

ORDINANCE NO. 2016-11

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, the Charter Review Commission has submitted its final 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 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 as 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 2017 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 provide that the city may hire a city administrator which shall be recommended by the mayor and appointed by the city council?

YES FOR APPROVAL

NO FOR REJECTION

Section 4.07. - City administrator.

A city administrator may be recommended by the mayor and serving at the pleasure of the city council may be appointed. The city administrator shall be responsible for coordinating and integrating the administrative and executive functions of the city as directed by the mayor and consistent with the policy approved by the city council.

City Charter Amendment 2:

Shall the Edgewood Charter be amended to change the staggered two year terms of council members and the mayor to staggered three year terms for council members and the mayor and to include a transition schedule to phase in the altered term lengths?

YES FOR APPROVAL

NO FOR REJECTION

Section 3.04. - Election and terms.

The regular election of the city elected officials shall be held in the manner provided in Article VI of this Charter, and the term of office for each elected official shall be for three (3) years. ~~two (2) years.~~

* * *

Section 4.02. - Mayor; qualifications and terms of office.

The mayor shall be a qualified elector who is a bona fide resident of the City of Edgewood for at least one year prior to the date of qualifying to run for City office and registered to vote. If he/she shall cease to possess any such qualification during his/her term of office, he/she shall forfeit the office and the council shall remove him/her. He/she shall be elected for a term of three (3) years, two (2) years which term shall begin upon the expiration of the predecessor official's term, and serve until his/her successor takes office.

* * *

Section 7.01. – Transition Schedule.

~~With the adoption of this Charter amendment two (2) council members, and the mayor shall be elected in odd numbered years, and three (3) council members shall be elected in even numbered years.~~

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 3:

Shall the Edgewood Charter be amended to provide that a majority vote of the full council shall be required for the adoption of an ordinance and to remove provisions that call for at least four members of the city council or three members plus the mayor to cast votes when an ordinance is under consideration?

YES FOR APPROVAL

NO FOR REJECTION

Section 3.13. - Ordinances and resolutions in general.

Ordinances may be enacted and resolutions may be adopted in accordance with any applicable requirements of State law.

A. Form. Each ordinance or resolution shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be clearly stated in the title. No enactment shall be revised or amended by reference to its title only. Ordinances or resolutions to revise or amend shall set out in full the revised or amended act, section, subsection, or paragraph of a section or subsection.

B. Procedures. A proposed ordinance or resolution shall be advertised and adopted in accordance with state law.

C. Adoption. ~~A proposed ordinance requires the vote of at least four (4) members of the council or three (3) members plus the vote of the mayor for the adoption of the ordinance.~~ For the adoption of an ordinance, a simple majority vote of the city council ~~these voting shall~~ be required.

D. Effective Date. Except as otherwise provided in this Charter, every adopted ordinance and resolution shall become effective upon adoption or as otherwise specified therein.

City Charter Amendment 4:

Shall the Edgewood Charter be amended to allow the city council during its annual budget process to include a stipend to be paid to the mayor of up to one thousand dollars per month?

YES FOR APPROVAL

NO FOR REJECTION

Section 3.11. - Compensation and expenses.

None of the council members ~~shall receive or the mayor receives~~ a salary. All city public officials, either elected or appointed, shall receive reimbursement for their expenses incurred in the performance of their duties of office as provided by law. The city may pay the mayor a stipend not to exceed one thousand dollars (\$1,000) per month as approved by the city council in its sole discretion.

City Charter Amendment 5:

Shall the Edgewood Charter be amended to provide that the Charter Review Commission shall be made up of one appointee by each council member, one appointee by the mayor, and two appointees by the council president, and to provide that any unfilled seats shall be appointed by majority vote of the city council and to provide that up to two members may be non-resident owners of non-residential property located within the City of Edgewood?

YES FOR APPROVAL

NO FOR REJECTION

Section 3.21. - Charter review.

A Charter Review Commission shall be organized by May 1, 2023 and at least every seven (7) years thereafter. The mayor and each member of the city council, other than the council president, shall appoint one (1) member to the Charter Review Commission. The council president shall appoint two (2) members to the Charter Review Commission. At least five (5) members of the Charter Review Commission shall be electors who are bona fide residents of the City of Edgewood. Up to two (2) members of the City Commission may be non-resident owners of non-residential property located within the City of Edgewood. In the event that any member of the city council or the mayor fails to appoint a member of the Charter Review Commission by the time required herein, the city council shall make appointment to any unfilled seats by majority vote at the city council's next regular meeting. The council president shall recommend, and the council shall confirm, at least seven (7) citizens to serve on a Charter Review Commission by May 1, 2002, and at least every seven (7) years thereafter. Said Commission shall report its findings to the council by October 1 of each year of appointment.

Section 3.11. - Compensation and expenses.

None of the council members shall receive or the mayor receives a salary. All city public officials, either elected or appointed, shall receive reimbursement for their expenses incurred in the performance of their duties of office as provided by law. The city may pay the mayor a stipend not to exceed One Thousand Dollars (\$1,000) per month as approved by the city council in its sole discretion.

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.

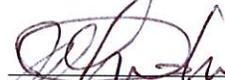
SECTION 6. This Ordinance shall take effect immediately upon its final passage and adoption. The revised Charter provisions proposed for approval in this Ordinance shall become effective upon their approval at a referendum election of the electors of the City of Edgewood in

accordance with Section 166.031, Florida Statutes. If the electors reject an amendment, the rejected amendment shall not take effect.

PASSED ON FIRST READING THIS 18th DAY OF October, 2016.

PASSED AND ADOPTED THIS 15th DAY OF November, 2016.

CITY OF EDGEWOOD, FLORIDA
CITY COUNCIL



John Dowless, Council President

ATTEST:



Bea Meeks, City Clerk