



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

**Meeting Date:** November 7, 2017

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

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

**Subject:** Charter Changes

**Background:** Over the past months, the City Council held workshops to discuss changes to the Belle Isle City Charter. The proposed changes are in Article III and Article IV of the Charter. Any charter changes are due to Supervisor of Elections by November 17.

**Staff Recommendation:** Approve the Charter Changes.

**Suggested Motion:** I move we approve the Charter changes and direct the City Clerk to forward the changes to the Supervisor of Elections to be placed on the next ballot.

**Alternatives:** Do not approve the changes and let the charter remain as it is.

**Fiscal Impact:**

**Attachments:** Proposed Charter changes; Minutes of September 25, 2017 Workshop

## Proposed Charter Changes

### **Sec. 3.02. - Qualifications.**

City council and candidates for any position of city council shall have resided in the city and the city district at least one (1) year immediately prior to the date on which they apply to the City Clerk for qualification to run for the office of commissioner or mayor; shall be a registered voter in Orange County with proof from the Orange County Supervisor of Elections; or as later designated, at an address within the city district for at least one (1) year immediately prior to the date on which they apply to the City Clerk for qualification to run for the office of commissioner, or mayor; and shall meet and satisfy all qualifications to be a voter in the State-of Florida.

### **Sec. 3.06. – Commissioner or mayor not to hold two elected offices: vacancies.**

(A) No person may qualify as a candidate for commissioner or mayor who holds another elected public office, whether federal, state, district, county, or municipal, if the terms or any part thereof run concurrently with the office of commissioner without first resigning from the other office. However, a commissioner or mayor may continue to serve on an advisory federal, state, district, county, or municipal board, or commission, or committee.

(B) No commissioner or mayor may qualify for another office unless at least ten (10) days prior to the first day of qualifying for the other office, the commissioner or mayor seeking the office must submit to the City Clerk a written resignation, which resignation shall be effective no later than the date the commissioner or mayor would take the new office, if elected. The resignation shall be irrevocable.

### **Sec. 3.07. - Vacancies; forfeiture of office; filling of vacancies.**

(A) Vacancies: The office of a commissioner or mayor shall become vacant upon his or her death, disability, resignation, or removal from office in any manner authorized by this Charter or state law or forfeiture of office.

(B) Forfeiture of office: A commissioner or mayor shall be deemed to have forfeited the office if the commissioner or mayor:

(1) Lacks at any time during the term of office any qualification for the office prescribed by this charter or by law.

(2) Violates any standard of conduct or code of ethics established by law or this Charter or is convicted of a misdemeanor of the second degree or a felony of any degree.

(3) Misses five (5) regularly scheduled council meetings in a twelve month period from first Tuesday of April of each year, without being excused as specifically approved by Resolution or motion by the council for each absence.

(4) Failure to maintain and keep a bona-fide residency in the city district as elected for the term in Section 3.05, above, or be a bona-fide resident of the city.

(C) Filling of vacancies: A vacancy on the council whether of a commissioner or mayor shall be filled by the council appointing a candidate where the vacancy has occurred.

(1) The council shall direct the City Manager to post the vacancy on the city website and at city hall. The City Manager shall provide and process applications for the vacancy, review the application for completeness, and provide the completed applications to the City Clerk. The City Clerk shall verify that the applicant satisfies the residency and qualifications requirements to hold the office as indicated in this Charter and under State law, and all public disclosure requirements for any elected official that

may be required under state law, this Charter or other applicable law. City Manager and City Clerk shall then submit the applications to the City Council for review, consideration or approval.

(2) City Council may interview all or a portion of the applicants if it so desires. The method and manner of selection of the applicant to fill the vacancy shall be in the Council's discretion. A majority vote of the council, at a public meeting, shall approve the new member to fill the vacancy. The selected applicant must agree to accept the position and comply with all applicable state, local or municipal laws, rules, charters or ordinances including all public disclosure requirements. If not, the council shall select another applicant for the vacancy.

(3) The filling of the office shall be completed no later than 60 days of the date that the council seat or office of mayor was vacated. After the seat has been filled, the newly appointed commissioner or mayor shall hold office until the next regular election for that district office.

(D) Extraordinary vacancies: In the event that a majority of the commissioners are removed by death, disability, resignation or forfeiture of office, the governor shall appoint an interim council who shall immediately call for a special election to be held within 90 days.

### **Sec. 3.08. - Procedure.**

#### **(A) Meetings.**

(i) The council shall meet regularly at least once in every month.

(ii) Special meetings may be held on the call of the mayor or a majority of the commissioners and, whenever practicable, upon no less than twelve (12) hours' notice to each commissioner and the public.

(iii) All meetings shall be posted online and at the City Hall and be open to the public.

#### **(B) Rules and journal.**

(i) The council shall determine its own rules for parliamentary procedure and the approval at the meeting, except the rules shall not be in conflict with the terms of this Charter.

(ii) The Mayor shall preside over the meeting, participate in discussion but not vote. If the Mayor needs to abstain from any portion of the proceeding due conflict of interest as defined under state law or under this charter, the mayor shall set pass the gavel to the Vice Mayor or in its absence to a commissioner designated by council

(iii) The order of the agenda and order of business for the meeting shall be set by the City Manager no later than 4 business days prior to the regularly scheduled meeting. The City Manager shall include any items as requested or designated to the City Manager by majority vote of the Council. The City Manager shall include any items submitted by the mayor for the meeting agenda prior to the agenda cut-off date. Three business days prior to the City Council meeting, the agenda package and backup items shall be ready the City Council members and shall be available for public inspection at the City Clerk office. The City Manager shall attempt and use best efforts to make the agenda and all back up documentation available to the public for view on the City website.

(iv) The agenda package at a minimum shall contain the minutes from the prior meeting, and a report of the expenditures, check register or similar report and report of all city issued checks or drafts since the previous meeting.

(C) Voting. Voting on ordinances and resolutions, shall be by roll call and shall be recorded in the journal. A majority of the council shall constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent commissioners in the manner and subject to the penalties

prescribed by the rules of the council. No action of the council, except as otherwise provided in the preceding sentence and in Section 3.07, shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present.

**Sec. 4.02. - Mayor: Qualifications and terms of office.**

- (A) The mayor shall have and possess, and maintain for the duration of the term, all of the qualifications outlined in Section 3.02 above. The mayor shall be elected for a term of three (3) years and shall serve until a successor takes office.
- (B) The mayor shall be subject to the terms and conditions listed in Section 3.06 and 3.07, above.

**Sec. 4.04. - Vice-mayor: Duties, term and appointment of council member [commissioner].**

- (A) During the temporary absence or temporary disability of the mayor, the vice-mayor of the council shall perform the duties of the office of mayor and during such time shall not serve in the capacity of a retains his or her duties as commissioner.
- (B) In the case of the death, resignation, removal of the mayor, or a prolonged disability that is expected to last beyond the normal term of the mayor, the vice-mayor shall perform the duties of the office of mayor until the next regular election. At the next regular election, an election for a new mayor shall be held for the unexpired portion of the original mayor's term.
- (C) Upon assuming the duties of the office of mayor in (B), above, the council shall appoint a commissioner, in accordance with section 3.07 of the city charter, to fill the vacancy created by the vice-mayor serving as acting mayor. However, such commissioner shall only hold office until the next regular election or if the vice-mayor reassumes the office, whichever first occurs.

**Sec. 4.05. - Powers and duties of the mayor.**

The mayor shall:

- (A) Preside over all council meetings and shall have the right to take part in discussion but may not vote.
- (B) Represent the city at meetings designated by City Council in advance concerning matters of the intergovernmental relationships;
- (C) Serve as the ceremonial head of the City
- (D) Be responsible to the Governor for the purposes of military law;
- (E) Present an annual "state of the city" message to the City council on the first meeting in the Month of November of each year from the floor of the City Hall outlining issues of concern for the up-coming year and legislative and grant sessions;
- (E) Sign contracts as directed by City Council on behalf of the city that have been previously approved by the council.
- (F) Shall perform such other duties, consistent with his/her office, as may be delegated to him by the City Council.

**Sec. 4.11. - City Clerk**

There shall be a city clerk appointed and subject to removal, upon recommendation of the City Manager, by a majority of the city council. The city clerk shall give notice of council meetings to its members and the public, keep a record and journal of its proceedings which shall be a public record, prepare minutes of meetings, maintain city records, be the custodian for city records, comply with all requirements under Florida Law or the city's charter, ordinances or resolutions for records management, perform such other duties as are assigned

by this charter, city ordinances and resolutions or vote by City Council. The City clerk shall be under the supervision of the City Manager. In addition to the record keeping duties of the City Clerk, the City Clerk may be designated tasks by the City Manager.

**Sec. 4.13. - Administrative code.**

The City Manager shall develop and keep current an administrative code for the purpose of implementing ordinances passed by the council, subject to approval by Council and adopted by resolution.