

**IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA**

PROTECT ST. PETE BEACH ADVOCACY GROUP, a Florida not-for profit corporation;
RUTA ANNE HANCE, an individual;
LEANNE ELIZABETH FARIS, an individual;
JODY POWELL, an individual; CHARLES BOH and CONNIE BOH, individuals; LISA ROBINSON, an individual; HARRY METZ, an individual; EDWARD BARTON TEELE, an individual; and WILLIAM RODRIGUES, an individual,

Plaintiffs,

Case No. 24-000041-CI

v.

CITY OF ST. PETE BEACH, a political subdivision of the State of Florida; KAREN MARRIOTT; NICK FILTZ; BETTY RZEWNICKI; and RICHARD LORENZEN,

Defendants.

PLAINTIFFS' TIME-SENSITIVE MOTION FOR STATUS CONFERENCE

When four of the five members of the St. Pete Beach City Commission recently resigned, the Commission refused to call a timely election and instead assumed the power to appoint its own members. These appointments were unlawful—and so are all actions taken by the four unelected Commissioners. To secure a prompt judicial determination of the right of St. Pete Beach residents to vote for their representatives, and to prevent critical decisions from being made by an unelected legislative body, Plaintiffs respectfully request a status conference as soon as practical to develop a litigation schedule that will secure speedy resolution of this challenge to the City Commission's basic legitimacy.

1. Four out of five seats on the City of St. Pete Beach Commission are presently filled by individuals for whom no resident of St. Pete Beach has ever cast a vote. Plaintiffs' Amended Complaint pleads five claims that challenge the right of the four appointees to hold their seats on the City Commission. The recent vacancies in those seats should have been filled by election, rather than appointment, and the appointment of four Commissioners not only violates the City Charter, but also disenfranchises the City's thousands of residents, who are now governed by an unelected legislative body, and who are being denied their right to a democratically elected City Commission.

2. Plaintiffs' claims are time-sensitive and call into question the authority of the City Commission, as presently constituted, to exercise its duties. An expedited briefing and hearing schedule would benefit all parties by bringing finality and stability to the conduct of the City's business. A status conference to address these issues is proper in light of the relief that Plaintiffs seek, the time-sensitivity of Plaintiffs' claims, and this Court's authority to advance this matter for expedited resolution.

3. Plaintiffs' Amended Complaint seeks declaratory relief and a writ of quo warranto. The Declaratory Judgment Act empowers this Court to "order a speedy hearing of an action for declaratory judgment and [to] advance it on the calendar." § 86.111 Fla Stat. Likewise, given the Amended Complaint's prima-facie showing of entitlement to relief, this Court should issue a writ of quo warranto and thus activate Defendants' obligation to respond to the Amended Complaint's quo-warranto counts. *See Fla. R. Civ. P. 1.630(d), (e)*. Under Florida Rules of General Practice and Judicial Administration 2.215(h), a court "has a duty to expedite priority cases to the extent reasonably possible"—including "challenges involving elections." The citizens of St. Pete Beach

are entitled to elect their Commissioners, and that right should be vindicated without unnecessary delay.

4. Plaintiffs therefore respectfully request that this Court invoke these powers and schedule a status conference to develop a litigation schedule to promote a final and speedy resolution.

5. The relief requested in this Motion, like Plaintiffs' underlying claims, is time-sensitive. The events giving rise to Plaintiffs' claims—the coordinated resignations and appointment of four City Commissioners—occurred in December 2023 and January 2024. Several consequential items are on the City's agenda for resolution in the immediate future, including votes on two major beachfront developments, the selection of a new City Manager, and votes on the City's beach nourishment strategy. As presently constituted, the City Commission is acting outside of its lawful authority. And as long as the cloud of illegitimacy hangs over the Commission's votes and actions, the rights and reliance interests of those who are impacted by the Commission's votes remain in limbo.

6. Establishing a lawfully constituted City Commission as soon as possible is critical to protecting the fundamental right of voters to choose the individuals who will make extraordinary policy decisions on their behalf, and to preserving the integrity and reliability of the Commission's work.

WHEREFORE, Plaintiffs respectfully requests a status conference as soon as practicable to schedule an expedited final hearing, establish a pre-hearing litigation schedule, and address any other matters the Court wishes to address.

Dated February 3, 2024.

Respectfully submitted,

/s/ Andy Bardos

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CERTIFICATE OF SERVICE

I certify that, on February 3, 2024, the foregoing document was furnished by email to Andrew W.J. Dickman, P.O. Box 111868, Naples, Florida 34108-0132, cityattorney@stpetebeach.org, service@dickmanlawfirm.org.

/s/ Jane Graham, Esq.

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