fields)
- Appointed by Town Council
- No current elected officials
- Ethics, Sunshine, and public records orientation at the outset
- Defined, narrow scope of work with a written deliverable

Closing / Next Step

The current goal is not to design every detail, but to determine whether this committee supports recommending a Blue Ribbon Committee in concept. If there is consensus, the next step would be to outline that recommendation formally for Council consideration.

ARTICLE V. NOMINATIONS AND ELECTIONS; TERMS OF OFFICE

Sec. 5.01. Elections.

The regular election of the members of the Town Council shall be held on the first Tuesday after the first Monday in November or as otherwise provided by general law. The time period that candidates must qualify shall be from noon of the 50th day prior to the election to noon of the 46th day, or as adjusted by a holiday or leap year.

Sec. 5.02. Commencement of Term.

The term of a member of the council shall begin at the first council meeting following the general election.

Sec. 5.03. Terms of office.

The terms for all council seats, #1, #2, #3, #4, and #5, shall be for 4 years, seats #1 and #2 shall initially be for a term from March 2019 to November 2023, and seats #3, #4, & #5 shall be for a term from March 2020 to November 2024. No member of the council shall serve for more than two consecutive full terms. After 1 year out of office, a candidate may re-qualify for any vacant seat.

Sec. 5.06. Nonpartisan elections.

All elections for officers of the town shall be conducted on a nonpartisan basis without any designation of political party affiliation.

Sec. 5.07. Multiple candidates.

In the event that more candidates qualify for election than there are open council seats, those candidates shall participate in the regular election and the candidate or candidates receiving the most votes cast shall be elected to the open council seat or seats.

Sec. 5.08. Recall.

The qualified electors of the municipality shall have the power to recall and to remove any elected official of the town as prescribed by general law.

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

12/2/2025

CHARTER COMMITTEE INPUT

ARTICLE V. NOMINATIONS AND ELECTIONS: TERMS OF OFFICE

5.01 — Elections

Fort Myers Beach

- Regular elections held in November.
- Town conducts its own canvassing (not county).
- Candidate qualifying follows Florida Statutes.
- Elections are nonpartisan.

Sanibel

- Elections held in March (odd-numbered years).
- Administered directly by the Lee County Supervisor of Elections.
- Reduces town administrative burden and liability.

Estero

- Uses Lee County Supervisor of Elections (SOE) to run all elections.
- Aligns municipal elections with federal/state cycles for higher turnout.

Marco Island

- Elections administered by Collier County SOE.
- November elections; fully county-managed.

Best Practice Recommendation

Use Lee County Supervisor of Elections to administer all elections. This increases accuracy, reduces cost, ensures ADA compliance, and removes staff conflicts.

5.02 — Commencement of Term

Fort Myers Beach - Term begins at first meeting after canvassing board certifies results.

Sanibel - New members sworn in at first organizational meeting after results are certified by county.

Estero - Same as Sanibel: seating occurs at next regular meeting after county certification.

Marco Island - Council reorganizes immediately after county certification; mayor/vice mayor selected at the same meeting.

Best Practice Recommendation

Term should begin after county certification at the very next regular meeting. Ensures smooth transition, avoids “lame duck” decision-making.

5.03 — Terms of Office

Fort Myers Beach - 4-year terms, Term limits: 2 consecutive terms.

Sanibel - 4-year terms, No term limits.

Estero - 4-year staggered terms, Two-term limit (matches FMB).

Marco Island - 4-year staggered terms, No formal term limits.

Best Practice Recommendation

4-year staggered terms + two-term limit (Estero/FMB model). Provides continuity but prevents long-term incumbency.

5.06 — Nonpartisan Elections No changes recommended

Fort Myers Beach - Elections are formally nonpartisan, No party labels on ballot.

Sanibel - Nonpartisan elections by charter, Strict prohibition on using political party affiliation in campaigns.

Estero - Completely nonpartisan; no party references permitted.

Marco Island - Nonpartisan elections required by charter.

Best Practice Recommendation

Keep elections strictly nonpartisan, reinforcing local governance over political party influence.

5.07 — Multiple Candidates – No changes recommended

Fort Myers Beach - Plurality wins, Highest vote-getter for each seat is elected.

Sanibel - Same plurality system, No runoffs.

Estero - Same plurality model; candidates run for specific seats.

Marco Island - Follows plurality vote for each designated seat.

Best Practice Recommendation

Maintain plurality vote system (no runoffs). Clear, simple, avoids additional cost.

5.08 — Recall

Fort Myers Beach - Follows Florida Statute 100.361, Recall permitted for listed grounds: malfeasance, misfeasance, etc.

Sanibel - Same statutory recall procedure; administered by county.

Estero - Same statutory recall provisions.

Marco Island - Same recall process under state law.

Best Practice Recommendation Retain state-based recall procedure, but Add timing limits: no recall during the first or last 6 months of a term. Prevents politically motivated abuse.

5.09 — Canvassing Board

Fort Myers Beach

- Town-run canvassing board: 1 council member, Town Manager, Town Clerk.
- Automatic internal certification.
- Potential for conflicts of interest (councilmembers serving during their own election cycle).

Sanibel

- Uses Lee County Canvassing Board.
- No town involvement; avoids conflicts.

Estero

- County-run canvassing.
- Town does not participate.

Marco Island

- Collier County Canvassing Board handles certification.
- Town does not conduct its own canvassing.

Best Practice Recommendation

Switch to County Supervisor of Elections Canvassing Board. This is the model for Sanibel, Estero, Marco Island. It eliminates conflict, increases transparency, and reduces legal exposure.

The Town of Fort Myers Beach
Incorporated December 1995



CHARTER

Adopted (add adoption date)

ARTICLE I.	CORPORATE NAME; PURPOSE OF THE CHARTER
ARTICLE II.	TERRITORIAL BOUNDARIES
ARTICLE III.	GENERAL POWERS OF THE MUNICIPALITY
ARTICLE IV.	CHARTER OFFICERS
ARTICLE V.	NOMINATIONS AND ELECTIONS; TERMS OF OFFICE
ARTICLE VI.	TOWN MANAGER
ARTICLE VII.	TOWN CLERK
ARTICLE VIII.	TOWN ATTORNEY
ARTICLE IX.	ADMINISTRATIVE DEPARTMENTS
ARTICLE X.	ORDINANCES AND RESOLUTIONS
ARTICLE XI.	FINANCIAL PROCEDURES
ARTICLE XII.	INITIATIVE AND REFERENDUM
ARTICLE XIII.	CHARTER AMENDMENTS
ARTICLE XIV.	SEVERABILITY

ARTICLE I. CORPORATE NAME; PURPOSE OF THE CHARTER

Sec. 1.01. Town of Fort Myers Beach.

The municipality hereby established shall be known as the Town of Fort Myers Beach, Florida.

Sec. 1.02. Purpose of the charter.

This charter is ordained and established by the people of the Town of Fort Myers Beach, Florida, to promote the general welfare and common good of the community by providing the framework for a municipal corporation to exercise municipal home rule powers under the Constitution and laws of the State of Florida.

ARTICLE II. TERRITORIAL BOUNDARIES

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 situated within Estero Island 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.

Sec. 2.02. Extension of the corporate limits; annexation.

The corporate limits of the Town of Fort Myers Beach may be revised as provided by general law.

ARTICLE III. GENERAL POWERS OF THE MUNICIPALITY

Sec. 3.01. (Need title)

The Town of Fort Myers Beach shall have all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law. The powers of the Town of Fort Myers Beach shall be construed liberally in favor of the municipality, limited only by the Constitution, general law, and specific limitations contained herein.

Sec. 3.02. Joint exercise of powers.

The town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any one or more states, counties, municipalities, or any agencies thereof, or the United States or any agency thereof.

ARTICLE IV. CHARTER OFFICERS

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.

(b) Council seats shall be designated as seats #1, #2, #3, #4, and #5. 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.

12/2/25 DISCUSSION ITEM: 4.01(b) Concerns regarding use of seat numbers and at-large elections.

(c) Each member of the council shall be a resident of the town and a registered voter and shall have resided within the corporate limits of the municipality for a minimum of 1 year prior to qualifying for election.

(d) The council are elected officials who are accountable to the citizens at regularly held elections and who are subject to recall as provided by law. The citizens, through these processes, have the opportunity to elect, reelect, or dismiss their elected officials whose promise of performance or actual performance in office best reflects the policies which the citizens desire to implement in the government of the town.

(e) Policy making is the sole prerogative of the elected council. Administrative staff, whether hired or appointed under terms of this charter, is subordinate to the elected officials, whose power derives from the consent of, and election by, the citizens of the town.

(f) Except as otherwise prescribed herein or provided by law, legislative and police powers of the town shall be vested in the council, including the establishment of boards, commissions, and committees. The council shall provide for the exercise of its powers and for the performance of all duties and obligations imposed on the municipality by law.

Sec. 4.02. Mayor.

At the first regularly scheduled meeting following the town's regular election, 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.

(a) In non-election years the election of mayor and vice-mayor shall be at the first regularly scheduled meeting in November.

12/2/25 POLICY DISCUSSION ITEM: 4.02 Policy discussion regarding duration of service as Mayor.

In the absence of an election, the Mayor shall serve until the next election.
The Mayor may choose to leave the position with notice to Council.
The Council may vote by majority to select an alternative Council Member to serve as Mayor.
The Council may remove a sitting Mayor with a majority vote at any time.

**** Alt. Member Cherney will bring additional language to the January meeting for further discussion of the role of Mayor.**

1/6/2026 DISCUSSION:

4.03, 4.06 & 4.07

Member Cherney handouts (2)

Sec.4.03. Vice mayor.

At the first regularly scheduled meeting following the town's regular election, 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.

- (a) In non-election years the election of mayor and vice mayor shall be at the first regularly scheduled meeting in November.
- (b) Should the vice mayor become interim mayor, then, the council, by a majority vote, shall elect from its membership an interim vice mayor who shall serve as mayor during the absence or disability of the interim mayor.

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) No present or former elected town official shall hold any compensated appointive office or employment with the town until 1 year after the expiration of the official's elected term.

12/2/25 DISCUSSION ITEM: 4.04(b) After the cessation of the official's service.

Sec. 4.05. Compensation.

(a) 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.

12/2/25 DISCUSSION ITEM: 4.05(a) Section 2-19 of Code of Ords. May require revision. service.

- Delete reference to salary amounts.
- Consider creating a Blue Ribbon Committee to evaluate salary amounts v. COLA.
- Reference to "salary" when Council members are not employees v. "compensation"

**** Member Dunlap to provide language regarding Blue Ribbon Committee at January meeting.**

RESEARCH: Council benefits in addition to compensation. (Health Insurance)
Input from HR? Cost of health care for Council?

1/5/26:

Member Dunlap to bring back at least two examples of Blue Ribbon Committees
Add in compensation and benefits.

(b) The council may provide for reimbursement of actual expenses incurred by its members while performing their official duties.

Sec. 4.06. Vacancies.

The office of a member of the council shall become vacant upon the member's inability to fulfill the duties of the office, resignation, or removal from office as authorized by law or this charter.

12/2/25 DISCUSSION ITEM: 4.06 Vacancies need to be defined.

Add from Alt. Member Cherney's handout:

(a) Events Creating a Vacancy.

A vacancy in the office of a Council member shall occur upon:

1. Death, resignation, or removal from office;
2. Forfeiture of office under Section 4.07;

3. Loss of residency or failure to maintain qualifications;
4. Failure to assume office within 30 days of election or appointment;
5. Judicial determination of ineligibility or vacancy.

**** Bring to January meeting: further discussion regarding due process for removal of office by Council.**

**** Define “unexcused absence”**

Sec. 4.07. Forfeiture of office.

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

- (a) Lacks at any time during the term of office any qualification for the office prescribed by this charter or by law;
- (b) Violates any express prohibition of this charter;
- (c) Is convicted of a felony or criminal misdemeanor which misdemeanor involves the office of town council; or
- (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.

If any of these events should occur, a hearing shall automatically be conducted at the next regularly scheduled council meeting, and the member may be declared to have forfeited office by majority vote of the council.

Sec. 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 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 office, ceases to be qualified, or is removed from office as provided by law or this charter, the vice mayor shall assume the full powers and duties of the mayor. The vice mayor 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 office or until the expiration of the term of the office, whichever occurs first.

1/6/2026:

How to protect the 3/2, 2/3 staggering?

Eliminate the seat numbering

Recommendation: table and return at start of agenda at February meeting. What does Town need to do to call a special election? (bring to Feb. meeting). Clarify w/SOE – 3 seats/3 candidates would they hold an election?

Sec. 4.09. Judge of qualifications.

The council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths, and require the production of evidence. A council member charged with conduct constituting grounds for forfeiture of this office shall be notified by the town clerk by certified mail and shall be entitled to a public hearing at the next regularly scheduled meeting of the council as outlined in section 4.07 of this charter. Notice of such hearing shall be published in one or more newspapers of general circulation in the town at least 1 week in advance of the hearing.

Sec. 4.10. Independent financial audit.

The council shall provide for an independent annual financial audit of all town accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or a firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the town government or in any of its officers. Residency in the town shall not be construed as a prohibited interest.

Sec. 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 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 reasonable notice. All meetings, as provided by law, shall be public and shall be scheduled to commence no earlier than 7 a.m. nor later than 10 p.m.

ADDED at 12.2.25 meeting “as provided by law”

Sec. 4.12. Rules.

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

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 at least three members of the 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.

DISCUSSION ITEMS FROM JANUARY 6, 2026 MEETING:

Ad section to Charter re: Ex Parte disclosure. Member Zuba and Attorney to work on.

SUGGESTION (Cherney, for insertion under Article IV Mayor & Town Council)

“Elected officials shall disclose any contractual, financial, or business relationship with any individual or entity that conducts business within the Town or that is subject to Town regulation, permits, approvals, or operations. When a matter before the Council may directly or indirectly affect such a relationship, the official shall abstain from voting and from participating in discussion. The Town shall adopt procedures to ensure such disclosures and recusals are handled consistently”

ARTICLE V. NOMINATIONS AND ELECTIONS; TERMS OF OFFICE

Sec. 5.01. Elections.

The regular election of the members of the Town Council shall be held on the first Tuesday after the first Monday in November, or as otherwise provided by general law. The time period that candidates must qualify shall be from noon of the 50th day prior to the election to noon of the 46th day, or as adjusted by a holiday or leap year.

1/6/2026 –

Last sentence,

Suggestion: “to be consistent with SOE” or remove by Florida Law.

Sec. 5.02. Commencement of Term.

The term of a member of the council shall begin at the first council meeting following the general election.

Sec. 5.03. Terms of office.

The terms for all council seats, #1, #2, #3, #4, and #5, shall be for four (4) years, seats #1 and #2 shall initially be for a term from March 2019 to November 2023, and seats #3, #4, & #5 shall be for a term from March 2020 to November 2024. No member of the council shall serve for more than two consecutive full terms. After 1 year out of office, a candidate may re-qualify for any vacant seat.

1/6/2026

What happened to Sec. 5.04 & 5.05? Renumber Sec. 5?

Sec. 5.06. Nonpartisan elections.

All elections for officers of the town shall be conducted on a nonpartisan basis without any designation of political party affiliation.

Sec. 5.07. Multiple candidates.

In the event that more candidates qualify for election than there are open council seats, those candidates shall participate in the regular election and the candidate or candidates receiving the most votes cast shall be elected to the open council seat or seats.

Sec. 5.08. Recall.

The qualified electors of the municipality shall have the power to recall and to remove any elected official of the town as prescribed by general law.

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.

1/6 2026

Remove entire section 5.09

ARTICLE VI. TOWN MANAGER

Sec. 6.01. Appointment and qualifications.

The council shall be appoint a town manager. The town manager shall be appointed primarily on the basis of executive and administrative qualifications. Added word “be”

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.

Sec. 6.03. Powers and duties.

The town manager shall be the chief administrative officer of the town and shall implement and administer all ordinances, resolutions, and policies adopted by the council and shall perform such other duties as may be required by the council or law. The town manager shall be responsible to the council and shall have the following powers and duties:

- (a) To hire or fill existing positions and, when the town manager deems it necessary for the good of the town service, suspend or remove town employees, except as otherwise provided by law or this charter.
- (b) To direct and supervise the administration of all employees, departments, and agencies of the town, except as otherwise provided by this charter or by law.
- (c) To attend all council meetings and shall have the right to take part in discussion but may not vote.
- (d) To ensure that all laws, provisions of this charter, and acts of the council, subject to enforcement by the town manager or by officers subject to the town manager's direction and supervision, are faithfully executed.
- (e) To submit to the council and make available to the public a complete report on the administrative activities of the town as of the end of each fiscal year.

- (f) To make such other reports as the council may require concerning the operation of town departments, offices, and agencies subject to the town manager's direction and supervision.
- (g) To keep the council fully advised as to the condition and future needs of the town and to make written recommendations to the council concerning the affairs of the town.
- (h) To perform the duties of town clerk in addition to the duties of town manager during any period of time so appointed by the council.
- (i) To perform such other duties as are specified in this charter or as may from time to time be assigned by the council.

1/6/2026 DISCUSSION ITEMS

Member Dunlap will speak with Town Manager and Deputy TM on roles/responsibilities.

ARTICLE VII. TOWN CLERK

Sec. 7.01. [Appointed by town manager; duties and powers.]

There may be a town clerk who shall be appointed by the town manager with the consent of the council. The town clerk shall serve at the pleasure of the town manager and shall:

- (a) Give notice of council meetings to its members and the public.
- (b) Keep the journal and minutes of the proceedings of the council and its committees, which shall be public records.
- (c) Authenticate by signature and record in full in books kept for that purpose all ordinances and resolutions passed by the council.
- (d) Be the custodian of the town seal.
- (e) Have the power to administer oaths.
- (f) Perform such other duties as may be assigned by the town manager.

ARTICLE VIII. TOWN ATTORNEY

Sec. 8.01. [Appointed by town council; duties; removal procedure.]

There shall be a town attorney appointed by the council, who may represent the town in all legal proceedings and shall perform all other duties assigned by the council. The council may remove the town attorney for any reason by motion requiring three affirmative votes.

ARTICLE IX. ADMINISTRATIVE DEPARTMENTS

Sec. 9.01. Establishment of additional departments.

The council may establish such other departments as it determines necessary for the efficient administration and operation of the town; such departments, offices, or agencies shall be established by ordinance.

ARTICLE X. ORDINANCES AND RESOLUTIONS

Sec. 10.01. Definition of ordinances and resolutions.

As used in this charter, the following words and terms shall have the following meanings unless some other meaning is plainly indicated:

- (a) *Ordinance* means an official legislative action of the council, which action is a regulation of a general and permanent nature and enforceable as a local law.
- (b) *Resolution* means an expression of the council concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the town.

Sec. 10.02. Adoption of ordinances.

Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject and matters properly connected therewith, which shall be clearly expressed in its title. The enacting clause for an ordinance shall be: "IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS..."

- (a) An ordinance may be introduced by any member at any regular or special meeting of the council. A proposed ordinance may be read by title, or in full, on at least two separate council meeting days and shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the town. The notice of proposed enactment shall state the date, time, and place of the meeting; the title of a proposed ordinance; and the place or places within the town where such proposed ordinance may be inspected by the public.
- (b) The council, as provided by general law, may adopt an emergency ordinance without complying with the requirements of notice expressed in the foregoing paragraph. 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.

- (c) Ordinances which rezone specific parcels of private real property or which substantially change permitted use categories shall be enacted pursuant to general law.
- (d) An ordinance shall, upon its final passage, be recorded in a book kept for that purpose and shall be signed by the mayor and the town clerk. A copy of the ordinance shall be available in the town hall.

Sec. 10.03. Adoption of resolutions.

Every proposed resolution shall be introduced in writing and in the form required for final adoption. No resolution shall contain more than one subject which shall be clearly expressed in its title. The clause which shall be used for all resolutions approved by the council shall be: "IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS..." A resolution may be introduced by any member at any regular or special meeting of the council. A resolution shall, upon its final passage, be recorded in a book kept for that purpose and shall be signed by the mayor and the town clerk. A copy of the resolution shall be available in the town hall.

ARTICLE XI. FINANCIAL PROCEDURES

Sec. 11.01. Fiscal year.

The fiscal year of the town shall begin on the first day of October and end on the last day of September.

Sec. 11.02. Submission of budget and budget message.

On or before the 15th day of July of each year, the town manager shall submit to the council a budget in accordance with state law. It shall outline the financial policies of the town for the ensuing fiscal year; describe the important features of the budget; indicate any major changes from the current year in financial policy, including any changes in budgetary accounting methods from the current year expenditures and revenues together with the reasons for such changes; summarize the town's debt position; and include such other material as the town manager deems necessary.

Sec. 11.03. Council action on the budget.

The council shall adopt the budget by resolution on or before the 30th day of September of each year.

Sec. 11.04. Public records.

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable locations in the town.

Sec. 11.05. Budget amendments.

(a) *Supplemental appropriations.* If, during the fiscal year, the town manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the council, by resolution, may make supplemental appropriations for the year up to the amount of such excess, so long as a fiscally responsible reserve is maintained.

(b) *Emergency appropriations.* To meet a public emergency affecting life, health, property, or the public peace, the council, by resolution, may make emergency appropriations. To the extent that there are no unappropriated revenues to meet such appropriations, the council may by such emergency resolution authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals in any fiscal year shall be paid not later than the last day of the fiscal year succeeding that in which the emergency appropriations were made.

(c) *Reduction of appropriations.* If, during the fiscal year, it appears probable to the town manager that the revenues available will be insufficient to meet the amount appropriated, the town manager shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken, and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose may, by resolution, reduce one or more appropriations.

(d) *Transfer of appropriations.* At any time during the fiscal year, the town manager may transfer any unencumbered appropriations among programs within a department, office, agency or a program provided by inter local agreement and, upon written request by the town manager, the council may by resolution transfer between funds any unencumbered appropriations from one department, office, agency or a program provided by inter local agreement to another.

ARTICLE XII. INITIATIVE AND REFERENDUM

Sec. 12.01. Initiative and referendum.

At least 25 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.

ARTICLE XIII. CHARTER AMENDMENTS

Sec. 13.01. Initiation by ordinance.

The council may, by ordinance, propose amendments to any or all of this charter to be submitted to the electors, as provided by general law.

Sec. 13.02. Initiation by petition.

The electors of the town may propose amendments to this charter by petition to be submitted to the council to be placed before the electors, as provided by general law.

Sec. 13.03. Charter review.

The charter will be reviewed 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 to approve, reject or modify the proposed changes to the charter prior to placing the proposed changes on the scheduled election ballot.

ARTICLE XIV. SEVERABILITY

Sec. 14.01. Invalidity of character provision or application.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of this charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

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