



**BOARD OF COMMISSIONERS
SPECIAL MEETING AGENDA
Wednesday, June 26, 2024 at 5:30 PM
Commission Chambers, 300 Municipal Drive,
Madeira Beach, FL 33708**

This Meeting will be televised on Spectrum Channel 640 and YouTube Streamed on the City's Website.

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

Public participation is encouraged. If you are addressing the Commission, step to the podium and state your name and address for the record, and the organization or group you represent. Please limit your comments to five (5) minutes and do not include any topic on the agenda. Public comment on agenda items will be allowed when they come up.

If you would like someone at the City to follow up on a comment or question made at the meeting, you may fill out a comment card with the contact information and give it to the City Manager. Comment cards are available at the back table in the Commission Chambers. Completing a comment card is not mandatory.

4. COMMISSIONER DISTRICT 4 VACANCY

A. Discuss and approve the District 4 Commissioner Vacancy Application and Process for Selection and Appointment

5. ADJOURNMENT

One or more Elected or Appointed Officials may be in attendance.

Any person who decides to appeal any decision of the Board of Commissioners with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the minutes to be transcribed verbatim; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation to participate in this

meeting should call the City Clerk at 727-391-9951, ext. 231 or 232 or email a written request to cvanblargan@madeirabeachfl.gov.




THOMAS J. TRASK, B.C.S.*
 JAY DAIGNEAULT, B.C.S.*
 ERICA F. AUGELLO, B.C.S.*
 RANDY D. MORA, B.C.S.*
 ROBERT ESCHENFELDER, B.C.S.*
 NANCY S. MEYER, B.C.S.*
 MEGAN R. HAMISEVICZ

** Board Certified by the Florida Bar in
 City, County and Local Government Law*

MEMORANDUM

TO: Mayor Anne-Marie Brooks
 Commissioner David Tagliarini
 Commissioner Ray Kerr
 Commissioner Eddie McGeehen

CC: Robin Gomez, City Manager
 Clara VanBlargan, City Clerk

FROM: Thomas J. Trask, Esq., City Attorney 

DATE: June 17, 2024

RE: Process for Review of Applications for District 4 Commission Member
 Vacancy and Appointment of Commissioner

This memorandum is being sent to give you my thoughts regarding the process to review applications for the Commission seat vacated by Commissioner Anne-Marie Brooks when she took office as Mayor. There is no legal requirement for the process of appointment. It just needs to be completed within 30 days of Mayor Rostek's resignation. That resignation occurred on June 14, 2024. Therefore, the appointment must occur on or before July 14, 2024. It is my recommendation that the following procedure be used to appoint the new Commission member:

1. The city clerk will make the Vacancy Application available to the public on the evening of June 26, 2024, after the Commission approves the form of the application.
2. The city clerk will accept completed applications through 4:00 p.m. on July 3, 2024.
3. The procedure set forth below will be followed at the July 10, 2024, meeting:
 - a. Five (5) minute introduction by each applicant (alphabetical order).
 - b. Ten (10) minute question and answer period for each applicant by Commission members.
 - c. Three (3) minute follow-up comments by the applicants.
 - d. When the question/answer sessions for all of the applicants have been completed, the Mayor will open the floor for public comments (5 minute time limit per speaker). **Only comments will be received regarding the applicants. The public will not be allowed to question the applicants.**
 - e. The Commission will vote by ballot to appoint an applicant.

f. The applicant that has been chosen will be sworn in by the City Clerk.

Therefore, I would request that the following Agenda item be included on the July 10, 2024 Board of Commissioner's Agenda:

**Review applications for Board of Commissioners vacancy and appoint
District 4 Commission Member**



Board of Commissioners Vacancy Application for District 4 Commissioner

(Please **print** clearly)

Name: _____

Address: _____

Home Phone: _____ Cell Phone: _____

Email: _____

Length of Residency in Madeira Beach:

Have you resided in Madeira Beach for one (1) year immediately prior to the date of this application? ☐ Yes ☐ No

Have you resided in District 4 for six (6) months immediately prior to the date of this application? ☐ Yes ☐ No

Are you registered to vote in Madeira Beach? ☐ Yes ☐ No

Voter Registration Date: _____

Reason you are interested in serving:

Community activities/involvement:

Applicable education, occupational, and specialized experience:

Commissioners make recommendations and decisions that affect the entire community.

1. Do you foresee possible conflicts of interest with any of your current employment or civic positions? ☐ Yes (Please explain) ☐ No

2. When making recommendations and decisions do you feel you could be impartial and base your decision on the overall need and benefit of the Community?

☐ Yes ☐ No (Please explain)

Have you represented any other private person, group or entity for compensation before the Board of Commissioners or any board/committee of the City within the last two years? ____

Do you, your spouse, or your employer have any financial interest, directly or indirectly, in any contracts with the City? _____

Are there any days or evenings you are unavailable to meet?

[☐] Yes (*Please explain*) [☐] No

I hereby swear that I have resided in Madeira Beach for one (1) year, and have resided in District 4 for six (6) months, immediately prior to the date of this application and hereby apply for appointment to the vacant Board of Commissioners seat for District 4 and file this statement of candidacy. I declare that I meet all requirements to hold said office and that I agree to serve if appointed.

Signature: _____

Date: _____

Received by: _____

Date: _____

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online authorization, by _____, who ☐ is personally known to me or ☐ has produced _____ as identification, this _____ day of _____, 2024.

Notary Public, State of Florida

My Commission Expires:

Please Note: Any information given on this application is subject to the Public Records Law of Florida

A Form 1 - Statement of Financial Interests and your Voter Information Card will need to be submitted.

**APPLICATIONS MUST BE SUBMITTED TO THE OFFICE OF THE CITY CLERK
NO LATER THAN 4:00 P.M. ON JUNE ____, 2024.**

Please return completed form and resume to:
cvanblargan@madeirabeachfl.gov

**City of Madeira Beach
Attn: City Clerk
300 Municipal Drive
Madeira Beach, FL 33708
727-391-9951**



CITY OF MADEIRA BEACH, FLORIDA PUBLIC NOTICE SELECTION OF A CANDIDATE TO FILL THE VACANT COMMISSIONER DISTRICT 4 SEAT

There is a vacancy on the City of Madeira Beach Board of Commissioners. The Commissioner District 4 Seat is vacant due to Commissioner District 4 Anne-Marie Brooks assuming the Office of Mayor due to the resignation of the Mayor, James Rostek, on June 14, 2024. In accordance with City Charter Sec. 2.2, C.3., a vacancy of the Office of a District Commissioner shall be filled within 30 days of Mayor Rostek's resignation. Any person selected to fill the Commissioner District 4 Seat vacancy shall possess all the qualifications required of a Commission member by the City Charter and state law. The person selected to fill the vacancy shall serve the unexpired term of Commissioner District 4.

In accordance with City Charter Sec. 2.2 (B), all interested persons seeking to apply for the Commissioner District 4 vacancy must have been a qualified elector **and** resident of the City of Madeira Beach, Florida, for one (1) year immediately prior to qualifying for appointment **and** have been a resident of District 4 for at least six (6) months prior to the date of application.

The Board of Commissioners will interview the qualified applicants and make the selection to fill the Commissioner District 4 vacancy at the 6:00 p.m., Wednesday, July 10, 2024 Board of Commissioners Regular Meeting, at which time the selected applicant will be sworn into Office.

APPLICATION FILING PERIOD

Begins at 8:30 a.m., Thursday, June 27, 2024 and Ends at 4:00 p.m. on Wednesday, July 3, 2024, excluding weekends.

Applicants must file a Form 1, Statement of Financial Interests electronically with the Florida Commission on Ethics (<https://disclosure.floridaethics.gov/Account/Login>) as part of qualifying for appointment to the Commissioner District 4 Seat. **The application, a copy of the filed electronic copy of Form 1, and a copy of the applicant's Voter Information Card must be submitted to the City Clerk no later than 4:00 p.m. on Wednesday, July 3, 2024.**

Applications may be obtained from the City Clerk at City Hall, downloaded on the City's website at <https://madeirabeachfl.gov/> or by email at cvanblargan@madeirabeachfl.gov. The application must be completed and notarized before submittal. For additional information, please contact the City Clerk.

City Clerk
City of Madeira Beach City Hall
300 Municipal Drive
Madeira Beach, FL 33708
cvanblargan@madeirabeachfl.gov
727-391-9951, ext. 231 or 232

City Clerk of Madeira Beach
Clara VanBlargan
300 Municipal Dr.
Madeira Beach, FL 33708

6-14-2024

Good Day,

Effective 6-14-2024 1300hrs. I resign my position as the Mayor of the City of Madeira Beach Florida.

Sincerely,



James C. Rostek, Sr.

City Charter, Section 2.2 Board of Commissioners created; qualifications; term of office; and vacancies.

- A. *Board Created.* There shall be a Board of Commissioners with all legislative powers of the City of Madeira Beach, Florida, vested therein, composed of Commission members occupying districts numbered one (1) through (4), and a Mayor. The Board of Commissioners, including the Mayor, shall be elected at large by the qualified voters of the City of Madeira Beach, Florida.
- B. *Qualifications and Term of Office.* The Commission members shall have been qualified electors and residents of the City of Madeira Beach, Florida, for one (1) year immediately prior to their qualifying for election, and in addition, each District-Commissioner shall be a resident of said district in which the candidate seeks to be a candidate for a period of six (6) months prior to the date of said application. The term of office for all District Commissioners shall be for a period of two (2) years. The Mayor may reside at the time of the election anywhere within the City of Madeira Beach, Florida; and the term of office for the Mayor shall be for a period of three (3) years. The terms of all members of the Commission, including the Mayor, will begin at the Board of Commissioners first meeting following the election, and shall continue until their successor has been duly elected and installed under this Charter. All vacancies occurring in the Commission between elections shall be filled in accordance with Section 2.2(E) of this Charter.
- C. *Vacancies, forfeiture of office; filling of vacancies.*
1. *Vacancies.* The office of a Commissioner shall become vacant upon the Commissioner's death, resignation, removal from office in any matter authorized by law or forfeiture of the office.
 2. *Forfeiture of Office.* A Commissioner shall forfeit the Commissioner's office if the Commissioner:
 - (a) Lacks at any time during the Commissioner's term of office any qualifications for the office prescribed by this Charter or by law, except that any District-Commissioner who changes residence from one district to another within the City during the course of the Commissioner's term of office or if the district boundaries are redrawn during the term of office, the District-Commissioner shall be permitted to serve out the Commissioner's term,
 - (b) Violates any expressed prohibition of this Charter,
 - (c) Is convicted of a felony or a misdemeanor involving moral turpitude, or
 - (d) Fails to attend three consecutive regular meetings, or regular workshop meetings of the Board of Commissioners without being excused by the Board of Commissioners.
 - (e) Is found to have knowingly violated the Sunshine Laws, Ethics Laws, or Public Records Laws by the Florida Ethics Commission or a court of competent jurisdiction.
 3. *Filling of Vacancies.* In the event of a vacancy in the office of the Mayor, the Vice-Mayor shall assume the office of Mayor. A vacancy of the office of District Commissioner or a vacancy occurring in the office of Mayor because the Vice-Mayor declines to accept the office of Mayor, shall be filled by a District Commissioner within 30 days of its occurrence by a majority vote of the remaining members of the Board of Commissioners. A District Commissioner is nominated to the office of Mayor because of a vacancy in the office of Mayor, the person so nominated shall not be required to resign as District Commissioner prior to being selected as Mayor. Any person selected to fill such a vacancy shall possess all the qualifications required of a Commission member by this charter and by law. Any person selected for the office of Mayor shall serve until the next regular election of the City, at which time a general election for the office of Mayor for a complete term of office will be held. The person selected to fill a vacancy in the office of District Commissioner shall serve the unexpired term of the office.

Notwithstanding the requirements of ARTICLE VII, Section 7.3 (e) that a quorum of the Board of Commissioners consists of three (3) members, if at any time the membership of the Board of Commissioners is reduced to less than three (3), the remaining members may convene under the provisions of this section to appoint additional members to raise the membership to three (3).

(Ord. No. 727, 10-4-1988/11-9-1988; Ord. No. 826, 12-6-1994; Ord. No. 829, 12-6-1994/3-11-1997; Ord. No. 890, 1-20-1998/3-10-1998; Ord. No. 996, 12-14-2004/3-8-2005; Ord. No. 2018-09 , § 1(Exh. A), 8-20-2018; Ord. No. 2018-16 , § 1, 1-8-2019; Ord. No. 2022-15 , § 1, 7-13-2022; Ord. No. 2022-32 , §§ 1, 2, 12-14-2022)