



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

Meeting Date: June 5, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Proposed Charter Change

Background: As a result of the February election, the City Charter changed; however it was the Council's intent to review the entire charter to see if additional changes need to be made.

Another proposed change is to require that the charter changes must pass by at least 60% of the total vote at an election, not just by 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).

State Statute 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: Provide direction to the staff to prepare ordinance as done for the previous charter changes for the November 2018 ballot.

Suggested Motion: I move that we direct the City Attorney to prepare an ordinance for the proposed charter change that future charter changes must pass by at least 60% of the total vote at an election.

Alternatives: None

Fiscal Impact: None

Attachments: Draft Ordinance

ORDINANCE 18-__

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, PROPOSING AMENDMENTS TO THE CHARTER OF THE CITY OF BELLE ISLE SECTIONS 7.01 WITH RESPECT TO MATTERS INCLUDING BUT NOT LIMITED THE PASSAGE OF AN ORDINANCE BY THE VOTERS; PROVIDING FOR A REFERENDUM VOTE BY THE ELECTORS OF THE CITY OF BELLE ISLE ON THE QUESTION OF APPROVAL OF THE PROPOSED CHARTER AMENDMENTS AT THE ELECTION TO BE HELD ON November 2, 2018; PROVIDING FORM OF BALLOT; PROVIDING FOR FILING REVISED CHARTER WITH THE FLORIDA DEPARTMENT OF STATE, AND OTHER DIRECTIONS TO CITY STAFF; PROVIDING FOR AN EFFECTIVE DATE OF THE ORDINANCE AND CHARTER AMENDMENTS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS.

WHEREAS, the City Council of the City of Belle Isle, Florida pursuant to Chapter 166, Florida Statutes, and Section 7.01, Charter of the City of Belle Isle, Florida, may submit to the electors of the City proposed amendments to the City Charter; and

WHEREAS, the City Council finds it in the best interests of the City and its residents to amend and revise the City Charter as provided herein; and

WHEREAS, the City Council desires to propose and submit to the electors of the City of Belle Isle for referendum vote the City Charter amendments provided for herein, at the election to be held on November 2, 2018.

1 NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE,
2 FLORIDA AS FOLLOWS:
3

4 Section 1. Recitals. The foregoing recitals are hereby ratified and
5 confirmed as being true and correct and are hereby made a part of this ordinance.
6

7 Section 2. Charter Amendment, Sec. 7.01. The City hereby proposes the
8 amendment(s) to the City Charter described in the attached Exhibit "A," which
9 amendment(s) shall be submitted to the qualified electors of the City of Belle
10 Isle (words that are stricken out are deletions; words that are underlined are
11 additions; stars *** indicate omitted sections and subsections and do not
12 represent Charter amendments).
13

14 Section 3. Ballot Question, Sec. 3.01. The ballot title and summary for
15 the City Charter amendment(s) described in Section 2 of this Ordinance shall be as
16 set forth below, and shall be followed by the words "yes" and "no":
17

18 Question #1:

19 Amendment of Section 7.01, Belle Isle City Charter
20

21 Shall Section 7.01 of the Belle Isle City Charter be amended to provide that the
22 passage of a charter amendment ordinance must receive a sixty percent (60%) or
23 more affirmative vote to be adopted of those voting on such ordinance,?
24
25

1 Yes _____

2 No _____

3
4 Section 4. Referendum. The forgoing proposed amendments to the Charter of
5 the City of Belle Isle and their accompanying ballot questions shall be
6 individually placed on the City ballot and submitted to the qualified electors of
7 the City of Belle Isle at the election held on NOVEMBER 2, 2018. The City Clerk
8 is hereby authorized and directed to advertise the referendum election authorized
9 herein in accordance with the applicable provisions of the City Charter, City
10 Code, Florida Statutes, Florida Administrative Code, and federal law. In the event
11 it becomes necessary, as determined by the City Council, to make modifications to
12 any ballot question contained herein after adoption of this Ordinance, the City
13 Council may make such modification by Resolution. In the event it becomes
14 necessary, as determined by the City Council, to reschedule the referendum on the
15 proposed amendments to the City Charter set forth herein, the City Council may
16 make such modification by Resolution.

17
18 Section 5. Codification & Corrections. Any City Charter amendment provided
19 for in this Ordinance which receives affirmative votes from the majority of the
20 votes cast shall be incorporated into the City Charter of the City of Belle Isle.
21 Any section, paragraph number, letter and/or any heading may be changed or
22 modified as necessary to effectuate the foregoing. Grammatical, typographical and
23 similar like errors may be corrected, and additions, alterations, and omissions
24
25

1 not affecting the construction or meaning of this Ordinance or the City Charter
2 may be freely made.

3
4 Section 6. Severability. If any section, subsection, sentence, clause,
5 phrase, word or provision of this Ordinance is for any reason held invalid or
6 unconstitutional by any court of competent jurisdiction, whether for substantive,
7 procedural, or any other reason, such portion shall be deemed a separate, distinct
8 and independent provision, and such holding shall not affect the validity of the
9 remaining portions of this Ordinance.

10
11 Section 7. Conflicts. In the event of a conflict or conflicts between this
12 Ordinance and any other Ordinance or provision of law, this Ordinance controls to
13 the extent of the conflict, as allowable under the law.

14
15 Section 8. Directions to City Staff. City Staff under the direction of the
16 City Manager are directed and authorized to take such actions as are necessary and
17 advisable to effect and carry out this Ordinance and the City Charter amendments
18 and referendum provided for herein. If the City Charter is amended, a copy of the
19 revised City Charter shall be filed with the Department of State in accordance
20 with Section 166.031(2).

21
22 Section 9. Effective Dates. This Ordinance shall become effective
23 immediately upon adoption by the City Council of the City of Belle Isle, Florida.
24 Any City Charter amendment provided for herein shall become effective immediately
25

upon approval by the certified voters of Belle Isle and certification by the
Supervisor of Elections or other appropriate officer or entity.