



**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: February 19, 2019

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Ordinance Procedures.

Background: The City Council directed the City Attorney to draft an ordinance changing the process for adopting ordinances allowing the public to comment at both the first and second readings.

In order to give the public ample time to review and comment on a proposed ordinance the following process is proposed:

1. At a meeting, the staff will introduce a proposed ordinance. At this meeting, the proposed ordinance will be discussed and a determination made if it should move forward. If the Council decides to move the ordinance forward, direction will be provided to the staff to draft the ordinance in its proper format, be given a number, and set a date for the first reading.
2. At the first reading, the proposed ordinance will be read by title only and the Council will discuss the ordinance. The Council will also receive public comment on the proposed ordinance and determine if any changes need to be made to the ordinance.
3. The proposed ordinance will be advertised for adoption at a future meeting according to the requirements outlined in BIMC and FS 166.041(3)(a).
4. At the second reading, the proposed ordinance will be read by title only and the Council will discuss the ordinance. The Council will also receive public comment on the proposed ordinance and determine if any changes need to be made to the ordinance. If not, then a motion will be made and voted on to adopt the ordinance. If there is additional public comment that the Council wants added or deleted from the proposed ordinance, and if that comment substantially changes the meaning of the ordinance, then another public hearing will be advertised and held.

Staff Recommendation: Move Ordinance 19-02 to a second reading and adoption.

Suggested Motion: I move that forward Ordinance 19-02 to a second reading and adoption at the March 5, 2019 meeting.

Alternatives: Do not pass the ordinance and continue to receive public comment only at the meeting for a second reading of a proposed ordinance.

Fiscal Impact: None

Attachments: Ordinance 19-02

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WHEREAS, the City Council of the City of Belle Isle (the “City”) finds that revising the City’s ordinance adoption process to require additional public comment will streamline the ordinance adoption process and allow for the public to have reasonable opportunities to voice comments relating to proposed ordinances; and

WHEREAS, the City recognizes that the previous ordinance adoption process created inefficiencies in which the City could not timely and effectively make revisions and modifications to proposed ordinances based upon public input and feedback relating to same; and

WHEREAS, the City desires to allow public comment at both the first and second readings of all ordinances;

WHEREAS, the City recognizes that Section 166.041(6), Florida Statutes, expressly provides that municipalities may specify additional requirements for the adoption or enactment of ordinances or resolutions or prescribe procedures in greater detail than provided therein so long as municipalities do not lessen or reduce the requirements of Section 166.041, Florida Statutes.

1 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLE
2 ISLE, FLORIDA:

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4 SECTION 1: RECITALS. The foregoing recitals are ratified and confirmed as being true and
5 correct and are hereby made a part of this Ordinance by this reference.

6 SECTION 2: CITY CODE AMENDMENT. There is hereby created a new Section 1-14 in
7 Chapter 1 of the City Code of the City of Belle Isle, as follows:

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9 Sec. 1-14. – Minimum ordinance adoption procedure.

10 The city will follow the minimum requirements of Section 166.041, Florida Statutes for
11 the adoption of ordinances. Provided however, the city will allow public comments on a
12 proposed ordinance, regardless of the subject matter, during the council meetings that each of
13 the two (2) required public readings of a proposed ordinance occurs. This section shall not
14 require additional notice or advertising relating to the adoption of proposed ordinances beyond
15 the minimum requirements of general law or as may otherwise be required by city code.
16 Unless otherwise required by general law or city code based on the subject matter of the
17 ordinance (e.g. comprehensive plan amendment, land development code amendment and
18 certain rezoning ordinances), the first reading of an ordinance is not required to be noticed or
19 advertised beyond its inclusion on a publicly posted council agenda. In the event a noticed or
20 advertised public hearing or reading of an ordinance is continued to a date certain upon motion
21 and majority vote of the council during the council meeting for which the ordinance was
22 noticed or advertised, the city shall not be required to re-advertise or re-notice the ordinance
23 for the continued public hearing or reading date.
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SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. CONFLICTS. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 5. CODIFICATION. Section 2 of this Ordinance shall be incorporated into the Belle Isle City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this Ordinance or the City Code may be freely made.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption by the City Council of the City of Belle Isle, Florida.

FIRST READING: _____, 2019

SECOND READING: _____, 2019

	YES	NO	ABSENT
Ed Gold	_____	_____	_____
Anthony Carugno	_____	_____	_____
Jeremy Weinsier	_____	_____	_____
Mike Sims	_____	_____	_____
Harvey Readey	_____	_____	_____

1 Jim Partin _____

2 Sue Nielsen _____

4 ADOPTED this ____ day of _____, 2019, by the City Council of the City of Belle Isle, Florida.

6 CITY OF BELLE ISLE

9 ATTEST: Lydia Pisano, Mayor

12 Yolanda Quiceno, CMC-City Clerk Date

14 Approved as to form and legality

17 A. Kurt Ardaman, City Attorney

22 S:\DL\Clients\Belle Isle, City of\General B900-29001\Ordinance Adoption Process - Public Comment\Ordinance adoption process allowing public
23 comment ordinance - 2-6-19.docx