



city council agenda

Agenda
September 25, 2017 * 6:00 PM
City Council Workshop
City Hall Chambers

Lydia Pisano Mayor	Kurt Ardaman City Attorney	Bob Francis City Manager	Ed Gold District 1	Anthony Carugno District 2	Jeremy Weinsier District 3	Bobby Lance District 4	Harv Readey District 5	Lenny Mosse District 6	Sue Nielsen District 7
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Welcome

Welcome to the City of Belle Isle City Council meeting. Agendas and all backup material supporting each agenda item are available in the City Clerk's office or on the city's website at cityofbelleislefl.org.

Meeting Procedures

Workshops are a working session and do not allow for public comment. Order and decorum will be preserved at all meetings. Personal, impertinent or slanderous remarks are not permitted. Thank you for participating in your city government.

1. Call to Order
2. Charter Review Discussion
 - a. Proposed Charter Changes
 - b. Charter Revisions - redlined
3. Adjournment

"If a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F. S. 286.0105). "Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-851-7730) at least 48 hours in advance of the meeting." --Page **1** of **39**

Proposed Charter Changes

Charter Changes

Change 1: Sec. 3.02. - Qualifications.

“...No person may qualify as a candidate for commissioner who holds another public office, whether federal, state, district, county, or municipal, if the terms or any part thereof run concurrently with the office of commissioner without first resigning from the other office.”

Under F.S. 112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys, the term “public officer” includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

Does this mean that a City Commissioner cannot be a member of the Lake Conway Navigation Board? If so, then we may want to look at a change to allow this by stating, something like “Once a candidate for commissioner is elected, the commissioners may be appointed to another agency’s advisory board but in no case shall a candidate hold two elected offices concurrently.

Change 2: Sec. 3.07. - Vacancies; forfeiture of office; filling of vacancies.

(B) *Forfeiture of office:* A commissioner shall forfeit the office if the commissioner:

- (1) Lacks at any time during the term of office any qualification for the office prescribed by this charter or by law.

Sec. 3.02. - Qualifications.

Commissioners and candidates for commissioner shall have resided in the city at least one (1) year immediately prior to the date on which they qualify to run for the office of commissioner, and shall have the qualifications of electors therein. No person may qualify as a candidate for commissioner who holds another public office, whether federal, state, district, county, or municipal, if the terms or any part thereof run concurrently with the office of commissioner without first resigning from the other office.

Under Sec. 3.01. - Creation, powers and composition of city council, it states the city council shall consist of seven (7) commissioners; one residing in each of seven (7) election districts, elected at large by the qualified voters of the city. **Is this a qualification? If so, then not to be ambiguous, maybe consider changing Section 3.07 (B) to read:**

(B) *Forfeiture of office:* A commissioner shall forfeit the office if the commissioner:

- (1) Lacks at any time during the term of office any qualification for the office prescribed by this charter or by law, which includes moving out of the district for which the Commissioner was elected.

OR

Adding: “(B)(4) Moving out of the district for which the Commissioner was elected prior to the end of the term.”

Change 3: Sec. 3.07. - Vacancies; forfeiture of office; filling of vacancies.

Currently: A vacancy on the council shall be filled by the mayor appointing a candidate from the district where the vacancy has occurred. The appointee shall be confirmed by a majority vote of the council.

Although the Council has the power to not ratify the appointment, this allows the Mayor to appoint solely on the Mayor’s discretion, and depending on how many seats are to be filled, the Mayor could possibly “stack the deck”. So not to continually change the charter if there is a change in the process of filling the vacancy, Maybe recommend the language for Section 3.07 (C) to read:

Council vacancies shall be filled by a majority of the remaining members of Council. The appointees term will begin immediately and shall continue through the unexpired term of the predecessor.

Council can then adopt a procedure similar to the following (excerpt from Hood River Oregon Rules of Council and if accepted can be changed according to Florida laws):

Filling Vacancies: Any vacancy occurring on the City Council will be filled as follows.

- a. When a vacancy occurs, the City Manager shall publish a Notice of Vacancy inviting applications to be filed by interested, qualified candidates. The notice shall state that any information provided is subject to the Oregon Public Record Laws. Candidates must include in their filing a resume describing their background and a statement of the reason(s) why they desire to be considered for appointment. The City Recorder will verify the qualifications of the candidates.
- b. The Council will establish a date when all applications from eligible persons must be filed with the City Recorder. The filing of a written application is considered as placing that person in nomination.
- c. After the date for filing has expired, the Council may direct the City Manager to set a time and date for interviews with all candidates. The Council may elect to reopen the vacancy procedure, at its discretion, prior to selection. If the procedure is reopened, a second notice does not need to be published.
- d. Prior to the date of the interviews, the City Recorder will report back to the City Manager and Council whether the candidates are eligible to serve.
- e. If the Council is satisfied that it has concluded the process of reviewing potential nominees and the qualifications of the nominees, the presiding officer shall declare the nominations closed and call for a written nominating ballot.

- f. The Mayor and each Councilor will vote for one person among the nominees on the nominating ballot. Those persons who receive the two largest number of votes are designated as the nominees for the final written electing ballot, provided, however, that any nominee receiving five (5) votes is considered elected to fill the vacancy.
- g. If only one (1) person is placed in nomination, a motion to direct the City Recorder to record a unanimous ballot for that person is in order.
- h. The City Recorder and City Attorney act as tellers on the balloting and declare the results of each ballot. The tellers may declare the vote of each Councilor upon request by the majority of Councilors voting.
- i. A majority vote of the remaining members of the Council for a candidate for a Council vacancy is necessary to constitute a choice on the final electing ballot.
- j. In the event that no nominee for any vacancy receives the necessary number of votes, additional ballots must be taken until one of the nominees receives the required number of votes.

During the vacancy filling process, the Council will fill as many vacant positions as possible according to the procedure described above.

Change 4: Sec. 3.07. - Vacancies; forfeiture of office; filling of vacancies.

Discussion was held on what constitutes a forfeiture of office and how that may relate to a prohibition under Section 3.10 Prohibitions and whether the Mayor was subject to the same rules as the Council. Suggest adding the language in (3) and (5) below.

(B) *Forfeiture of office:* A commissioner shall forfeit the office if the commissioner:

- (1) Lacks at any time during the term of office any qualification for the office prescribed by this charter or by law.
- (2) Violates any standard of conduct or code of ethics established by law or [commits] a misdemeanor of the second degree or a felony of any degree.

(3) Violates any express prohibition of this Charter

(4) Misses four (4) consecutive, regularly scheduled council meetings, without being excused by the council.

(5) In addition to any of the grounds of forfeiture spelled out in the first paragraph of this subsection, all city council members shall be subject to a code of conduct that shall be adopted by the city council, as amended from time to time, which shall establish rules of conduct and the penalties established for the violation of such code of conduct. Such penalties may include, but not be limited to, censure, reprimand, removal of committee appointments, removal of the city council member's budget, or suspension. Violation of the code of conduct shall also constitute violation of this charter.

Change 4: ARTICLE IV. - EXECUTIVE AND ADMINISTRATION

Discussion under this article were whether the Mayor should fall under the same prohibitions as the other elected officials and to remove the sections that apply to the Mayor and move them to the Legislative Article.

Article III could have a title change to Legislative and Executive and the sections of the Mayor and Vice-Mayor could fall under Sections 3.20 to 3.25. If it is decided not to move the Executive Sections and leave them in Section 4, then new language under Article IV, could be added to either Section 4.02 or 4.05 that states:

The Mayor shall be held accountable for the same prohibitions as outlined in Section 3.10 if the Charter.

Most research shows the Mayor falls under the same Article as Council and the City Manager is a stand-alone Article.

Change 5: Absences under Sec. 3.07. - Vacancies; forfeiture of office; filling of vacancies.

Council discussed how many absences are necessary for forfeiture of office. Research is varied. A few Examples:

- Belle Isle: Misses four (4) consecutive, regularly scheduled council meetings, without being excused by the council.
- DeBary: A member of the Council shall forfeit his/her office, if the member misses three regular meetings of the Council within any twelve-month period regardless of the reason for absence. Absences from special meetings and workshops of the Council are discouraged, but do not count for purposes of forfeiting a Council member's office
- Edgewood: Misses two (2) consecutive or four (4) regularly scheduled meetings in a calendar year, without being excused by the council.
- Windermere: Misses three (3) consecutive, regularly scheduled council meetings, without being excused by the council.
- Winter Park: None Stated
- Maitland: fails to attend three consecutive regular meetings of the council without being excused by the council.
- Apopka: by absence from four consecutive regular city council meetings without being excused by the city council prior to the fourth consecutive absence.
- Kissimmee: None
- St. Cloud: fails to attend three (3) consecutive regular meetings of the council without being excused by the council.
- Altamonte Springs: Is absent from four (4) consecutive regular meetings of the commission, unless such absence is excused by the commission by resolution setting forth the fact of such excuse duly entered upon the commission's minutes.
- Casselberry: Absence from three consecutive regular meetings by any member of the City Commission shall operate to vacate the seat of said member, unless such absence is excused by the City Commission and such absence recorded upon the minutes of said meeting setting forth the conditions, if any, of such excuse.

- Longwood: fails to attend three (3) consecutive regular meetings of the City Commission without being duly excused by the Commission.

Change 6: Sec. 4.09. - City Manager: Powers and duties.

Add the language in bold: (K) Establish personnel policies governing appointment, retention and promotion of city employees, which policies shall include a grievance procedure, **subject to approval by Council and adopted by resolution.**

Change 7: Sec. 4.13. - Administrative code.

Add the language in bold: The city manager shall develop and keep current an administrative code for the purpose of implementing ordinances passed by the council, **subject to approval by Council and adopted by resolution.**

Change 8: Sec. 4.10. - Supervision of departments and Sec. 4.11. - City Clerk.

To move the City Clerk under the City Manager, suggest the following change to Section 4.11: **There shall be a city clerk designated and under the supervision of the City Manager.** The city clerk shall give notice of council meetings to its members and the public, keep a journal of its proceedings which shall be a public record, and perform such other duties as are assigned by this charter or the city manager.

Charter with
City Manager/Attorney Comments

- **PART I - CHARTER¹**
- **ARTICLE I. - CREATION AND POWERS²**

- **Sec. 1.01. - Creation and powers.**

The City of Belle Isle, Florida, as now established shall continue to be a municipal body politic and corporate in perpetuity under the name "City of Belle Isle" and, under that name shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law.

- **Sec. 1.02. - Construction.**

The powers of the city shall be construed liberally in favor of the city, limited only by the constitution, general law and specified limitations contained herein. Special acts pertaining to the jurisdiction and exercise of powers by this city shall be considered amendments to this charter and, pursuant to the provisions adopted for incorporation of other charter amendments, shall be incorporated as official amendments to the charter.

- **ARTICLE II. - CORPORATE LIMITS**

- **Sec. 2.01. - Description of corporate limits.**

The boundary description of the City of Belle Isle is on file in the City Clerk's office.

- **Sec. 2.02. - Changes in corporate boundaries.**

The corporate boundaries of the city may be changed in accordance with the general laws of the State of Florida, or special laws relating to the city enacted subsequent to the effective date of this charter.

State Law reference— Municipal annexation or contraction, F.S. ch. 171.

- **ARTICLE III. - LEGISLATIVE**

- **Sec. 3.01. - Creation, powers and composition of city council.**

There shall be a city council with all the legislative powers of the city vested therein. The city council may by ordinance or resolution prescribe the manner in which any power of the city shall be exercised. The city council shall consist of ~~seven (7)~~ five (5) commissioners; one residing in each of ~~seven (7)~~ five (5) election districts, elected at large by the qualified voters of the city. The Mayor shall be a non-voting member of the city council. The term city council in this Charter shall include the commissioners and the mayor.

• **Sec. 3.02. - Qualifications.**

~~Commissioners~~ City council and candidates for ~~commissioner~~ any position of city council shall have resided in the city and the city district at least one (1) year immediately prior to the date on which they ~~qualify~~ apply to the City Clerk for qualification to run for the office of commissioner or mayor; shall be a registered voter in Orange County with proof from the Orange County Supervisor of Elections; or as later designated, at an address within the city district for at least one (i) year immediately prior to the date on which they apply to the City Clerk for qualification to run for the office of commissioner, ~~or mayor;~~ and shall ~~have the meet and satisfy all~~ qualifications of electors therein. ~~No person may qualify as a candidate for commissioner who holds another public office, whether federal, to be a voter in the state, district, county, or municipal, if the terms or any part thereof run concurrently with the office of commissioner without first resigning from the other office. of Florida.~~

(Ord. No. 80-6, § 1, 9-2-1980, App. at Ref. 11-4-1980; Ord. No. 87-11, § 1, 9-1-1987, App. at Ref. 11-3-1987)

State Law reference— Qualifications of municipal electors, F.S. §§ 97.041, 99.012, 101.002(3), 166.032.

• **Sec. 3.03. - Judge of election and qualification of members.**

The city council shall be the judge of the election and qualification of its own members, subject to review by the court.

• **Sec. 3.04. - Election and terms.**

The regular election of the ~~city~~ commissioners shall be held on the second Tuesday after the first Monday in March of each year, in the manner provided in Article VI of this charter, and shall be for a term of three (3) years.

(Ord. No. 81-17, § 2, 12-15-1981, App. at Ref. 9-17-1982; Ord. No. 87-12, § 1, 9-1-1987, App. at Ref. 11-3-1987; Ord. No. 94-6, 11-1-1994)

• **Sec. 3.05. - When term to begin.**

The term of office of any persons elected commissioner or mayor at any general election held in the city shall commence and begin on the first Tuesday in April following the said election.

(Ord. No. 81-17, § 1, 12-15-1981, App. at Ref. 9-17-1982; Ord. No. 94-6, 11-1-1994)

• **Sec. 3.06. - Commissioner or mayor not to hold two elected offices; vacancies.**

(A) No commissioner or mayor may hold two (2) elective offices, whether such offices are federal, state, county or municipal. _

(B) No person may qualify as a candidate for commissioner or mayor who holds another elected public office, whether federal, state, district, county, or municipal, if the terms or any part thereof run concurrently with the office of commissioner without first resigning from the other office. However, a candidate may continue to serve on an appointed federal, state, district, county, or municipal board, commission, or advisory entity, but shall resign from same prior to the beginning of the term in Sec. 3.05, above, or they forfeit the commissioner or mayoral office.

(C) No commissioner or mayor may qualify for another office unless at least ten (10) days prior to the first day of qualifying for ~~another~~the other office, the commissioner or mayor seeking the office must submit to the City Clerk a written resignation, which resignation shall be effective no later than the date the commissioner or mayor would take the new office, if elected. The resignation shall be irrevocable.

State Law reference— Resign to run law, F.S. § 99.012.

• **Sec. 3.07. - Vacancies; forfeiture of office; filling of vacancies.**

modified

(A) *Vacancies:* The office of a commissioner or mayor shall become vacant upon his or her's death, disability, resignation, ~~entry upon the office of mayor,~~ removal from office in any manner authorized by this Charter or state law or forfeiture of office.

(B) *Forfeiture of office:* A commissioner or mayor shall ~~forfeit~~be deemed to have forfeited the office if the commissioner or mayor:

- (1) Lacks at any time during the term of office any qualification for the office prescribed by this charter or by law.
- (2) Violates any standard of conduct or code of ethics established by law or this Charter or commits or is charged with a misdemeanor of the second degree or a felony of any degree.
- (3) Misses four (4) ~~consecutive,~~ regularly scheduled council meetings in a twelve month period from first Tuesday of April of each year, without being excused as specifically approved by the council for each absence.
- (4) Failure to maintain and keep a bona-fide residency in the city district as elected for the term in Section 3.05, above, or be a bona-fide resident of the city.
- (5) Fails to comply with the code of conduct as specified in Section 3.10 (D) or violates any other provision of Section 3.10.

(C) *Filling of vacancies:* A vacancy on the council whether of a commissioner or mayor shall be filled by the mayor/council appointing a candidate ~~from the district~~ where the vacancy has occurred.

- (1) The ~~appointee~~council shall be confirmed by a direct the City Manager to post the vacancy on the city website and at city hall. The city manager shall provide and process applications for the vacancy, review the application for completeness, and provide the completed applications to the City Clerk. City Clerk shall verify that the applicant satisfies the residency and qualifications requirements to hold the office as indicated in this Charter and under State law, and all public disclosure requirements for any elected official that may be required under state law, this Charter or other applicable law. City Manager and City Clerk shall then submit the applications to the City Council for review, consideration or approval.
- (2) City Council may interview all or a portion of the applicants if it so desires. The method and manner of selection of the applicant to fill the vacancy shall be in the Council's discretion. Majority vote of the council- at a public hearing shall approve the new member to fill the vacancy. The selected applicant must agree to accept the position and comply with all applicable state, local or municipal laws, rules, charters or ordinances including all public disclosure requirements. If not, the council shall select another applicant for the vacancy.
- (3) The filling of the office shall be completed within one month of the date that the council seat or office of mayor was vacated. After the seat has been filled, the newly appointed commissioner will or mayor shall hold the applicable office until the next regular election scheduled for that district-office.

(D) *Extraordinary vacancies:* In the event that all commissioners are removed by death, disability, resignation or forfeiture of office, the governor shall appoint an interim council that who shall immediately call for a special election- to be held within 90 days.

State Law reference— Mandate to provide for filling of vacancies in elective offices, F.S. § 166.031(6).

• **Sec. 3.08. - Procedure.**

~~modified~~

~~(A)~~

(A) *Meetings.*

- (i) The council shall meet regularly at least once in every month at the City Hall on the second and fourth Tuesday of each month or at such time and place as the council may prescribe by rule- at the second meeting of April for each coming 12-month term.
- (ii) Special meetings may be held on the call of the mayor or a majority of the commissioners and, whenever practicable, upon no less than twelve (12) hours' notice to each commissioner and the public. ~~All meetings shall be public.~~

~~(B)~~

- (iii) All meetings shall be posted on line and at the City Hall and be public and open to the public.

(B) *Rules and journal.*

- (i) The council shall determine its own rules ~~and for parliamentary procedure and the approval at the meeting, except the rules shall not be in conflict with the terms of this Charter.~~
- (ii) The Mayor shall preside over the meeting, participate in discussion but not vote. If the Mayor needs to abstain from any portion of the proceeding due conflict of interest as defined under state law or under this charter, the mayor shall ~~set-~~ pass the gavel to the Vice Mayor or in its absence to a commissioner designated by council
- (iii) The order of the agenda and order of business for the week shall be set by the City Manager no later than 4 business days prior to the regularly scheduled meeting. The City Manager shall include any items as requested or designated to the City Manager by majority vote of the Council. The City Manager shall include any items submitted by the mayor for the meeting agenda prior to the agenda cut-off date. Three business days prior to the City Council meeting, the agenda package and backup items shall be ready for each meeting of the City Council member at City Hall to pick-up and shall be available for public inspection at the City Clerk office. The City Manager shall attempt and use best efforts to make the agenda and all back up documentation available to the public for view on the City website.
- (iv) The agenda package at a minimum shall contain the minutes from the prior meeting, and a report of the expenditures, check register or similar report and report of all city issued checks or drafts from the previous meeting.

(C) *Voting.* Voting, on ordinances and resolutions, shall be by roll call and shall be recorded in the journal. A majority of the council shall constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent commissioners in the manner and subject to the penalties prescribed by the rules of the council. No action of the council, except as otherwise provided in the preceding sentence and in [Section 3.07](#), shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present.

State Law reference— Code of ethics for public officers and employees, F.S. § 112.311 et seq.; public records, F.S. ch. 119; public meetings and records, F.S. § 286.011.

- **Sec. 3.09. - Compensation and expenses.**

The council may determine the annual salary of the commissioners and mayor by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of commissioners elected at the next regular city election, provided that such election follows the adoption of such ordinances by at least six (6) months. All city public officials shall receive their actual and necessary expenses incurred in the performance of their duties of office as provided by law.

State Law reference— Per diem and travel expenses of public officers and employees, F.S. § 112.061.

- **Sec. 3.10. — Prohibitions and Code of Conduct.**

modified

~~(A)~~

(A) *Holding other office:* No former ~~elected commissioner or mayor for the~~ city official shall ~~be employed, volunteer for,~~ hold any compensated appointive city office of employment, ~~or be retained as a consultant with the city~~ until ~~one year~~ two years after the expiration of the term for which he ~~was/she were~~ elected.

~~(B)~~

(B) *Appointments and removals:* Except to the extent provided otherwise in this charter, neither the council nor any commissioners shall in any manner dictate the appointment or removal of any city ~~administrative officer or employee which, the city manager or any other office outlined in this charter.~~ The city manager or any of his subordinates at his direction are empowered to appoint, but the council may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.

~~(C)~~

(C) *Interference with administration:* ~~Except for the purpose of inquiries and investigations, the council. No commissioner or its members shall~~ mayor may direct, order, demand, or deal with any city officers and employees who are subject to the direction and supervision of the city manager solely through. Commissioners and the Mayor shall direct all requests and inquiry to the city staff and city clerk to the city manager, and neither the council nor its members. No commissioner or mayor shall give orders to order any such officer or employee to attend any meeting, hearing or event, either publicly or privately, without the approval of the City Manager. Nothing in the foregoing is to be construed to prohibit individual members of the council from closely scrutinizing by questions and personal observation, all aspects of city government operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the council. It is the express intent of this charter, however, that recommendations for improvement in city government operations by individual commissioners be made to and through the city manager, so that the city manager may coordinate efforts of all city departments to achieve the greatest possible savings through the most efficient and sound means available.

~~(D) Code of Conduct and Civility.~~

~~(E)~~

(Ord. No. 88-17, § 1, 10-4-1988, App. at Ref. 11-8-1988)

- **Sec. 3.11. - Ordinances and resolutions in general.**

modified

"Ordinance" means an official, legislative action of the council, which action is a regulation of a general and permanent nature and enforceable as a local law. "Resolution" means an expression of the city concerning matters of administration, an expression of a temporary character or a provision for the disposition of a particular item of the administrative business of the city.

(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 ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act, section, subsection or paragraph of a section or subsection.

(B)

Procedure. 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.

(C)

Effective date. Except as otherwise provided in this charter, every adopted ordinance and resolution shall become effective ten (10) days after adoption or as otherwise specified therein.

(Ord. No. 77-6, § 1, 10-4-1977, App. at Ref. 11-1-1977; Ord. No. 87-13, § 1, 9-1-1987, App. at Ref. 11-3-1987)

Charter reference— Veto of ordinances and resolutions, § 4.06.

State Law reference— Similar provisions, F.S. § 166.041. Note that paragraph (3)(c) of such statute section provides the procedure for ordinances rezoning private real property.

• **Sec. 3.12. - Legislative action requiring an ordinance.**

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 establish, 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)

Levy taxes, except as otherwise provided in Article V with respect to the property tax levied by adoption of the budget;

(D)

Grant, renew or extend a franchise;

(E)

Regulate the rate charged for its services by a public utility;

(F)

Authorize the borrowing of money;

(G)

Convey or lease or authorize the conveyance or lease of any lands of the city;

(H)

Adopt with or without amendment, ordinances proposed under the initiative power; and

(I)

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 sentence may be done either by ordinance or by resolution.

- **Sec. 3.13. - Emergency ordinances.**

To meet a public emergency affecting life, health, property or the public peace, the council may adopt one 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 5.09(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. The council may, by a two-thirds vote, adopt the emergency ordinance with or without amendment at the meeting at which it is introduced. 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 5.09(B) shall automatically stand repealed as of the sixty-first day following the date on which it was adopted, but this shall not prevent re-enactment 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.

- **Sec. 3.14. - Budget adoption.**

The council shall by ordinance or resolution adopt the budget on or before the thirtieth day of September of each year. An ordinance or resolution adopting an annual budget shall constitute appropriation of the amounts specified herein as expenditures from the funds indicated.

(Ord. No. 87-6, 7-7-1987, App. at Ref. 11-3-1987)

- **Sec. 3.15. - Meetings to be public; access to records.**

All meetings of the council and all committees thereof shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times.

State Law reference— Public records, F.S. ch. 119; meetings and records to be public, F.S. § 286.011.

- **Sec. 3.16. - Authentication, recording and disposition of charter amendments, ordinances and resolutions.**

modified

(A)

Authentication. The mayor 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 mayor 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. Within three (3) years after adoption of this charter and at least every ten (10) years thereafter, the council 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 adopted by the council by ordinance and shall be published promptly in bound or looseleaf form, 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 Belle Isle City Code. Copies of the code shall be furnished to city officers, shall be placed in the city hall for free public reference and made available for purchase by the public at a reasonable price fixed by the council.

(C)

Printing of ordinances and resolutions. The council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the council. Following publication of the first Belle Isle City Code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the constitution and other laws of the State of Florida, or the codes of technical regulations and other rules and regulations included in the Code.

(Ord. No. 87-14, § 1, 9-1-1987, App. at Ref. 11-3-1987)

State Law reference— Amended charter to be filed with secretary of state, F.S. § 166.031(2).

- **Sec. 3.17. - Creation of departments.**

The council may establish city departments, offices or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices and agencies. Except as provided by section 166.031, Florida Statutes (2002), no function assigned by this charter to a particular office or agency may be discontinued or, unless this charter specifically so provides, assigned to any other.

(Ord. No. 88-18, § 1, 10-14-1988, App. at Ref. 11-8-1988)

- **Sec. 3.18. - Independent audit.**

The council shall provide for an independent annual audit of all city accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. The council may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three (3) years, provided that the designation for any particular fiscal year shall be made no later than thirty (30) days after the beginning of such fiscal year. If the state makes such an audit, the council may accept it as satisfying the requirements of this section.

State Law reference— Local financial management and reporting, F.S. § 218.30 et seq.; annual audit required, F.S. §§ 166.241(4), 218.32 et seq.

• **Sec. 3.19. — Past references to City council members ~~designated commissioners.~~**

All references in the Belle Isle City Charter, Code of Ordinances, ordinances and resolutions to the terms "Belle Isle City Council member(s)" and "councilman" shall be changed to "Belle Isle City Commissioner(s)." Similarly, any terms not expressly listed in this section but which refer to the city council member(s) or member(s) shall be changed to reflect the change from council member(s) to commissioner(s).

(Ord. No. 90-13, § 1, 9-4-1990, App. at Ref. 11-6-1990)

• **ARTICLE IV. - EXECUTIVE AND ADMINISTRATION**

• **Sec. 4.01. - Mayor.**

There shall be a mayor who shall be the "head of state" of the City of Belle Isle and shall have such limited duties and powers as are specified specifically enumerated under the charter ~~or as may be required by the City Council.~~

• **Sec. 4.02. - Mayor: Qualifications and terms of office.**

(A) The mayor ~~shall be an elector of the city and shall have resided in the city for at least one (1) year immediately prior to the date on which he qualifies to run for the office of mayor. No person may qualify as a or any candidate for mayor who holds another public office, whether federal, state, district, county, or municipal, if the terms or any part thereof run concurrently with the office of mayor without first resigning from the other office. shall have and possess, and maintain for the duration of the term, all of the qualifications outlined in Section 3.02 above.~~ The mayor shall be elected for a term of three (3) years and shall serve until a successor takes office. ~~If the mayor shall cease to possess any of the qualifications for the office of mayor during the term of office, the office shall be forfeit[ed] and the mayor shall be removed by the council.~~

(B) The mayor shall be subject to the terms and conditions listed in Section 3.06 and 3.07, above.

(Ord. No. 79-5, § 1, 10-2-1979, App. at Ref. 3-11-1980; Ord. No. 87-15, § 1, 9-1-1987, App. at Ref. 11-3-1987)

State Law reference— Qualifications of municipal electors, F.S. §§ 97.041, 99.012, 101.002(3), 166.032.

• **Sec. 4.03. - Vice-mayor: Election.**

At the first council meeting in May, after each regular city election, or whenever a vacancy occurs, the council shall elect one of its members as vice-mayor. While serving as acting mayor, the vice-mayor shall not have a vote on any matter coming before the council, unless to break a tie vote.

(Ord. No. 87-16, § 1, 9-1-1987, App. at Ref. 11-3-1987; Ord. No. 90-12, § 1, 9-4-1990, App. at Ref. 11-6-1990; Ord. No. 94-6, 11-1-1994)

• **Sec. 4.04. - Vice-mayor: Duties, term and appointment of council member [commissioner].**

(A) During the temporary absence or temporary disability of the mayor, the vice-mayor of the council shall perform the duties of the office of mayor and ~~during such time shall not serve in the capacity of~~ retains his or her duties as commissioner.

(B) In the case of the death, resignation, removal of the mayor, or a prolonged disability that is expected to last ~~beyond~~ the ~~normal~~ remaining term of the mayor, the vice-mayor shall perform the duties of the office of mayor until the next regular election. The city council shall by resolution at a regularly scheduled public hearing designate the vice-mayor as the mayor for the remainder of the term. At the next regular election, an election for a new mayor shall be held for the unexpired portion of the original mayor's term.

(C) Upon assuming the duties of the office of mayor in (B), above, the ~~vice-mayor~~ council shall appoint a ~~temporary~~ commissioner, in accordance with section 3.07 of the city charter, to fill the vacancy created by the vice-mayor serving as acting mayor. However, ~~the temporary~~ such commissioner shall only hold office until the next regular election or if the vice-mayor reassumes the office, whichever first occurs.

(Ord. No. 77-7, § 1, 10-4-1977, App. at Ref. 11-1-1977; Ord. No. 87-16, § 2, 9-1-1987, App. at Ref. 11-3-1987)

• **Sec. 4.05. - Powers and duties of the mayor.**

The mayor shall:

(A) Preside over all council meetings and shall have the right to take part in discussion but may not vote.

(B) Represent the city ~~in~~ at meetings designated by City Council in advance concerning matters of the City interested within intergovernmental relationships;

(C) Be recognized as head of the city government for all ceremonial purposes only, by the governor ~~for purposes of military~~ after the proper declaration of martial law by the governor, and for service of process;

(D) Present an annual "state of the city" message to the City council on the first meeting in the Month of November of each year from the floor of the City Hall outlining issues of concern for the up-coming year and legislative and grant sessions;

(E) Sign contracts as directed by City Council on behalf of the city that have been previously approved by the council.

(F)

~~Set the agenda for council meetings and~~ Serve as presiding officer, ~~though the~~ at any scheduled or specially held city council ~~shall retain the power to add such items to the agenda as it may choose~~ meeting.

~~(G)~~

(G) Assist the City Manager and to insert items in the City agenda under the Mayors report and perform such other duties as are specified in this charter or may be required by the council.

(Ord. No. 88-17, § 2, 10-4-1988, App. at Ref. 11-8-1988)

• **Sec. 4.06. - Mayor: Veto power.**

~~(A)~~

(A) Except as otherwise provided herein, any ordinance or resolution adopted by the council shall be presented to the mayor for approval or disapproval. The Mayor shall approve or disapprove the item no later than 3 business days after the meeting in which the item was approved. If approved, the mayor shall sign the ordinance or resolution forthwith and deliver same to the City Clerk with immediate action and it shall become effective according to the terms thereof. If disapproved, the mayor shall, no later than the next regular meeting of the council ~~occurring~~ 30 days or more after the date the ordinance or resolution was ~~presented to the mayor~~ first adopted by the council, whichever occurs first, return the ordinance or resolution to the council without his or her signature, accompanied by a message indicating the reasons for the disapproval and recommendation. The council may override the disapproval of the mayor by a ~~two-thirds (2/3)~~ majority vote of all the commissioners present at the meeting in which the disapproval is received, in which event, the ordinance or resolution shall become effective 10 days after such meeting. In the event the mayor does not approve the ordinance or resolution and does not return the disapproved ordinance to the council by the next regular meeting of the council ~~occurring~~ 30 days or more after the date the ordinance or resolution was ~~presented to the mayor~~ first adopted by the council, whichever occurs first, the ordinance or resolution shall become effective ~~10 days after~~ immediately. City Clerk shall keep track of such meeting-time periods and provide to council the outcome of any action or inaction by the mayor as to any use of the veto power.

~~(B)~~

(B) Ordinances or resolutions regarding the following matters shall not be subject to ~~approval or disapproval by~~ Veto power of the mayor:

- (1) Quasi-judicial decisions of the council, including by way of example but not by way of limitation, interpretations of the City of Belle Isle Code and appeals of City Board decisions;
- (2) Reductions in code enforcement penalties;
- (3) Determinations of the council to enter into a contract;
- (4) Personnel actions, including but not limited to, hiring, termination, disciplinary and promotional decisions; and
- (5) Decisions regarding issues to be placed on or removed from council agenda.

Charter reference— Ordinance to be effective ten days after adoption unless otherwise provided, § 3.11(C).

• **Sec. 4.07. - City manager.**

The city council shall appoint a city manager who shall be under the direction and supervision of the city council, and shall hold office at the pleasure of the city council. The city manager shall be chosen solely on the basis of executive and administrative qualifications and need not be a resident of the city or state at the time of appointment. The city manager's salary shall be fixed by the city council. A person who has served as a commissioner or mayor of the city shall be ineligible for appointment to the office of city manager for two years following the end of the term of office.

• **Sec. 4.08. - City manager, removal.**

The city manager may be suspended by a resolution approved by the majority of the total membership of the city council, which resolution shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the city manager. The city manager shall have fifteen days in which to reply thereto in writing, which reply may include a request for a public hearing. If no public hearing is requested within fifteen days of the service of the resolution of suspension, the council may adopt a final resolution of removal, which resolution may be made effective immediately. In the event the city manager requests a public hearing, a hearing shall be held no earlier than ten days nor later than fifteen days after the written request is delivered to the council. At the public hearing and after full consideration of the matters therein presented, the council may, by a majority vote of its total membership, adopt a final resolution of removal, which resolution may be made effective immediately. The city manager shall continue to receive full compensation through the effective date of the final resolution of removal.

• **Sec. 4.09. - City manager: Powers and duties.**

The city manager shall be the chief administrative officer of the city and shall:

- (A) Appoint and, when necessary for the good of the city, suspend or remove all city employees and appointive administrative officers provided for, by or under the charter, except as otherwise provided by law, the charter or personnel rules adopted pursuant to the charter. The city manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency.
- (B) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law.
- (C) Attend all city council meetings and have the right to take part in discussion, but shall not vote.
- (D) See that all laws, provisions of this charter and acts of the council, subject to enforcement by the city manager or by officers subject to the manager's direction and supervision, are faithfully executed.
- (E) Prepare and submit the annual budget and capital program to the city council.
- (F) Submit to the council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year.
- (G) Make other reports as the council may require concerning the operations of the city departments, offices and agencies subject to the city manager's direction and supervision.
- (H) Keep the council fully advised as to the financial condition and future needs of the city and make recommendations to the council concerning the affairs of the city.

- (I) Sign contracts on behalf of the city pursuant to the provisions of appropriate ordinances.
- (J) Provide staff support services for the mayor and commissioners.
- (K) Establish personnel policies governing appointment, retention and promotion of city employees, which policies shall include a grievance procedure, subject to approval by the City Council by resolution.

- **Sec. 4.10. - Supervision of departments.**

Except as otherwise provided in this charter or by general law, the city manager will be responsible for the supervision and direction of all departments, agencies or offices of the city. Each department, agency and office of the city may be administered by an officer appointed by and subject to the direction and supervision of the city manager. With the consent of the council, the city manager may serve as head of any or all such departments, agencies or offices or may, for any two (2) or more of them, appoint one person as the head.

(Ord. No. 88-18, § 2, 10-14-1988, App. at Ref. 11-8-1988)

- **Sec. 4.11. - City Clerk**

There shall be a city clerk appointed and subject to removal by a majority of the city council. The city clerk shall give notice of council meetings to its members and the public, keep a record and journal of its proceedings which shall be a public record, and prepare minutes of meetings, maintain city records, be the city point person for city records, comply with all requirements under Florida Law or the city's charter, ordinances or resolutions for records management, perform such other duties as are assigned by this charter ~~or the city manager,~~ city ordinances and resolutions or vote by City Council. The City clerk shall be under the supervision of the City Manager. In addition to the record keeping duties of the City Clerk, the City Clerk may be designated tasks by the City Manager.

- **Sec. 4.12. - City Attorney.**

There shall be a city attorney appointed and subject to removal by a majority of the city council. The city attorney shall serve as chief legal adviser to the city council, the city manager and all city departments, offices and agencies, shall represent the city in legal proceedings as directed by the city council, and shall perform such other duties as are prescribed by state law, by this charter, or by ordinance.

- **Sec. 4.13. - Administrative code.**

The City Manager shall develop and keep current an administrative code for the purpose of implementing ordinances passed by the council, subject to approval by Council and adopted by resolution.

- **Sec. 4.14. - Personnel system.**

All appointments and promotions of city officers and employees, except those specifically exempted by ordinance, shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence or competence.

(Ord. No. 88-18, § 4, 10-14-1988, App. at Ref. 11-8-1988)

• **ARTICLE V. - FINANCIAL PROCEDURES⁽³⁾**

• **Sec. 5.01. - Fiscal year.**

The fiscal year of the city shall begin on the first day of October and end on the last day of September.

State Law reference— Fiscal year of Oct. 1-Sept. 30 mandated, F.S. §§ 166.241(2), 218.33.

• **Sec. 5.02. - Submission of budget and budget message.**

On or before the first council meeting in August of each year, the city manager shall submit to the council a budget for the ensuing fiscal year and an accompanying message.

(Ord. No. 77-8, § 1, 10-4-1977, App. at Ref. 11-1-1977)

• **Sec. 5.03. - Budget message.**

The city manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues, together with the reasons for such other material as the city manager deems desirable.

• **Sec. 5.04. - Budget.**

The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the city manager deems desirable or the council may require. In organizing the budget, the city manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(A)

Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;

- (B) Proposed capital expenditures during the ensuing fiscal year detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure; and
 - (C) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the city and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.
- The total of proposed expenditures shall not exceed the total of estimated income.

- **Sec. 5.05. - Capital program.**

modified

- (A) *Submission to council.* The city manager shall prepare and submit to the council a five-year capital program at least three (3) months prior to the final date for submission of the budget.
- (B) *Contents.* The capital program shall include:
 - (1) A clear general summary of its contents;
 - (2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
 - (3) Cost estimates, method of financing and recommended time schedules for each such improvement; and
 - (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

- **Sec. 5.06. - Council action on budget.**

modified

- (A) *Notice and hearing.* The council shall publish in one or more newspapers of general circulation in the city the general summary of the budget and a notice stating:
 - (1) The times and places where copies of the message and budget are available for inspection by the public; and
 - (2)

The time and place, not less than seven (7) days after such publication, for a public hearing on the budget.

(B)

Amendment before adoption. After the final public hearing on the budget and at this same meeting, the council shall adopt the budget. The city council may change the budget by adding or increasing programs or amounts and by deleting or decreasing any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficits, provided that no change to the budget shall increase the authorized expenditures to an amount greater than the total estimated income.

(C)

Adoption. The council shall adopt the budget on or before September thirtieth of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the council adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

(Ord. No. 77-9, § 1, 10-4-1977, App. at Ref. 11-1-1977; Ord. No. 90-11, § 1, 9-4-1990, App. at Ref. 11-6-1990)

• **Sec. 5.07. - Council action on capital program.**

modified

(A)

Notice and hearing. The council shall publish in one or more newspapers of general circulation in the city the general summary of the capital program and a notice stating:

(1)

The times and places where copies of the capital program are available for inspection by the public; and

(2)

The time and place, not less than seven (7) days after such publication, for public hearing on the capital program.

(B)

Adoption. The council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before the thirtieth day of September of the current fiscal year.

(Ord. No. 77-9, § 2, 10-4-1977, App. at Ref. 11-1-1977)

• **Sec. 5.08. - Public records.**

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the city.

State Law reference— Public records, F.S. ch. 119; public meetings and records, F.S. § 286.011.

• **Sec. 5.09. - Amendments after adoption.**

modified

(A)

Supplemental appropriations. If during the fiscal year the city manager certifies that there are available revenues for appropriation in excess of those estimated in the budget, the council by ordinance or resolution may make supplemental appropriations for the year up to the amount of such excess.

(B)

Emergency appropriations. To meet a public emergency, appropriations may be made by emergency ordinances) in accordance with the provisions of [section 3.13](#) or by resolution, To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by such emergency ordinance or resolution authorize the issuance of emergency notes, which may be renewed from time to time; but the emergency notes and renewals of any fiscal year shall be paid no later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(C)

Reduction of appropriations. If at any time during the fiscal year it appears probable to the city manager that the revenues available will be insufficient to meet the amount appropriated, the city manager shall report to the council, without delay, the estimated amount of the deficit, any remedial action taken by the city manager and the city manager's recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance or by resolution reduce one or more appropriations.

(D)

Transfer of appropriations. At any time during the fiscal year, the city manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency; and, upon written request by the city manager, the council may by ordinance or resolution transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

(E)

Limitations; effective date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

(Ord. No. 90.10, § 1, 9-4-1990, App. at Ref. 11-6-1990)

- **Sec. 5.10. - Lapse of appropriations.**

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered, An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

- **Sec. 5.11. - Administration of budget.**

modified

(A)

Work programs and allotments. At such time as the city manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The city manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. The city manager may revise such allotments during the year if he or she deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to section 5.09.

(B)

Payments and obligations prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the mayor or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he shall also be liable to the city for any amount so paid. However, except where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year provided that such action is made or approved by ordinance.

- **Sec. 5.12. - Purchasing.**

The city manager shall be the purchasing agent for the city, by whom all purchases of supplies shall be made and shall approve all vouchers for the payment of the same. In the capacity of purchasing agent, the city manager 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 if any amount in excess of ten thousand dollars (\$10,000.00) is involved, at least two (2) competitive bids shall be invited.

- **ARTICLE VI. - QUALIFYING AND ELECTIONS⁽⁴⁾**

- **Sec. 6.01. - Electors.**

Any person who is a resident of the city, who has qualified as an elector of this state, and who registers in the procedural manner prescribed by general law and ordinance of the city, shall be an elector of this city.

State Law reference— Similar provisions, F.S. § 166.032.

- **Sec. 6.02. - Nonpartisan elections.**

All nominations and elections for the office of city commissioner and mayor shall be conducted on a nonpartisan basis without regard for or designation of political party affiliation.

• **Sec. 6.03. - Qualifying.**

Candidates for the office of city commissioner or mayor shall be nominated for such office by the filing of a written petition with the city clerk in the following manner:

Any voter of the city may be nominated for election as a commissioner or mayor, subject to the qualifications in [Section 3.02](#), by a petition signed by electors of the city not less in number than one percent (1%) of the number of persons who voted in the city for the office of governor at the last gubernatorial election. The signatures to a qualifying petition need not all be affixed to one paper, but to each separate paper of a petition there shall be attached an affidavit executed by its circulator stating the number of signers of the paper, that each signature on it was affixed in his or her presence and he or she believes each signature to be the genuine signature of the person whose name it purports to be. The signatures shall be executed in ink or indelible pencil. Each signer shall indicate next to his or her signature the date of signing and the place of residence. The qualifying petition shall be filed with the city clerk at city hall during the time prescribed by ordinance.

(Ord. No. 84-2, § 1, 1-3-1984, App. at Ref. 3-13-1984)

• **Sec. 6.04. - Form of ballots.**

Ballots shall conform to all requirements of federal and state election law and be approved by the Orange County Supervisor of Elections.

State Law reference— Ballots to be printed, etc., F.S. §§ 101.041, 101.74.

• **Sec. 6.05. - Elections.**

modified

(A)

Regular city elections. 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. If two (2) candidates qualify for any of the commissioner seats to be filled, of the office of the mayor, the candidate receiving a majority of the votes cast shall be the winner. If more than two (2) candidates qualify for any of the commissioner seats to be filled, or the office of the mayor, the ballot shall list all of the names of persons running for that office. If no candidate receives a majority of the votes for that office, a runoff election shall be scheduled within thirty (30) days of the regular elections. The two (2) candidates receiving the highest number of votes in the regular election will have their names placed on the ballot for the runoff election. The candidate receiving a majority of votes in the runoff shall be declared the winner, and will assume office according to [Section 3.05](#) of this charter.

(B)

Single candidate. In the event not more than one person qualifies as a candidate, either for ballot listing or write-in, for a designated seat on the city council or mayor to be filled at an election, that seat shall not be listed on the runoff or regular city election ballot, and the candidate shall be considered automatically elected.

(Ord. No. 77-5, § 2, 10-4-1977, App. at Ref. 11-1-1977; Ord. No. 94-6, 11-1-1994; Ord. No. 95-1, § 1, 1-3-1995)

• **Sec. 6.06. - Council districts; adjustment of district.**

modified

(A)

Number of districts. There shall be ~~seven (7)~~five (5) city council districts.

(B)

Districting commission. By the first day of the month following official certification of the decennial census of the state, the city council shall appoint ~~eight (8)~~six (6) city electors, determined from the registration for the last statewide general election, who shall comprise the districting commission. Electors chosen shall not be employed by the city in any other capacity.

(C)

Report; specification. Within one hundred twenty (120) days of appointment, the districting commission shall file with the official designated by the council, a report containing a recommended plan for adjustment of the council district boundaries to comply with these specifications:

(1)

Each district shall be formed of compact, contiguous territory, and its boundary lines shall follow the centerlines of streets whenever possible.

(2)

The districts shall be based upon the principle of equal and effective representation as required by the United States Constitution and as represented in the mathematical preciseness reached in the legislative apportionment of the state.

The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the designated official, the report shall be treated as an ordinance introduced by a commissioner.

(D)

Support. It shall be the responsibility of the city manager to provide staff assistance and technical data to the districting commission.

(E)

Procedure. The procedure for the council's consideration of the report shall be the same as for other ordinances, provided that if a summary of the ordinance is published pursuant to this charter and general law it must include both the map and a description of the recommended districts.

(F)

Failure to enact ordinance. The council shall adopt a redistricting ordinance at least ninety (90) days before the next regular city election. If the council fails to do so by such date, the report of the districting commission shall go into effect and have the effect of an ordinance.

(G)

Effect of enactment. The new council districts and boundaries, as of the date of enactment, shall supersede previous council districts and boundaries for all the purposes of the next regular city election. The new districts and boundaries shall supersede previous districts and boundaries for all other purposes as of the date on which all commissioners elected subsequent to the date the new districts went into effect take office.

State Law reference— Federal census to be used as state census, Fla. Const., Art. X, [§ 8](#).

- **Sec. 6.07. - Initiative.**

The qualified voters of the city shall have the power to propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.

- **Sec. 6.08. - Recall authorized.**

The qualified voters of the city shall have the power to remove from office any elected official of the city except that no elected official may be subjected to a recall election more than once in a one-year period nor more than once on the same set of charges. Recall procedures shall be subject to section 100.361, Florida Statutes (2002), as amended.

- **Sec. 6.09. - Initiative and referendum procedures.**

modified

(A)

Petitioners' committee. One percent of the qualified voters may commence initiative and referendum proceedings by filing with the city clerk or other official designated by the council an affidavit stating they will constitute the petitioners' committee; they will be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying a chairman, and the address to which all notices to the committee are to be sent; and set out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the affidavit of the petitioners' committee is filed the clerk or other official designated by the council may, at the committee's request, issue the appropriate petition blanks to the petitioners' committee at the committee's expense.

(B)

Number of signatures. Initiative or referendum petitions must be signed by qualified voters of the city equal in number to at least twenty-five (25) per cent of the total number of qualified registered voters within the city.

(C)

Form and content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing, the date and their voting precinct. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(D)

Affidavit of circulator. Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(E)

Time for filing referendum petitions. Referendum petitions must be filed within thirty (30) days after adoption by the council of the ordinance sought to be reconsidered.

• **Sec. 6.10. - Procedure for filing.**

modified

(A)

Certificate of clerk: Amendment. Within twenty (20) days after the initiative petition is filed or five (5) days for a referendum, the city clerk or other official designated by the council shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail. Grounds for insufficiency are only those specified in [Section 6.09](#). A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk or other official designated by the council within two (2) days after receiving the copy of the certificate and files a supplementary petition with additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (C) and (D) of [Section 6.09](#), and within five (5) days after it is filed the clerk or other official designated by the council shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by certified mail as in the case of an original petition. If a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request council review under subsection (B) of this section within the time required, the clerk or other official designated by the council shall promptly present the certificate to the council and the certificate shall then be a final determination as to the sufficiency of the petition.

(B)

Council review. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the council's determination shall then be a final determination as to the sufficiency of the petition.

• **Sec. 6.11. - Referendum petitions: Suspension of effect of ordinance.**

When a referendum petition is filed with the city clerk or other official designated by the council, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

(A)

There is a final determination of insufficiency of the petition; or

- (B) The petitioners' committee withdraws the petition; or
- (C) The council repeals the ordinance; or
- (D) After a vote of the city on the ordinance has been certified.

• **Sec. 6.12. - Action on petitions.**

modified

- (A) *Action by council.* When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided in Article III or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the city.
- (B) *Submission to voters.* The vote of the city on a proposed or referred ordinance shall be held not less than thirty (30) days or not later than sixty (60) days from the date that the final petition was determined sufficient. If no regular city election is to be held within the period prescribed in the [this] subsection, the council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the council may in its discretion, provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.
- (C) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the city by filing with the city clerk or other official designated by the council a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

• **Sec. 6.13. - Results of election.**

modified

- (A) *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the council. If conflicting ordinances are approved at the same election the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (B) *Referendum.* If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

• **ARTICLE VII. - GENERAL PROVISIONS**

• **Sec. 7.01. - Charter amendment.**

modified

(A)

Initiation by ordinance. The council may, by ordinance, propose amendments to any part or all of this charter, except Article II prescribing boundaries, and upon passage of the initiating ordinance shall place the proposed amendment to a vote of the electors at the next general election held within the city or at a special election called for such purpose. Amendment of Article II resulting from annexation done in accordance with general law shall be by ordinance of the council and shall not be subject to a vote of the electors.

(B)

Initiation by petition. The electors of the city may propose amendments to this charter by petition signed by at least ten percent (10%) of the total number of qualified voters registered to vote in the last regular city election.

(1)

Form and content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing, with their voting precinct and the date. Petitions shall contain or have attached thereto throughout their circulation the full text of the proposed charter amendment.

(2)

Affidavit of circulator. Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the proposed charter amendment.

(3)

Certification of petition. Upon certification of the sufficiency of the petition by the designated official, such certification to include the validity of the names on the petition as qualified voters registered to vote in the last regular city election, the council shall place the proposed amendment to a vote of the electors at the next general election held no less than sixty (60) days after certification or at a special election called for such purposes.

State Law reference— Charter amendments generally, F.S. § 166.031.

• **Sec. 7.02. - Standard of ethics.**

All elected officials and employees of the city shall be subject to the standards of conduct for public officers and employees set by general law. In addition, the council may, by ordinance, establish a code of ethics for officials and employees of the city which may be supplemental to general law but in no case may an ordinance diminish the provisions of general law.

State Law reference— Code of ethics for public officers and employees, F.S. § 112.311 et seq.

- **Sec. 7.03. - Penalties.**

Violations of ordinances shall be punishable in accordance with the uniform fines and penalties set by general law.

State Law reference— Punishment for violation of municipal ordinance, F.S. § 162.22.

- **ARTICLE VIII. - TRANSITION**

- **Sec. 8.01. - Schedule.**

modified

The current term of office for the mayor and commissioners in districts No. 2, No. 3, and No. 4 shall expire on the first Tuesday in April 2004. The current term of office for commissioners in districts No. 1 and No. 7 shall expire on the first Tuesday in April 2005. The current term of office for commissioners in districts No. 5 and No. 6 shall expire on the first Tuesday in April 2006. In the year each of the foregoing terms of office expire and every three year[s] thereafter, the mayor and/or commissioners in the respective districts shall be elected for three (3) year terms of office as provided in [Section 3.04](#) of this Charter.

- **Sec. 8.02. - Prior rights, etc., vested in city.**

The titles, rights, ownership of property, uncollected taxes, dues, judgments, decrees and chooses in action, held and owned by the City [Town] of Belle Isle prior to the adoption of this charter shall be and remain vested in the City of Belle Isle, Florida.

- **Sec. 8.03. - Existing obligations not impaired.**

No obligation or contract of said municipality shall be impaired or avoided by this charter, but such debts and obligations shall pass to and be binding upon the municipality under this charter.

- **Sec. 8.04. - Continuation of old municipality; perpetual succession.**

The City of Belle Isle under this charter shall be a continuation of said city [town] as previously incorporated, and as such shall have perpetual succession.

- **Sec. 8.05. - Land use and development regulations.**

The city council may by ordinance adopt land use and development regulations, including but not limited to an official map and zoning subdivision regulations.

- **Sec. 8.06. - Building and wiring permits.**

The city council may by ordinance establish rules and regulations for issuing permits, codes, inspections and collection of fees for construction, demolition, wiring and plumbing of buildings, both residential and commercial.

- **Sec. 8.07. - Lien for work done by city.**

Whenever any work is done or cost or expense incurred by the city, the city is hereby authorized to impose a lien upon any property appropriately associated with or benefited by such work, cost or expense. The procedure for imposing and enforcing such liens shall be as provided by ordinance. In addition, interest, consistent with current rates, may be added to the unpaid balance as controlled by ordinance.

- **Sec. 8.08. - State and municipal laws.**

modified

In General. All city ordinances, resolutions, orders and regulations which are in force when this charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and laws of the State of Florida permit, all laws relating to or affecting this city or its agencies, officers or employees which are in force when this charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with effective operation of this charter or of ordinances or resolutions adopted pursuant thereto.

- **Sec. 8.09. - Invalidation.**

If any section, subsection, sentence, clause, phrase or word of this act is for any reason held or declared to be unconstitutional, invalid, inoperative, ineffective, inapplicable or void, such invalidity or unconstitutionality shall not be construed to affect the portions of this act not so held to be unconstitutional, void, invalid or ineffective, or affect the application of this [act] to other circumstances not so held to be invalid, it being hereby declared to be the expressed legislative intent that any such unconstitutional, illegal, invalid, ineffective, inapplicable or void portion or portions of this act did not induce its passage, and that with the inclusion of any such unconstitutional, illegal, invalid, ineffective or void portions of this the council would have enacted the valid and constitutional portions thereof. It is the legislative intent that this act shall be liberally construed in order to effectively carry out the provisions of this act.

- **Sec. 8.10. - Effective date.**

This act shall take effect immediately or on the first legally permissible date.

- **Sec. 8.11 - Canvass of election returns.**

new

(a)

Election returns for City elections held in conjunction with any county-wide election shall be canvassed in the manner provided by Florida law for the canvassing of returns of state and

county elections to the extent that the same are applicable to the canvassing of returns for City elections. When the City holds its election in conjunction with a county-wide election, the City Clerk will obtain a certification of the results of the election from the Orange County Canvassing Board and shall submit it to City Council to be recorded in the minutes of the next regular or special City Council meeting.

(b)

Election returns for City elections not held in conjunction with a county-wide election shall be canvassed by a City canvassing board comprised of one (1) member of the City Council to be designated by the City Council, the City Manager and the City Clerk. Within ten (10) days of the date of any election not held in conjunction with a County-wide election, or as soon thereafter as reasonably possible, the City canvassing board shall canvass the returns and issue its certificate to be recorded in the minutes of the next regular or special City Council meeting. Members of the city council who are candidates on the ballot shall not participate in the canvassing of the returns.

(Ord. No. [15-02](#), § 2, 7-7-2015)

• CHARTER COMPARATIVE TABLE ORDINANCES

modified

This table shows the location of the sections of the basic Charter and any amendments thereto.

Ordinance Number	Adoption Date	App. At Ref. Date	Section	Section this Charter
77-5	10- 4-1977	11- 1-1977	2	6.05
77-6	10- 4-1977	11- 1-1977	1	3.11
77-7	10- 4-1977	11- 1-1977	1	4.04
77-8	10- 4-1977	11- 1-1977	1	5.02
77-9	10- 4-1977	11- 1-1977	1	5.06
			2	5.07

79-5	10- 2-1979	3-11-1980	1	4.02
80-6	9- 2-1980	11- 4-1980	1	3.02
81-17	12-15-1981	9-17-1982	1	3.05
			2	3.04
84-2	1- 3-1984	3-13-1984	1	6.03
87-6	7- 7-1987	11- 3-1987		3.14
87-11	9- 1-1987	11- 3-1987	1	3.02
87-12	9- 1-1987	11- 3-1987	1	3.04
87-13	9- 1-1987	11- 3-1987	1	3.11
87-14	9- 1-1987	11- 3-1987	1	3.16
87-15	9- 1-1987	11- 3-1987	1	4.02
87-16	9- 1-1987	11- 3-1987	1	4.03
			2	4.04

88-17	10- 4-1988	11- 8-1988	1	3.10
			2	4.05
88-18	10-14-1988	11- 8-1988	1	3.17
			2	4.10
			4	4.14
90-11	9- 4-1990	11- 6-1990	1	5.06
90-12	9- 4-1990	11- 6-1990	1	4.03
90-13	9- 4-1990	11- 6-1990	1	3.19
90.10	9- 4-1990	11- 6-1990	1	5.09
94-6	11- 1-1994			3.04
				3.05
				4.03
				6.05

95-1	1- 3-1995		1	<u>6.05</u>
<u>15-02</u>	<u>7- 7-2015</u>		1, 2	<u>8.11</u>