

ORDINANCE NO. 2023-08

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, SUBMITTING TO THE ELECTORS OF EDGEWOOD PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF EDGEWOOD; PROVIDING BALLOT TITLES, SUMMARIES AND TEXT FOR THE PROPOSED AMENDMENTS; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE FOR APPROVED AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, the City Council established a Charter Review Commission to review the City Charter and make recommendations for amendments thereto; and

WHEREAS, on _____, 2023, the Charter Review Commission submitted its final report and recommendations to the City Council; and

WHEREAS, the City Council and the Charter Review Commission have, in public meetings, studied and reviewed the City of Edgewood Charter (the “Charter”) and received public input regarding the proposed amendments to the Charter; and

WHEREAS, the Charter Review Commission recommended that the Charter be updated in various sections, all as set forth herein; and

WHEREAS, the City Council has fully considered the report and recommendations of the Charter Review Committee; and

WHEREAS, Section 166.031, Florida Statutes, provides that the governing body of a municipality may, by ordinance, submit to the electors of said municipality proposed amendments to its charter, which amendments may be to any part or to all of its charter except that part describing the boundaries of such municipality; and

WHEREAS, the City Council finds it to be in the best interests of its citizens to submit said proposed charter amendments to the voters at the next general election.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Edgewood, Florida, as follows:

Section 1. The City Council of the City of Edgewood, pursuant to Section 166.031, Florida Statutes, hereby proposes and approves amendments to the Charter of the City of Edgewood, which proposed amendments and the complete text thereof, as amended, is set forth in Section 2 below. The text of the amendments reflects the proposed changes by showing additions with

underlining and deletions with ~~strike-through~~ type. Such election shall be held in conformity with the laws of the State of Florida and the ordinances of the City of Edgewood now in force relating to elections in the City of Edgewood. The Supervisor of Elections of Orange County is hereby requested to coordinate all matters to said referendum election with the City Clerk. The proposed charter amendments shall be submitted to the voters at the March, 2010 election.

Section 2. The ballot titles, questions and proposed charter changes are as follows:

City Charter Amendment 1:

Shall the Edgewood Charter be amended to delete the now unnecessary transition schedule used to phase in the adjustment to the current staggered three year terms for Council members?

YES FOR APPROVAL

NO FOR REJECTION

Section 7.01. ~~Transition schedule.~~ RESERVED

~~Upon the adoption of this Charter amendment, the transition from two (2) year terms to three (3) year terms shall be accomplished as follows:~~

~~In the 2018 election three council members shall be elected. In the 2018 election the two (2) city council candidates receiving the largest number of votes shall take office for a term of three (3) years and the one (1) city council candidate receiving the third largest number of votes shall be elected to a term of two (2) years.~~

~~In the 2019 election two council members and the mayor shall be elected. In the 2019 election the one (1) city council candidate receiving the largest number of votes shall take office for a term of three (3) years and the one (1) city council candidate receiving the second largest number of votes shall be elected to a term of one (1) year. The candidate for mayor receiving the largest number of votes shall be elected to a term of three (3) years.~~

~~In all subsequent elections candidates shall be elected to a term of three (3) years.~~

City Charter Amendment 2:

Shall the Edgewood Charter be amended to removed the requirement that collective bargaining

agreements specifically be approved by ordinance?

YES FOR APPROVAL

NO FOR REJECTION

Section 3.14. Legislative action requiring an ordinance.

The following types of council actions shall be implemented by ordinance providing the ordinance does not conflict with the provisions expressed in this Charter amendment and does not violate state or federal statutes.

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city council shall be by ordinance which:

- A. Adopt or amend an administrative code or alter or abolish any city department, office or agency;
- B. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- C. [Reserved];
- D. Grant, renew or extend a franchise including the negotiation of rates;
- E. Authorize the borrowing of money;
- F. ~~Approve union contracts~~ [Reserved];
- G. Adopt with or without amendment ordinances proposed under the initiative power;
- H. Amend or repeal any ordinance previously adopted, except as otherwise provided in Article VI with respect to repeal or ordinances reconsidered under the referendum power.

Acts other than those referred to in the preceding sentences may be done either by ordinance or by resolution in accordance with State law.

City Charter Amendment 3:

Shall the Edgewood Charter be amended to delete local provisions regarding emergency ordinances and to provide that emergency ordinances may be adopted in the manner set forth in Florida state law?

YES FOR APPROVAL

NO FOR REJECTION

Section 3.15. Emergency ordinances.

Emergency ordinances may adopted in accordance to State Law.

Emergency ordinances may be adopted in the manner set forth in Florida Statutes.

~~To meet a public emergency affecting life, health, property or the public peace, the council may adopt one (1) or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in subsection 5.06(b). An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least four (4) council members or three (3) council members and the mayor shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such time as it may specify. Every emergency ordinance, except one made pursuant to subsection 5.06(b), shall automatically stand repealed as of the sixty-first (61st) day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.~~

City Charter Amendment 4:

Shall the Edgewood Charter be amended to provide an option for electronic distribution of the City Code?

YES FOR APPROVAL

NO FOR REJECTION

Section 3.18. Authentication, recording and disposition of Charter amendments, ordinances and resolutions.

A. *Authentication.* The council president and the city clerk shall authenticate by their signature all ordinances and

resolutions adopted by the council. In addition, when Charter amendments have been approved by the electors, the council president and the city clerk shall authenticate by their signatures the Charter amendment, such authentication to reflect the approval of the Charter amendment by the electorate.

B. *Codification.* Upon adoption of this Charter and at least every year thereafter, the city clerk shall provide for the preparation of a general codification of all city ordinances and resolutions having the force and effect of law. The general codification shall be published promptly together with this Charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Florida and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as the Edgewood City Code. Copies of the Code shall be furnished to city officers upon request and shall be placed in the city hall or made available electronically for free public reference and made available for purchase by the public at a reasonable price fixed by the council.

City Charter Amendment 5:

Shall the Edgewood Charter be amended to correct grammatical and lettering errors in Article 4.

YES FOR APPROVAL

NO FOR REJECTION

Section 4.05. City clerk.

The city clerk shall be recommended by the mayor and appointed by the city council and shall serve at the pleasure of city council. The following are the major areas of responsibility of the city clerk:

- A. Custodian of municipal records in accordance with state law.
- B. Provide public notice of all meetings subject to Sunshine and State Law and keeps a journal of its proceeding.
- C. Administration of the daily functions of city hall.
- D. Record, type and distribute minutes of meetings and agendas.
- ~~D~~E. Maintain city hall budget and expenditures within the approved annual budget.
- ~~E~~F. Provide reports, personnel actions, etc., to the council.
- F~~G.~~ Execute policies and directions issued by the council and expressed in resolutions, ordinances, the City Code of Ordinances

and Charter.

GH. Perform other duties assigned by the mayor or council president.

The duties, hours, salary, etc., shall be established by the council who may also delegate the supervision of the city clerk to an elected official.

CITY CHARTER AMENDMENT 6:

Shall the Edgewood Charter be amended to change the timing of the Mayor's annual budget message?

Section 5.02. Submission of budget and budget message.

At least 60 days prior to the start of the fiscal year Concurrent with the first reading of the Ordinance for the adoption of the fiscal year budget, the mayor shall propose present a budget message.

City Charter Amendment 7:

Shall the Edgewood Charter be amended to adjust the cap on the amount the City may set aside in its budget as unrestricted reserves?

YES FOR APPROVAL

NO FOR REJECTION

Section 5.09. Unrestricted reserves.

Unrestricted reserves shall not exceed _____ of gross annual revenues.

City Charter Amendment 8:

Shall the Edgewood Charter be amended to provide that for any procurement between \$10,000 and \$25,000, the City shall obtain at least two quotes and that for any procurement over \$25,000, the City shall utilize a competitive bidding method?

YES FOR APPROVAL

NO FOR REJECTION

Section 5.10. Purchasing.

The mayor shall be the purchasing agent for the city, by whom all purchases of supplies shall be made, and he/she shall approve all vouchers for the payment of same. In the capacity of purchasing agent, he/she shall also conduct the sales of personal property which the council may authorize to be sold as having become unnecessary or unfit for the city's use. All purchases and sales shall conform to such regulations as the city council may from time to time prescribe, but in any case the City shall obtain at least two quotes for any purchase over \$10,000.00 up to \$25,000.00 and shall competitively bid any purchase over \$25,000.00. ~~if any amount in excess of 10,000.00 is involved, the city council shall make a selection after competitive procurement. at least two (2) competitive bids shall be invited.~~

City Charter Amendment 9:

Shall the Edgewood City Charter be amendment to provide that in the event of a tie in a city council election result, the winner shall be determined between the two tied candidates by a coin flip?

YES FOR APPROVAL

NO FOR REJECTION

Section 6.05. Elections.

- A. *Conduct of Elections.* City elections will be conducted according to State law. Regular city elections shall be held on the second Tuesday in March. In the event of a change in the date of the Florida Presidential Preference Primary, the city council by ordinance may change the date for regular city elections to a yearly date that corresponds to the date of the Florida Presidential Preference Primary.
- B. *Single Office.* For a single office such as that of the mayor, the candidate receiving the greatest number of votes shall be deemed elected.
- C. *Multiple Offices.* When more than one office is being voted on such as that of council seats, those candidates receiving the highest number of votes shall be deemed elected.
- D. *Absentee Ballots.* For all elections, absentee ballots will be administered according to State law.
- E. Tie Votes. In the event of a tie between two or more candidates for the City council, the winner of the tie shall be decided by a coin flip.

Section 3. The City Clerk is hereby directed to ensure that all advertising, translation and notice requirements are complied with and to coordinate all activities necessary to conduct the

referendum election called for in Section 1 of this Ordinance with the Supervisor of Elections for Orange County.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereto. Further, the lack of approval by a majority of electors of one or more separate amendments to this Charter, as set forth in Section 2 herein, shall not be deemed to affect the validity of any amendments that may be approved by a majority of the electors.

Section 5. All ordinances and Charter provisions, or parts of ordinances and Charter provisions in conflict herewith are hereby repealed.

Section 6. This Ordinance shall take effect immediately upon its final passage and adoption. The revised Charter provisions proposed for approval in this Ordinance shall become effective upon their approval at a referendum election of the electors of the City of Edgewood in accordance with Section 166.031, Florida Statutes. If the electors reject an amendment, the rejected amendment shall not take effect.

PASSED AND ADOPTED this _____ day of _____, 2023, by the City Council of the City of Edgewood, Florida.

Richard A. Horn, Council President

ATTEST:

Sandra Riffle, City Clerk