REPORT OF 2016 TOWN OF BELLEAIR CHARTER REVIEW COMMITTEE

To the Mayor and Commissioners of the Town of Belleair:

The Town of Belleair Charter Review Committee has concluded its decennial review of the Town Charter pursuant to the requirements of Article X of the Town Charter. Based upon the Committee's review and discussion of the Charter, the Committee recommends to the Town Commission the following four (4) amendments to the Town Charter:

1. Amend Section 2.11(a)(1) to remove the thirty (30) day wait for new ordinances to become effective.

2. Amend Section 2.07(e) to remove the competitive purchasing policy and provide for purchasing policies and procedures to be determined by ordinance.

3. Add a provision to Section 2.07 requiring two (2) independent appraisals prior to the sale of Town real property.

4. Amend Section 2.09 to remove the prohibition on salaries to the Mayor and Commission and provide that they can be established by ordinance effective after expiration of the term of the adopting commissioners.

Following are, for each of the proposed amendments, an explanation of purpose, a draft of the charter text amendment and the proposed form of referendum ballot title and question/summary.

TOWN OF BELLEAIR
2016 CHARTER REVIEW COMMITTEE
PROPOSED AMENDMENTS TO TOWN CHARTER

PROPOSED CHARTER AMENDMENT NO. 1

(AMENDS INITIAL EFFECTIVE DATE OF TOWN ORDINANCES)

Charter Section 2.11(a)(1) currently provides "No ordinance shall have an effective date less than thirty (30) days following its enactment."

Florida Statutes Section 166.041, which sets forth required procedures for adoption of municipal ordinances and resolutions provides in its subsection (4): "All ordinances or resolutions passed by the governing body shall become effective ten (10) days after passage or as otherwise provided therein." The Charter Review Committee believes the current charter provision unnecessarily delays the effective date of ordinances adopted by the Town Commission for 30 days.

Amendment Text:

Charter section 2.11(a)(1) shall be amended to provide that town ordinances shall become effective on the date provided in the ordinance or otherwise as provided by state law.

BALLOT TITLE:

NO. 1
CHARTER AMENDMENT
Amends Charter to Change Effective Date of Enacted Ordinances

BALLOT QUESTION: Shall subsection 2.11(a)(1) of the Town Charter be amended to allow ordinances to have an effective date as provided in the enacted ordinance or as provided by State law instead of thirty (30) days after enactment? (38 words)

Yes _____

No _____

PROPOSED CHARTER AMENDMENT NO. 2

(AMENDS TOWN'S PURCHASING PROCEDURE)

Charter Section 2.07(e) of the Charter entitled Competitive Purchasing Procedure states as follows:

> "Except as herein otherwise provided, all contracts for over Ten Thousand Dollars ($10,000.00) shall be awarded to the lowest responsible bidder. The Commission may waive any formalities in any bid, may reject any or all bids, and may award the bid to other than the low bidder, if in its judgment such shall be in the best interest of the Town. It is recognized that some expenditures in excess of Ten Thousand Dollars ($10,000.00), including, but not limited to, contracts relating to insurance and pension plans, best negotiated and are unpractical to award on a bid basis, and for demonstrated good cause shown, may be made without bid."

The Charter Review Committee believes that this imposes unnecessary restrictions on the Town's ability to procure products and services. In particular, the $10,000.00 threshold is considered too low to invoke the competitive bidding process. The Committee believes the procurement policies and procedures are better established by the Town Commission from time to time by ordinance rather than imposing absolute restrictions in the Town Charter. Town Staff and the Town Finance Committee also recommended that purchasing procedures and policies be established by ordinance rather than dictated by the Charter; however, Staff and the Finance Committee proposed to retain a threshold amount of $35,000.00 in the Charter for which competitive bids would be required. Upon further consideration, the Committee decided that it would be preferable to also establish any minimum contract amount requiring competitive bids to also be established by ordinance instead of a charter provision.

Amendment Text:

Section 2.07(e) of the Charter entitled Competitive Purchasing Procedure, is removed and replaced with the following provision:

> "(e) *Purchasing Procedure*. The Commission shall adopt a purchasing and procurement policy by ordinance consistent with state law."

BALLOT TITLE:

NO. 2
CHARTER AMENDMENT
Provides for Establishment of Town Purchasing Policies and Procedures by Ordinance

BALLOT QUESTION: Shall Section 2.17(e) of the Town Charter be amended to remove the Competitive Purchasing Procedure to provide that Town purchasing and procurement policies and procedures shall be established by ordinance consistent with state law? (36 words)

Yes _____

No _____

PROPOSED CHARTER AMENDMENT NO. 3

(ESTABLISHES CONDITIONS AND REQUIREMENTS FOR DISPOSITION OF TOWN OWNED REAL PROPERTY)

The Town Charter currently has no provision dealing with the Town's sale or disposition of its real property. The Charter Review Committee believes certain conditions should be satisfied prior to the sale or disposition of Town owned real property, mainly to help ensure the Town is receiving adequate consideration for the property.

Proposed Amendment Text: It is proposed that a new Section 2.07(g) be added to the Town Charter to read as follows:

> "No real property owned by the Town shall be sold, alienated or conveyed until the same has been appraised by two (2) independent appraisers who are members of an appraisal organization listed in Section 253.025, Florida Statutes, or its successor."

BALLOT TITLE:

NO. 3
CHARTER AMENDMENT
Adds Requirement for Two Independent Appraisals Prior to Sale of Town Real Property

BALLOT QUESTION: Shall Section 2.07 of the Town Charter be amended to create a requirement that the Town shall not sell or dispose of any Town owned real property until the property has been appraised by two (2) independent appraisers? (40 words)

Yes _____

No _____

PROPOSED CHARTER AMENDMENT NO. 4

(REMOVING PROHIBITION ON SALARIES FOR MAYOR AND COMMISSIONERS AND PERMITTING ESTABLISHMENT BY ORDINANCE)

The Town Charter now provides that no salary shall be paid to the Mayor or any Commissioner. The Charter does provide that the Commission will establish annual expense allowance to reimburse the Mayor and Commissioners for expenses attributable to their offices which allowance is to be not less than One Hundred Dollars ($100.00) per month for the Mayor and Twenty-Five Dollars ($25.00) per month for a Commissioner. The Charter Review Committee acknowledges that the Mayor and Commissioners devote considerable time in the performance of their duties as the elected officials of the Town without compensation. Although the Town has historically had qualified candidates seek the office of Mayor and Commissioners, even though no compensation is paid for those positions, the Committee believes that the time may come that it might become difficult to attract candidates to make that commitment of time with no compensation. The Town of Belleair is the only Pinellas County city that does not pay some salary to its elected officials. The amendment would remove the prohibition on salaries, but the establishment of salaries would need to be done by ordinance.

Proposed Amendment Text: Amend Section 2.09, *Compensation and Expenses* to remove the prohibition on salaries to Mayor and Commissioners and replace with the following:

> "The Commission may determine a reasonable annual salary for the Mayor and Commissioners by ordinance, but no ordinance establishing or increasing such salary shall become effective as to any Commissioner or the Mayor sitting on the Commission at the time of the passage of the ordinance until the expiration of the then present term of office for that individual. Members of the Commission shall also receive their actual and necessary expenses incurred in the performance of their duties of office."

BALLOT TITLE:

NO. 4
CHARTER AMENDMENT
Permits Determination of Salaries for Mayor and Commissioners by Ordinance

BALLOT QUESTION: Shall Section 2.09 of the Town Charter be amended to remove the prohibition on salaries for the Mayor and Commissioners and provide that the Commission may determine reasonable salaries of Mayor and Commissioners to be effective after expiration of the sitting officials' terms of office? (47 words)

Yes _____

No _____

Respectively submitted:

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Katherine Cole, Chair