



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

**Meeting Date:** February 5, 2019

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

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

**Subject:** Proposed Ordinance – Section 3.11 Ordinances

**Background:** The City Charter outlines the process for adopting ordinances and resolutions based on Florida Statute 166.041. The BIMC, Section 3.11 (B) and FS 166.041(3)(a) both contain the same language:

***A proposed ordinance shall be read by title, or in full on at least two (2) separate days, at either regular or special meetings of the council, and shall, at least ten (10) days prior to adoption, be noticed once in a newspaper of general circulation in the city. The notice of proposed enactment shall state the date, time and place of the meeting, the title or titles of proposed ordinances, and the place or places within the city where such proposed ordinances may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.***

It has been a past practice that during the first reading of a proposed ordinance, the Council does not take public comment. This has sometimes delayed the passage of an ordinance because there was substantial comment at the second public hearing to have the ordinance re-written. If the public was allowed to comment at the first reading and any changes drafted in to the ordinance between the first and second reading, chances are good that not much public comment would be received and the ordinance would be adopted at the second reading. This would be especially true when we have controversial ordinances, such as the dock ordinance and the short term rental ordinance.

FS 166.041(6) allows for additional requirements but not to lessen the requirements. It states:

***The procedure as set forth herein shall constitute a uniform method for the adoption and enactment of municipal ordinances and resolutions and shall be taken as cumulative to other methods now provided by law for adoption and enactment of municipal ordinances and resolutions. By future ordinance or charter amendment, a municipality may specify additional requirements for the adoption or enactment of ordinances or resolutions or prescribe procedures in greater detail than contained herein. However, a municipality***

***shall not have the power or authority to lessen or reduce the requirements of this section or other requirements as provided by general law.***

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:** The staff recommends drafting an ordinance to allow public comment at both the first and second readings.

**Suggested Motion:** **I move that we direct 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.**

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

**Fiscal Impact:** None

**Attachments:** None