

ORDINANCE 2017 - B

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UMATILLA, FLORIDA, PROVIDING FOR AMENDMENTS OF THE CITY CHARTER; AMENDING ARTICLE II, SECTION 3 RELATING TO POWERS OF THE CITY; AMENDING ARTICLE III, SECTION 1 OF THE CHARTER RELATING TO THE CITY COUNCIL MEMBERSHIP; AMENDING ARTICLE III SECTION 6 MEETINGS; AMENDING ARTICLE III SECTION 14 SPECIAL MEETINGS; AMENDING ARTICLE VI SECTION 7 CANVASS OF RETURNS; AMENDING ARTICLE XII, SECTION 1.10 AUTHORITY OF CITY TO MAKE IMPROVEMENTS UPON THE MUNICIPAL AIRPORT; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Umatilla, after considering the recommendations of the Charter Review Committee, has determined to submit certain proposed Charter Amendments for approval or disapproval by the electors of Umatilla at a special election called for this purpose in accordance with Sec. 166.031, Florida Statutes,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UMATILLA, FLORIDA:

Section 1. It is submitted that Article II Boundaries, Form & Powers, Section 3 of the City Charter be amended as follows (throughout this ordinance, additions are reflected by underlined text; deletions are reflected by ~~strikethrough text~~):

All powers of the City shall be exercised in the manner prescribed by this Charter, and if the manner be not so described, then in such manner as may be prescribed by ordinance or State law. The City shall have all the powers granted to municipal corporations and to cities and towns by the Constitution and General Laws of this State, including the power of eminent domain, together with all the implied powers necessary to execute all the powers granted. The City may acquire property within or without its corporate limits for any City purpose, in fee simple or in any lesser interest or estate, whether by purchase, gift, contract, devise, lease or condemnation, and may sell, lease, pledge, mortgage, hold, manage and control such property as its interests may require, and, except as prohibited by the Constitution of this State or restricted by this Charter, the City shall and may exercise all municipal powers, functions, rights, privileges and immunities of every nature and name whatsoever, now or hereafter provided by Statute or Constitution. The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such power, it is intended that the City shall have and may exercise all powers which, under the Constitution of this State, it would be competent for this Charter, specifically to enumerate. The City shall have the power to designate or appoint such person or persons either officer or employee to be the chief executive officer and head the administrative branch and functions of the City Government. Such person to be responsible to the Council for the proper administration of such affairs of the City as shall be delegated to him by ordinance of the City of Umatilla, but in no event shall any such ordinance of appointment be by emergency procedure. ~~The City of Umatilla is hereby authorized to levy a special tax annually, not to exceed one (1) mill, upon real and personal property or both to be assessed and collected as municipal tax for the purpose of giving publicity to the advantages, facilities and production of the City.~~

Section 2. It is submitted that Article III City Council, Section 1 entitled "Membership" be amended to read as follows:

No person may qualify to be elected or appointed to a term of office on the City Council if completing the term of office would cause such person's cumulative service time on the City Council to exceed either twelve years or three terms; provided that for the purposes of this section, a person's cumulative service time means the time served on City Council since the most recent two-year election cycle during which the person served no time on City Council. For the purposes of calculating cumulative service time, service in office for a partial term shall be counted as service for one term. ~~Council Members shall have term limits of twelve consecutive years or three terms, whichever occurs first. Service as council members, which commenced prior to the effective date of the Term Limit Amendment will be counted toward the twelve consecutive years or three term limitation. The City Council members who are serving on the effective date of the Charter Amendment shall continue to serve through the balance of their terms.~~

Section 3. It is submitted that Article III City Council, Section 6 entitled “Meetings” be hereby amended to read as follows:

The first meeting of each newly elected council shall be held at 7:00 p.m. on the first Tuesday immediately following election certification in November in January, following regular city election of councilmen, after which the Council shall regularly meet at such times as may be prescribed by its rules but not less frequently than once each month. If a regularly scheduled council meeting falls on an election day or a holiday, then the meeting shall be held on Thursday following such election day or holiday. Any regular meeting may be adjourned from day to day. All regular meetings of the Council shall be open to the public and shall be conducted in an orderly manner according to accepted rules of Parliamentary procedure or upon such other rules as may be prescribed by the Council in public announcement.

Section 4. It is submitted that Article III City Council, Section 14 entitled “Special Meetings; How Called” be amended to read as follows:

The President of the Council, or any two (2) members of the Council, or the City ~~Clerk~~ Manager may call Special Meetings of the Council, upon ~~at least six (6) hours written reasonable public notice to each member, served personally or left at his usual place of residence, or place of business, with a responsible person thereat.~~ Any person citizen shall have the right to attend a Special Meeting and access to the minutes and records thereof at all reasonable times.

Section 5. It is submitted that Article VI Election and Recall, Section 7 entitled “Canvass of Returns” be stricken in its entirety with an explanatory note as follows:

~~The Polls shall open and close at the same hour, or time, required under General Law of the State of Florida for the opening and closing of polls for State elections. The result of the voting when ascertained, shall be certified by the return in duplicate, signed by the Clerk and a majority of the inspectors of the elections; one copy being delivered by such Clerk and Inspectors, to the Mayor and the other to the City Council at a meeting to be held at twelve o'clock noon on the day following the election. At such meeting, the City Council shall canvass the returns and the result as shown by such returns shall be by the Council declared as the result of the election. The City Clerk shall, not later than noon of the second day after the election, furnish a Certificate of Election to each person shown to have been elected.~~

Note: Supervisor of Elections Office notified the City that this section was superseded when President George W. Bush signed Help America Vote Act into law on October 29, 2002.

Section 6. It is submitted that Article XII, Section 1.10 of the City Charter entitled “Authority of city to make improvements upon the municipal airport” be amended as follows:

(a) There shall be no expansion of the Municipal Airport of the City of Umatilla or acquisition of real property either by gift or purchase for the purpose of expanding the Municipal Airport of the City of Umatilla, unless the City Council has made a finding that such expansion or acquisition serves a valid municipal purpose or is reasonably calculated to promote safety, compliance with state and federal laws and regulations, or economic development, ~~without prior approval of the electorate of the City of Umatilla at a general election or special election called for that purpose.~~

Section 7. It is submitted that the following subparagraph be appended to Article XII, Section 1.10 of the City Charter entitled “Authority of city to make improvements upon the municipal airport”:

(b) Notwithstanding the foregoing, in no event shall more than one runway be placed into service at the Municipal Airport.

Section 8. It is submitted that the following subparagraph be appended to Article XII, Section 1.10 of the City Charter entitled “Authority of city to make improvements upon the municipal airport”:

(c) Notwithstanding the foregoing, in no event shall a runway with a length in excess of 3,000 linear feet be constructed at the Municipal Airport without prior approval of the electorate of the City of Umatilla.

Section 9. *Form of Ballot.* The form of ballot for the Charter amendments provided herein shall be as follows:

A. Ballot Question Number 1: Umatilla City Charter - Powers of the City. Currently, the Charter provides that the city may charge a special tax for the purpose of giving publicity to the advantages, facilities and production of the City. This Amendment removes the city's authority to levy this publicity tax.

Shall the above-described amendment be adopted?

Yes []

No []

B. Ballot Question Number 2: Umatilla City Charter - City Council Term Limits Under the current Charter there are term limits of 12 consecutive years or 3 terms for Council Members. This amendment retains and clarifies the term limits but allows Council Members who have reached term limits to regain eligibility to run for City Council after sitting out one election cycle of two years.

Shall the above-described amendment be adopted?

Yes []

No []

C. Ballot Question Number 3: Umatilla City Charter - Canvass of Returns. The current Charter contains a section pertaining to Canvass of Returns. This amendment removes Article VI, Section 7 Canvass of Returns which became obsolete when the Help America Vote Act became law on October 29, 2002.

Shall the above-described amendment be adopted?

Yes []

No []

D. Ballot Question Number 4: Umatilla City Charter - City Council Meetings. Under the current Charter, the newly elected officials are seated during the first meeting in January. This amendment designates the first meeting after the election results are certified as the date the officials take office, aligning City Council terms of office more closely with County Commission terms.

Shall the above-described amendment be adopted?

Yes []

No []

E. Ballot Question Number 5: Umatilla City Charter - City Council Special Meetings. Under the current Charter, Special Meetings may be called with six hours' notice to Council Members, and Citizens may review records of Special Meetings. To conform to the requirements of Florida's open government laws, this amendment requires reasonable public notice of a Special Meeting and provides a right for the public to attend Special Meetings.

Shall the above-described amendment be adopted?

Yes []

No []

F. Ballot question Number 6: Limits on Airport Expansion; Removal of Referendum Requirement

Under the current Charter, the City may expand, or acquire real property to expand, the Municipal Airport with prior voter approval. The proposed amendment to Article XII, Section 1.10 replaces the voter approval requirement with a requirement that City Council find that a particular expansion or acquisition serves a valid municipal purpose or is reasonably calculated to promote safety, compliance with laws and regulations, or economic development.

Shall the above-described amendment be adopted?

Yes []

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Under the current Charter, the City may expand, or acquire real property to expand, the Municipal Airport with prior voter approval. There is no restriction on the number of runways in service at the Airport. The proposed amendment to Article XII, Section 1.10 would prohibit placing more than one runway into service.

Yes []
No []

Under the current Charter, the City may expand, or acquire real property to expand, the Municipal Airport with prior voter approval. There is currently no restriction on runway length. The proposed amendment to Article XII, Section 1.10 would prohibit constructing a runway exceeding 3,000 linear feet in length at the Airport.

Yes []
No []

Section 11. This Ordinance shall be effective upon passage on second and final reading; however, the Charter amendments contained herein shall not be effective until adopted by a majority of the qualified voters of the City of Umatilla as certified by the Supervisor of Elections for Lake County, Florida.

Section 13. The provisions of this ordinance are intended to be incorporated into the City Charter of the City of Umatilla, Florida, and the sections of this ordinance may be renumbered, relettered, and the word “ordinance” may be changed to “section,” “article,” or such other word or phrase in order to accomplish such intention.

PASSED AND ORDAINED this 20th day of June, 2017, by the City Council of the City of Umatilla, Florida.

Passed First Reading: June 6, 2017
Passed Second Reading: June 20, 2017
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