



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

**Meeting Date:** October 30, 2018

**To:** Honorable Mayor and City Council Members

**From:** B. Francis, City Manager

**Subject:** Ordinance 18-13, Proposed Charter Change

**Background:** This item was tabled from the October 16 Meeting so the City Attorney could research the topic further and also because Commissioner Weinsier, who requested the charter change, was not present.

The change suggested by Commissioner Weinsier, is to require that the charter amendments must pass by at least 60% of the total vote at an election, not just by a simple majority. Currently the Charter states that regular city elections shall be held on the second Tuesday after the first Monday in March, or such other date as may be approved by the city council by the passage of an ordinance receiving a majority plus one vote of those voting on such ordinance, provided that such election date must be the same date as is most common for city elections in other cities within Orange County (Section 6.05 Elections).

One question to consider, if this change is adopted, and if at a future election a ballot measure for a charter change passes by 59%, then does the City face a challenge in court because a 59% vote could be considered significant by those who voted in favor of the measure? State Statue 166.031(2) (Charter amendments) states: Upon adoption of an amendment to the charter of a municipality by a majority of the electors voting in a referendum upon such amendment, the governing body of said municipality shall have the amendment incorporated into the charter and shall file the revised charter with the Department of State. All such amendments are effective on the date specified therein or as otherwise provided in the charter.

**Staff Recommendation:** If the City Attorney gives an opinion that the proposed change does not conflict with state laws and Council is comfortable with the 60% number, then approve the first reading of Ordinance 18-13.

**Suggested Motion:** I move that we approve the first reading of Ordinance 18-13 and have the second reading and adoption on November 13, 2018.

**Alternatives:** Do not adopt the ordinance and allow the current language to stand.

**Fiscal Impact:** None

**Attachments:** Ordinance 18-13