

ORDINANCE 2019-04

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING ORDINANCE 2015-08 TO CORRECT A SCRIVENER'S ERROR IN THE ANNUAL SALARY OF THE DISTRICT COMMISSIONERS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with City of Madeira Beach Charter, Sec. 4.11, the Board of Commissioners adopted Ordinance 2015-08 on July 14, 2015, to increase the salary of the Mayor and District Commissioners. Due to an error in the salary amount stated in Ordinance 2015-08 for District Commissioners, the ordinance must be amended to correct the scrivener's error.

WHEREAS, at the April 28, 2015 Board of Commissioners Workshop Meeting, the Board of Commissioners discussed increasing the salary of the Mayor and the District Commissioners. Following that discussion, the consensus of the Board was to increase the annual salary of the Mayor to \$10,000, and to increase the annual salary of the District Commissioners to \$7,500.00. The Board of Commissioners adopted Ordinance 2015-08 on July 14, 2015, increasing the annual salary of the Mayor and the District Commissioners, with an effective date to begin on the date of commencement of the terms of Commissioners elected in March 2016, and at which time, the Board members began receiving the new annual salary amounts.

WHEREAS, Ordinance 2015-08 stated that the annual salary for the District Commissioners to be \$7,000 and not \$7,500. The scrivener's error went unnoticed until December 2018, when a citizen contacted the now, City Clerk concerning the discrepancy. After researching, the City Clerk confirmed that there was an error made based on the consensus that was made by the Board at the April 28, 2015, Board of Commissioners Workshop Meeting; there was no mention of decreasing the salary amount from \$7,500 to \$7,000 for District Commissioners during first reading of Ordinance 2015-08 at the June 9, 2015, Board of Commissioners Regular Meeting; there was no mention of decreasing the salary amount from \$7,500 to \$7,000 for District Commissioners during second reading, public hearing, and adoption of Ordinance 2015-08, at the Board of Commissioners Regular Meeting on July 15, 2015; and there was an emailed reminder on March 17, 2016, from the City Manager's office to the Finance Department, stating the amount of the new annual salary for the Mayor to be \$10,000 and for the District Commissioners to be \$7,500, and the effective date of the increases to be April 12, 2016, date when new Commissioners would be sworn into office.

WHEREAS, due to the consensus made by the Board of Commissioners on April 28, 2015 at the workshop meeting to increase the annual salary of the District Commissioners to \$7,500; there were no mention in the meeting minutes during first reading and second reading to decrease that amount to \$7,000; and based on the emailed reminder of the effective date and amount of the salary increases, which after review and consultation with the City Attorney (after research and consultation with assistant counsel for the State of Florida Division of Elections) appears to be a scrivener's error based on workshop minutes. District Commissioners were intended and will continue receiving an annual salary of \$7,500 and will not have to reimburse the City due to the error.

WHEREAS, Ordinance 2019-04 serves to correct a scrivener's error in Ordinance 2015-08, providing that the annual salary of the Mayor is \$10,000 and the corrected annual salary amount for District Commissioners is \$7,500.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AS FOLLOWS:

Section 1. Ordinance 2019-04 serves to replace Ordinance 2015-08, correcting the scrivener's error and providing that the annual salary of the Mayor is \$10,000 and the corrected annual salary amount for District Commissioners is \$7,500.

Section 2. Due to the scrivener's error, the District Commissioners do not have to reimburse the City for any additional monies paid to them and will continue receiving the \$7,500 annual salary.

Section 3. Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

Section 4. If any section, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason held invalid or unconstitutional by court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

Section 5. This Ordinance shall be in full force and effect from and after its adoption and approval in the manner approved by law.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FL, THIS 19th DAY OF March, 2019.

Maggi Black
Maggi Black, Mayor

ATTEST:

Clara VanBlargan
Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Ralf 6 Brookes
Ralf Brookes, City Attorney



PASSED ON FIRST READING: 2/12/2019

ADVERTISED FOR PUBLIC HEARING: 3/1/2019

PASSED ON SECOND READING: 3/19/2019

Tampa Bay Times
Published Daily

STATE OF FLORIDA } ss
COUNTY OF Pinellas County

Before the undersigned authority personally appeared Jill Harrison who on oath says that he/she is Legal Clerk of the Tampa Bay Times a daily newspaper printed in St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter RE: ORD. 19-03,04 was published in Tampa Bay Times: 3/1/19. in said newspaper in the issues of St Pete Times Beaches

Affiant further says the said Tampa Bay Times is a newspaper published in Pinellas County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas County, Florida, each day and has been entered as a second class mail matter at the post office in said Pinellas County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid not promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper

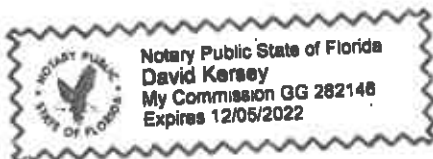
Signature of Affiant

born and subscribed before me this 03/01/2019.

Signature of Notary Public

Personally known ☒ or produced identification

Type of identification produced _____



LEGAL NOTICE

**NOTICE OF PUBLIC HEARING
CITY OF MADEIRA BEACH**

In accordance with the City of Madeira Beach Code of Ordinances, the City of Madeira Beach City Charter, and Florida Statutes §166.041(3)(a):

NOTICE IS HEREBY GIVEN, the Board of Commissioners of the City of Madeira Beach will conduct a **Second Reading and Public Hearing** for the adoption of proposed Ordinance 2019-03 and Ordinance 2019-04 on Tuesday, March 19, 2019 at 6:00 p.m. The meeting will be held in the Patricia Shontz Commission Chambers located at 300 Municipal Drive, Madeira Beach, FL 33708. The title of said Ordinance is as follows:

ORDINANCE NO. 2019-03

AN ORDINANCE AMENDING CITY CODE ARTICLE III. - BOARDS, COMMITTEES, COMMISSIONS DIVISION 4 CIVIL SERVICE COMMISSION SECTION 2-127 ORGANIZATION REGARDING MEETINGS OF THE CIVIL SERVICE COMMISSION TO AMEND THE FREQUENCY OF REQUIRED REGULAR (NON-GRIEVANCE) MEETINGS OF THE CIVIL SERVICE COMMISSION.

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A copy of the proposed Ordinances is available for inspection in the City Clerk's Office between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. If you would like more information regarding proposed ordinances, please contact City Clerk Clara VanBlargan at 727-391-9951, ext. 231.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. All persons are hereby advised that any presentation they make to the Board of Commissioners will be encouraged to be as precise as possible and will be limited to three minutes per speaker to permit maximum participation by the public at large.

Persons who wish to appeal any decision made by the Board of Commissioners with respect to any matter considered during a public hearing at this meeting will need a record of the proceedings, and for such purpose may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. It is the responsibility of the person making the appeal to bear the cost of hiring a private reporter or private recording firm to make the verbatim record.

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office no later than 4:00 p.m. on the day prior to the meeting: (727) 391-9951, Ext. 231 or 223 or fax a written request to (727) 399-1131.

Clara VanBlargan, MMC, MSM, City Clerk