



Fort Myers Beach Charter Review Commission

Town Hall Council Chambers
6231 Estero Boulevard
Fort Myers Beach, FL 33931
Tuesday, April 7, 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 - March 3, 2026
- VI. MEMBER ITEMS
- VII. OLD BUSINESS
 - A. Proposed Charter Changes from CRC
- VIII. TOWN COUNCIL PRESENTATION MEETING DATE
 - A. Presentation to Town Council — April 20, 2026
- IX. 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, March 3, 2026

Minutes

2:00 PM

ORDER OF BUSINESS

I. CALL TO ORDER

Chair Dunlap called the meeting to order at 2:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Members present: Chair Jim Dunlap, Anita Cereceda, Michele Cherney (virtually), Beverly Milligan, Bryan Thomas, Ed Schoonover and Hank Zuba.
 Staff: Town Clerk Amy Baker and Town Attorney Nancy Stuparich.

Vice Chair Thomas moved to allow Ms. Cherney to participate via Zoom, seconded by Ms. Milligan.
 The motion carried unanimously.

IV. PUBLIC COMMENT

No public comment.

V. APPROVAL OF MINUTES

A. Charter Review Commission - February 3, 2026
 Mr. Zuba moved to approve the minutes, seconded by Vice Chair Thomas.
 The motion carried unanimously.

VI. MEMBER ITEMS

No items.

VII. OLD BUSINESS

- A. Articled VII. TOWN CLERK
Recap of Article VII TOWN CLERK from the February 3, 2026 meeting.

- B. Article IX. ADMINISTRATIVE DEPARTMENTS
Recap of Article IX ADMINISTRATIVE DEPARTMENTS from the February 3, 2026 meeting.

- C. ARTICLE X. ORDINANCES AND RESOLUTIONS
Recap of Article X. ORDINANCES AND RESOLUTIONS from the February 3, 2026 meeting.
- D. ARTICLE XI. FINANCIAL PROCEDURES
Recap of Article XI. FINANCIAL PROCEDURES from the February 3, 2026 meeting.

E. Discussion/Suggestions/Notes from meeting to date from members to date
Discussions/Suggestions/Notes from meetings to date from members

VIII. NEW BUSINESS

- A. ARTICLE XII. INITIATIVE AND REFERENDUM

Review of Article XII of the Town Charter

Town Attorney Stuparich added that a Florida statute exists that prohibits placing decisions on land use on the ballot. No change.

- B. ARTICLE XIII. CHARTER AMENDMENTS

Review of Article XIII of the Town Charter

Town Attorney Stuparich noted that there was general law related to Section 13.02.

Town Clerk Baker brought up the six-month deadline under Section 13.03. She also noted the six-month deadline under Section 13.03. She stated that the Lee County Supervisor of Election dictates the timeline. She believed that the current six-month timeframe is not enough, especially given the July deadline for items on the November ballot. Ms. Cereceda asked if candidates also need to be provided before July. Town Clerk Baker stated that they would need to be qualified in early June. Chair Dunlap asked if an additional two months would be sufficient. Town Clerk Baker responded that she is requesting a year. Mr. Schoonover noted that the current language allows for an earlier timeframe, so long as there is at least six months before the next scheduled election. Town Attorney Stuparich also acknowledged that technicality. Chair Dunlap confirmed with the Town Attorney and the Town Clerk that the language can be amended to allow for a one-year timeframe. Ms. Cherney also agreed with the twelve-month timeline. Chair Dunlap passed the message along to the Charter Review Commission liaison.

- C. ARTICLE XIV. SEVERABILITY

Review of Article XIV of the Town Charter

Chair Dunlap asked if this current language was sufficient for Town Attorney Stuparich, who responded affirmatively. She also identified a potential misspelling that should be "charter" instead of "character." The Town Attorney stated that she has worked with Town Clerk Baker to compile a list of scrivener's errors to be cleaned up through an ordinance. Chair Dunlap, after confirmation with Ms. Cereceda that there was most likely no intentional mentioning of character, acknowledged the scrivener's error in this section.

D. Discussion/Analysis of Possible Changes to Town Charter

Town Seal

Town Clerk Baker provided that the charter document that the Charter Review Commission is currently viewing contains the new, circular seal. However, there is also a version of the document that uses the older seal with the green and white colors. There was general consensus that the new seal should be used.

Ex Parte/Gifts, Sec. 3.01 - All powers possible.

Town Attorney Stuparich provided that there is state law and a town-adopted ordinance that already delineate these procedures. She noted that there is no legal impediment to adding this language to the charter. Such an addition would serve to represent the Town's commitment to ethics. She also noted that there is an abundance of case law that details whether a gift would be considered lawful or unlawful. Mr. Zuba proposed that a reference to the statute and ordinance be provided in the language. The Town Attorney took note of the request and recommended that general references, rather than specific citations, be used in the case of future changes.

Ms. Cereceda questioned whether language should be added to include more restrictive rules. Town Attorney Stuparich recommended that this should be brought forward in an ordinance, as the charter should resemble a more general overview.

Terms in the Event of a Vacancy, Sec 4.05. - Compensation.

Town Attorney Stuparich notified the Commission that she changed the name from "Blue Ribbon Committee" to "compensation committee." Mr. Schoonover raised the issue of timing within this provision. Chair Dunlap explained the rationale for the yearly adjustments for staff. The Town Attorney offered a potential change to remove the two to four year time interval and allow consideration at the Council's discretion. Mr. Schoonover and Committee Liaison and Vice Mayor Safford stated their preferences for a process to be firmly set in place that would not rely on decisions by the Council. Chair Dunlap noted the importance of competitive compensation to widen the talent pool and cited a similar scenario in Naples as an example. He believed that this provision would hold the Council accountable for looking at the open market value for such positions and making a decision based on that information. Town Clerk Baker suggested that, every set number of years, the Council be offered the opportunity to decide whether to add the issue on the agenda. Chair Dunlap noted his concern about providing discretion to the Council on consideration and preferred that Council must review in a specified year. Ms. Milligan agreed with the Chair and believed the provision

should remove the Council from decision-making as much as possible. Mr. Schoonover stated that he would like to have a concrete number set in place. Ms. Milligan noted that two years aligns with the election cycle. Ms. Cereceda believed that the referendum would fail. She also stated that the largest impact on increasing the talent pool was establishing benefits for officials. Mr. Zuba agreed with her remarks. Committee Liaison Safford noted that officials do have health insurance and acknowledged the importance of these benefits. He also mentioned that there was only a lack of pension or retirement benefits. Chair Dunlap offered to bring this to the staff and have them present a well-researched, concrete number to the Charter Review Commission on March 7, 2026.

Terms in the Event of a Vacancy, Sec. 4.08 - Filling of vacancies.

Chair Dunlap provided clarification to Mr. Schoonover's question on timing of terms for replacements and noted the significant change. Town Attorney Stuparich noted that the proposed language also intends to clean up confusion on the appointment of Mayor and Vice-Mayor, should vacancies appear. Ms. Cherney asked whether a deadline exists for filling a vacancy. Town Attorney Stuparich stated that there was not and noted that in cases where those remaining on Council would not meet quorum, the Governor would appoint an interim Council. Committee Chair Dunlap noted potential issues with meeting quorum but that no set deadline was established to fill a vacancy. Mr. Schoonover brought up a possibility on reviewing the election term length. Chair Dunlap noted that there was a consensus to not make any changes on the term length. Ms. Cereceda recalled the prior discussion and did note there were many factors in play, including term length and manner of selection. Chair Dunlap noted that the proposal was designed to be as clear as possible and that the ultimate decision would be by the residents.

Sec. 5.01 - Elections.

Town Attorney Stuparich noted that this proposal would cover situations where an election on the 50th day prior to the election to noon on the 46th day. There were no objections to this change.

Sec. 5.09 - Town Canvassing Board.

Town Clerk Baker explained that the proposed language would update the process, as the town no longer conducts its own canvassing. Such activities are currently done through the Lee County Supervisor of Election's office.

IX. NEXT MEETING DATE - APRIL 7, 2026

Chair Dunlap announced that the Commission has gone through the formal changes and noted there will be time at the meeting of April 7, 2026, to go over any remaining items. He asked if any members had items that were not provided in the matrix. There were no additional requests. Town Attorney Stuparich provided a summary of all the charter sections and the changes that would be recommended to Council. She also identified the scrivener's errors and other non-substantive proposed changes. She noted that these would be compiled into a document for Council, titled "Exhibit A." The general process would then be to have Council consider the proposed amendments by ordinance. If the ordinance is approved on first and second reading, it would then be referred to Supervisor of Elections.

X. ADJOURNMENT

The meeting was adjourned at 3:02 PM.

DRAFT



April 7, 2026

Mayor Dan Allers
Vice-Mayor Scott Safford
Council Members John King, Rebecca Link & John McLean
6321 Estero Boulevard
Fort Myers Beach, Florida 33931

RE: Report and Recommendations of the Town of Fort Myers Beach Charter Review Commission

Dear Mayor & Town Council Members:

On behalf of the members of the Town of Fort Myers Beach Charter Review Commission (“CRC”), we thank you for this opportunity to have served the community by fulfilling the role of the Charter Review Commission in Section 13.03 of the Town of Fort Myers Beach Charter. The CRC held a total of 6 meetings at Town Hall we completed a thorough review of each Section of the existing Town Charter. We also considered and debated some suggested changes to the Town’s Charter to evaluate whether such changes would provide greater accountability, transparency, efficiency and service for the Town’s residents. A summary of our deliberations is attached as Exhibit A. As a result of our work, the CRC is recommending 5 charter changes to be presented to the electorate on the November 6, 2026 ballot and 7 changes to be adopted by one ordinance correcting scrivener errors in the existing Town Charter and an interpretation of one Section.

The following is proposed language regarding the 5 recommended charter changes:

1. ETHICS IN GOVERNMENT

Sec. 3.01. - All powers possible.

The Town of Fort Myers Beach shall have all governmental, corporate, and proprietary power 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. Pursuant to its municipal powers, the Town of Fort Myers Beach shall adopt ordinances to promote transparency and ethics in government

by the adoption of an ordinance prohibiting the acceptance of unlawful gifts and disclosure of ex parte communications in quasi-judicial hearings as provided in the Town's ordinances and Florida law.

Rationale: This Charter change is recommended to emphasize the need for transparency and ethical behavior when elected and appointed members of the Town's committees, agencies, commissions, etc. The CRC recognizes that the town already has adopted ordinances to implement its concerns; however, it believes that the policies and values embedded in those ordinances should also be included in the Charter.

2. COMPENSATION

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. Commencing in 2027 and no sooner than every 4 years, a Compensation Committee, consisting of 5 residents appointed by the Town Council, shall make recommendations for compensation adjustments to Town Council. The first Compensation Committee shall be appointed and will make its recommendation to the Town Council no later than 3 months prior to the date of the next general election. Any action by the Town Council to change its compensation shall be effective as of the first day following the next regular election.

Rationale: Based on other communities' best practices, consulting with our HR Director, and with consideration of the Town's November election cycle, our recommendation would be to establish the Compensation Committee on a four-year cadence, with appointments to occur following a regular Town election. While the Town has election every other year, tying the appointment to the period immediately after the election (once results are finalized and Council Members are seated) helps minimize potential political influence.

From a practical standpoint, this would provide for an initial appointment within a reasonable timeframe following the election and seating of Council Members (e.g., December through early in the new year), with the Committee reconvened every four years thereafter.

This approach:

- Provides a consistent and predictable review schedule,
- Ensures the review is conducted by or under a newly seated Council, rather than during an active election period, and
- Supports transparency and public trust in the process.

3. TERMS IN THE EVENT OF A VACANCY

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 the expiration of the term of the vacated seat. ~~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 as mayor. ~~The vacant position of vice-mayor council vacancy thus created shall be filled at the next regularly scheduled meeting by the Town Council until the next selection of a vice-mayor. If the vacancy created is not temporary, the vacancy 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.~~

Rationale: This Charter change is recommended to clarify the term of an individual appointed to fill a vacant Town Council seat. Currently, the Charter provides for an interim appointment until the next general election. The Charter change would extend the term of the appointment through the unexpired term of the vacated Town Council seat.

4. QUALIFYING PERIODS FOR ELECTIONS

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.~~

Rationale: This Charter change is recommended to clarify the term of an individual appointed to fill a vacant Town Council seat. Currently, the Charter provides for an interim appointment until the next general election. The Charter change would extend the term of the appointment through the unexpired term of the vacated Town Council seat.

5. TOWN CANVASSING BOARD

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.~~

Rationale: This Charter change is recommended to clarify the term of an individual appointed to fill a vacant Town Council seat. Currently, the Charter provides for an interim appointment until the next general election. The Charter change would extend the term of the appointment through the unexpired term of the vacated Town Council seat.

In addition to these recommended Charter changes, the CRC is recommending that the Town take the additional action by ordinance to primarily correct scrivener errors and interpret vague language in 3.02, 4.11, 5.04 – 5.09, 7.01, 11.02, 11.05 and 14.01 (see attached spreadsheet). The CRC also requests that the Town Council direct the Town Manager and Town Clerk to update the logo that appears on the title page to the Charter and the adoption date.

Again, on behalf of each member of the CRC, I would like to thank the Town Council for the opportunity to serve on this important Commission. I would also like to thank Town staff for their diligent assistance in our efforts and my fellow Commission members.

Sincerely,

Jim Dunlap, Chair
2026 Charter Review Commission

Attachment: Analysis Matrix

Cc: William McKanney, Town Manager
Amy Baker, Town Clerk
Nancy Stuparich, Town Attorney

<u>CHARTER SECTION</u>	<u>NO CHANGES</u>	<u>COMMENTS</u>	<u>RESOLUTION</u>	<u>ORDINANCE</u>	<u>CHARTER CHANGE</u>
ARTICLE I.	Corporate Name; Purpose of the Charter				
Sec. 1.01	Town of Fort Myers Beach.	X			
Sec. 1.02	Purpose of the charter.	X			
ARTICLE II	Territorial Boundaries				
Sec. 2.01	Boundaries of the Town of Fort Myers Beach	X			
Sec. 2.02	Extension of the corporate limits; annexation	X			
ARTICLE III	General Powers of the Municipality				
Sec. 3.01	All powers possible		Proposed language provided at 3/3/2026 meeting		X
Sec. 3.02			Change "3.02" to "3.01" as a scrivener's error	X	
ARTICLE IV	Charter Officers				
Sec. 4.01	Council members; elections.	X	Discussion of seat numbers and at-large elections, but no concensus for a change.		
Sec. 4.02	Mayor.	X	Discussion, but no concensus.		
Sec. 4.03	Vice Mayor.	X			
Sec. 4.04	Prohibitions.	X	Discussion, but no concensus.		
Sec. 4.05	Compensation.		Proposed language provided at 3/3/2026 meeting		X
Sec. 4.06	Vacancies.	X			
Sec. 4.07	Forfeiture of office.	X			
Sec. 4.08	Filling of vacancies.		Proposed language provided at 3/3/2026 meeting		X
Sec. 4.09	Judge of qualifications.	X			
Sec. 4.10	Independent financial audit.	X			
Sec. 4.11	Meetings		Add "as provided by law"	X	
Sec. 4.12	Rules.	X			
Sec. 4.13	Voting; quorum.	X			
ARTICLE V	Nominations and Elections; Terms of Office				
Sec. 5.01	Elections.		Proposed language provided at 3/3/2026 meeting		X

Sec. 5.02	Commencement of Term.	X				
Sec. 5.03	Terms of office.	X				
Sec. 5.04			Renumber sections 5.04 through 5.09 as Scrivenor's errors		X	
Sec. 5.05					X	
Sec. 5.06	Nonpartisan elections.	X				
Sec. 5.07	Multiple candidates.	X				
Sec. 5.08	Recall	X				
Sec. 5.09	Town canvassing board.		Proposed language provided at 3/3/2026 meeting			X
ARTICLE VI	<u>Town Manager</u>					
Sec. 6.01	Appointment and qualifications.	X				
Sec. 6.02	Removal.	X				
Sec. 6.03	Powers and duties.	X				
ARTICLE VII	<u>Town Clerk</u>					
Sec. 7.01			Remove reference to "7.01" as a scrivener's error and interpret section (c) to clarify journal, signatures, books, etc. to provide for use of digital documents. The ordinance shall also cross-reference Sec. 10.02(d) and 10.03.		X	
ARTICLE VIII	<u>Town Attorney</u>					
Sec. 8.01			remove reference to 8.01 as a scrivener's error.		X	
ARTICLE IX	<u>Administrative Departments</u>					
Sec. 9.01	Establishment of additional departments.	X				
ARTICLE X	<u>Ordinances and Resolutions</u>					
Sec. 10.01	Definition of ordinances and resolutions.	X				
Sec. 10.02	Adoption of ordinances.		See Town Clerk section (Article VII)			
Sec. 10.03	Adoption of resolutions.		See Town Clerk section (Article VII)			
ARTICLE XI	<u>Financial Procedures</u>					
Sec. 11.01	Fiscal year.	X				

Sec. 11.02	Submission of budget and budget message.		Interpret language to refer to clarify it is a "preliminary budget".		X	
Sec. 11.03	Council action on the budget.	X				
Sec. 11.04	Public records.	X				
Sec. 11.05	Budget amendments.		Correct scrivener's error in section 11.05(a) "interlocal"		X	
ARTICLE XII	Initiative and Referendum					
Sec. 12.01	Initiative and referendum.	X				
ARTICLE XIII	Charter Amendments					
Sec. 13.01	Initiation by ordinance.	X				
Sec. 13.02	Initiation by petition.	X				
Sec. 13.03	Charter review.	X				
ARTICLE XIV	Severability					
Sec. 14.01	Invalidity of charter provision or application.		Scrivener's error, character to Charter		X	