

ORDINANCE NO. 2019-24

AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA CALLING FOR A SPECIAL ELECTION TO BE HELD ON JULY 23, 2019, BY SPECIAL ELECTION, FOR THE PURPOSE OF PROPOSING TO THE ELECTORATE OF THE CITY OF WEBSTER REVISIONS TO THE CHARTER OF THE CITY OF WEBSTER RELATING TO SECTION 11 (5) PERTAINING TO THE FILLING OF VACANCIES, SECTION 12 (2) PERTAINING TO ORGANIZATIONAL MEETINGS OF THE CITY COUNCIL And SECTION 7 (1) PERTAINING TO LIMITATIONS ON TERMS OF OFFICE; PROVIDING FOR BALLOT LANGUAGE; PROVIDING FOR LEGISLATIVE AND ADMINISTRATIVE FINDINGS AND INTENT; PROVIDING FOR DUTIES OF CITY CLERK; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR REVISED CHARTER OF THE CITY OF WEBSTER; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS AND PROVIDING FOR EFFECTIVE DATE OF ORDINANCE AND EFFECTIVE DATE OF PROPOSED CHARTER AMENDMENTS.

WHEREAS, controlling State law and the *Charter of the City of Webster, Florida* provide for alternative means whereby the *City Charter* may be amended; and

WHEREAS, the City Council has developed, and hereby recommends to the electors of the City of Webster, that the following proposed amendments to the *Charter of the City of Webster, Florida* be approved by the electors of the City at a special election held pursuant to the *Charter of the City of Webster, Florida* and applicable controlling State law; and

Whereas, the City Council of the City of Webster has concluded that it is in the best interests of the citizens of the City of Webster for the City Council to propose amendments to the *Charter of the City of Webster* at a special election in accordance the *Charter of the City of Webster* and Section 166.031, *Florida Statutes*, and in the form set forth herein; and

Whereas, the City Council of the City of Webster approved this Ordinance on first reading on the 16th day of May, 2019; and

Whereas, words with underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF WEBSTER, FLORIDA:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS AND INTENT.

(a). The City of Webster has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

(b). The foregoing recital (whereas clause) is hereby ratified, affirmed and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. PROPOSED REVISION OF SECTION 11 (5); FILLING OF VACANCIES; CHARTER OF THE CITY OF WEBSTER. Section 11 (5) of the *Charter of the City of Webster, Florida*, is proposed to be amended to read as follows:

Section 11. Vacancies; forfeiture of office; suspension; recall; filling of vacancies.—

(1) – (4) . . . [Unchanged].

(5) FILLING OF VACANCIES.—

(a) If, for any reason other than recall, a vacancy occurs in the office of Mayor ~~within the first 3 years of a term~~, the Mayor Pro Tempore shall assume the position of Mayor, and within 30 days after the occurrence of such vacancy, the City Council shall appoint a new Council Member to fill the vacancy on the City Council ~~a special election for Mayor shall be held to elect a Mayor~~ for the remainder of the unfilled term.

(b) ~~In the event that the office of Mayor becomes vacant with less than 1 year remaining in the term, the Mayor Pro Tempore shall serve as Mayor for the remainder of the term of the Mayor and the vacancy in his or her office shall~~

~~be filled as provided in the charter for the remainder of his or her term.~~

~~(e) If, for any reason other than recall, a vacancy occurs in the office of a City Council seat, other than Mayor , within the last year of a term, the office shall be filled for the remainder of the term by appointment within 30 days after the occurrence of such vacancy by majority vote of the remaining City Council members.~~

~~(d) If, for any reason other than recall, a vacancy occurs in the office of a City Council seat within the first 3 years of a term, the office shall be filled by appointment within 30 days after the occurrence of such vacancy by majority vote of the City Council and such appointment shall expire when a City Council member is elected and he or she is seated in accordance with this charter.~~

~~(c) (e) If a vacancy occurs as a result of a recall petition, such vacancy will be filled by special election as provided in general law.~~

~~(d) (f) Before a person is appointed to fill a vacant seat on the City Council, he or she must meet all qualifications for office.~~

SECTION 3. BALLOT QUESTION NUMBER ONE. The form of the ballot for the *Charter* amendment provided for in Section 2 of this Ordinance shall be as follows:¹

¹ See, Section 101.161, *Florida Statutes*, relating to referenda and ballots relating thereto. The statutory provision provides as follows:

101.161 Referenda; ballots.—

(1) Whenever a constitutional amendment or other public measure is submitted to the vote of the people, a ballot summary of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word “yes” and also by the word “no,” and shall be styled in such a manner that a “yes” vote will indicate approval of the proposal and a “no” vote will indicate rejection. The ballot summary of the amendment or other public measure and the ballot title to appear on the ballot shall be embodied in the constitutional revision commission proposal, constitutional convention proposal, taxation and budget reform commission proposal, or enabling resolution or ordinance. The ballot summary of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of