



CITY OF UMATILLA AGENDA ITEM STAFF REPORT

DATE: June 16, 2017

MEETING DATE: June 20, 2017

SUBJECT: Ordinance 2017 – B, Second Reading

ISSUE: Referendum Questions to present to the voters

BACKGROUND SUMMARY: The Charter Review Committee held two meetings in May and recommends the referendum questions in Ordinance 2017-B to go before the voters if Council approves a Special Election to be held on August 29th.

The deadline to submit referendum questions to the Supervisor of Elections office is noon on June 23rd so the information can be forwarded to the company printing the ballots.

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

- This referendum question would remove a tax the city has never levied.

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

- This referendum question would allow Council members who have reached their term limit to run for office after sitting out one two-year election cycle.

Ballot Question Number 3: Umatilla City Charter - Canvass of Returns.

The current Charter contains a section pertaining to Canvass of Returns. This amendment removes Article VI, Section 7 Canvass of Returns which became obsolete when the Help America Vote Act became law on October 29, 2002.

- This referendum question would remove an obsolete portion of the Charter at the request of the Lake County Supervisor of Elections office.

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

- **This referendum question would seat newly elected officials at the first Council meeting after election results are certified by the Supervisor of Elections office. This runs in tandem with County Commission terms.**

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

- **This referendum question would require reasonable notice for Special Meetings.**

Ballot question Number 8: Limits on Airport Expansion; Removal of Referendum Requirement

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

- **This referendum question will allow for the acquisition of real property expanding the airport for safety, economic development, or valid municipal purposes.**

Ballot question Number 6: Umatilla City Charter – Limit Number of Runways at Airport

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

- **This referendum limits the number of runways at the airport to one.**

Ballot question Number 7: Limit on Length of Runways at Airport

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

- **This referendum limits the length of the runway to 3,000 linear feet.**

The Charter Review Committee will continue to meet and develop referendum questions to recommend for placement on the 2018 general election ballot.

STAFF RECOMMENDATIONS: Approval of Ordinance 2017 – B, second reading.

FISCAL IMPACTS: N/A

COUNCIL ACTION:

Reviewed by City Attorney **Yes** **No** **N/A**

Reviewed by City Engineer **Yes** **No** **N/A**

1
2
3 **ORDINANCE 2017 - B**

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

15
16 **WHEREAS,** the City Council of the City of Umatilla, after considering the
17 recommendations of the Charter Review Committee, has determined to submit certain proposed
18 Charter Amendments for approval or disapproval by the electors of Umatilla at a special election
19 called for this purpose in accordance with Sec. 166.031, Florida Statutes,

20
21 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE**
22 **CITY OF UMATILLA, FLORIDA:**

23
24 **Section 1.** It is submitted that Article II Boundaries, Form & Powers, Section 3 of the City
25 Charter be amended as follows (throughout this ordinance, additions are reflected by underlined
26 text; deletions are reflected by ~~strikethrough text~~):

27
28 All powers of the City shall be exercised in the manner prescribed by this Charter, and if
29 the manner be not so described, then in such manner as may be prescribed by ordinance
30 or State law. The City shall have all the powers granted to municipal corporations and to
31 cities and towns by the Constitution and General Laws of this State, including the power
32 of eminent domain, together with all the implied powers necessary to execute all the
33 powers granted. The City may acquire property within or without its corporate limits for
34 any City purpose, in fee simple or in any lesser interest or estate, whether by purchase,
35 gift, contract, devise, lease or condemnation, and may sell, lease, pledge, mortgage, hold,
36 manage and control such property as its interests may require, and, except as prohibited
37 by the Constitution of this State or restricted by this Charter, the City shall and may
38 exercise all municipal powers, functions, rights, privileges and immunities of every
39 nature and name whatsoever, now or hereafter provided by Statute or Constitution. The
40 enumeration of particular powers by this Charter shall not be deemed to be exclusive, and
41 in addition to the powers enumerated herein or implied hereby, or appropriate to the
42 exercise of such power, it is intended that the City shall have and may exercise all powers
43 which, under the Constitution of this State, it would be competent for this Charter,
44 specifically to enumerate. The City shall have the power to designate or appoint such
45 person or persons either officer or employee to be the chief executive officer and head the
46 administrative branch and functions of the City Government. Such person to be
47 responsible to the Council for the proper administration of such affairs of the City as shall
48 be delegated to him by ordinance of the City of Umatilla, but in no event shall any such
49 ordinance of appointment be by emergency procedure. ~~The City of Umatilla is hereby~~
50 ~~authorized to levy a special tax annually, not to exceed one (1) mill, upon real and~~
51 ~~personal property or both to be assessed and collected as municipal tax for the purpose of~~
52 ~~giving publicity to the advantages, facilities and production of the City.~~

53 **Section 2.** It is submitted that Article III City Council, Section 1 entitled “Membership” be
54 amended to read as follows:
55

56 No person may qualify to be elected or appointed to a term of office on the City
57 Council if completing the term of office would cause such person’s cumulative service
58 time on the City Council to exceed either twelve years or three terms; provided that for
59 the purposes of this section, a person’s cumulative service time means the time served
60 on City Council since the most recent two-year election cycle during which the person
61 served no time on City Council. For the purposes of calculating cumulative service
62 time, service in office for a partial term shall be counted as service for one
63 term.~~Council Members shall have term limits of twelve consecutive years or three~~
64 ~~terms, whichever occurs first. Service as council members, which commenced prior to~~
65 ~~the effective date of the Term Limit Amendment will be counted toward the twelve~~
66 ~~consecutive years or three term limitation. The City Council members who are serving~~
67 ~~on the effective date of the Charter Amendment shall continue to serve through the~~
68 ~~balance of their terms.~~
69

70 **Section 3.** It is submitted that Article III City Council, Section 6 entitled “Meetings” be
71 hereby amended to read as follows:
72

73 The first meeting of each newly elected council shall be held at 7:00 p.m. on the first
74 Tuesday City Council meeting immediately following election certification in
75 November in January, following regular city election of council ~~men~~ members, after
76 which the Council shall regularly meet at such times as may be prescribed by its rules
77 but not less frequently than once each month. If a regularly scheduled council meeting
78 falls on an election day or a holiday, then the meeting shall be held on Thursday
79 following such election day or holiday. Any regular meeting may be adjourned from
80 day to day. All regular meetings of the Council shall be open to the public and shall be
81 conducted in an orderly manner according to accepted rules of Parliamentary procedure
82 or upon such other rules as may be prescribed by the Council in public announcement.
83

84 **Section 4.** It is submitted that Article III City Council, Section 14 entitled “Special
85 Meetings; How Called” be amended to read as follows:
86

87 The President of the Council, or any two (2) members of the Council, or the City ~~Clerk~~
88 Manager may call Special Meetings of the Council, upon ~~at least six (6) hours written~~
89 ~~reasonable public notice to each member, served personally or left at his usual place of~~
90 ~~residence, or place of business, with a responsible person thereat. Any person citizen~~
91 shall have the right to attend a Special Meeting and access to the minutes and records
92 thereof at all reasonable times.
93

94 **Section 5.** It is submitted that Article VI Election and Recall, Section 7 entitled “Canvass of
95 Returns” be stricken in its entirety with an explanatory note as follows:
96

97 ~~The Polls shall open and close at the same hour, or time, required under General Law of~~
98 ~~the State of Florida for the opening and closing of polls for State elections. The result~~
99 ~~of the voting when ascertained, shall be certified by the return in duplicate, signed by~~
100 ~~the Clerk and a majority of the inspectors of the elections; one copy being delivered by~~
101 ~~such Clerk and Inspectors, to the Mayor and the other to the City Council at a meeting~~
102 ~~to be held at twelve o'clock noon on the day following the election. At such meeting,~~
103 ~~the City Council shall canvass the returns and the result as shown by such returns shall~~
104 ~~be by the Council declared as the result of the election. The City Clerk shall, not later~~

105 ~~than noon of the second day after the election, furnish a Certificate of Election to each~~
106 ~~person shown to have been elected.~~

107 Note: Supervisor of Elections Office notified the City that this section was superseded
108 when President George W. Bush signed Help America Vote Act into law on October 29,
109 2002.

110
111

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

114

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

122

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

126

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

129

130

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

134

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

138

139

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

142

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

147

148 Shall the above-described amendment be adopted?

149

150 Yes []

151 No []

152

153 **B. Ballot Question Number 2: Umatilla City Charter - City Council Term Limits**

154 Under the current Charter there are term limits of 12 consecutive years or 3 terms for Council
155 Members. This amendment retains and clarifies the term limits but allows Council Members who

156 have reached term limits to regain eligibility to run for City Council after sitting out one election
157 cycle of two years.

158
159 Shall the above-described amendment be adopted?

160
161 Yes []

162 No []

163
164 C. **Ballot Question Number 3: Umatilla City Charter - Canvass of Returns.**

165 The current Charter contains a section pertaining to Canvass of Returns. This amendment
166 removes Article VI, Section 7 Canvass of Returns which became obsolete when the Help America
167 Vote Act became law on October 29, 2002.

168
169 Shall the above-described amendment be adopted?

170
171 Yes []

172 No []

173
174 D. **Ballot Question Number 4: Umatilla City Charter - City Council Meetings.** Under
175 the current Charter, the newly elected officials are seated during the first meeting in January. This
176 amendment designates the first ~~Tuesday~~ City Council meeting after the election results are
177 certified as the date the officials take office, aligning City Council terms of office more closely
178 with County Commission terms.

179
180 Shall the above-described amendment be adopted?

181
182 Yes []

183 No []

184
185 E. **Ballot Question Number 5: Umatilla City Charter - City Council Special Meetings.**

186 Under the current Charter, Special Meetings may be called with six hours' notice to Council
187 Members, and Citizens may review records of Special Meetings. To conform to the requirements
188 of Florida's open government laws, this amendment requires reasonable public notice of a Special
189 Meeting and provides a right for the public to attend Special Meetings.

190
191 Shall the above-described amendment be adopted?

192
193 Yes []

194 No []

195
196 F. **Ballot question Number 8: Limits on Airport Expansion; Removal of Referendum**
197 **Requirement**

198
199 Under the current Charter, the City may expand, or acquire real property to expand, the Municipal
200 Airport with prior voter approval. The proposed amendment to Article XII, Section 1.10 replaces
201 the voter approval requirement with a requirement that City Council find that a particular
202 expansion or acquisition serves a valid municipal purpose or is reasonably calculated to promote
203 safety, compliance with laws and regulations, or economic development.

204
205 Shall the above-described amendment be adopted?

206
207 Yes []

208 No []

209

210

211 **G. Ballot question Number 6: Umatilla City Charter – Limit Number of Runways at**
212 **Airport**

213

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

218

219 Shall the above-described amendment be adopted?

220

221 Yes []

222 No []

223

224

225 **H. Ballot question Number 7: Limit on Length of Runways at Airport**

226

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

231

232 Shall the above-described amendment be adopted?

233

234 Yes []

235 No []

236

237

238 **Section 10.** All ordinances in conflict with the provisions of this ordinance are hereby
239 repealed.

240

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

245

246 **Section 12.** Upon adoption of the Charter amendment contained herein, the City Clerk is
247 directed to revise the City Charter to incorporate the amendment and to file the revised Charter
248 with the Secretary of State for the State of Florida.

249

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

254

255 **Section 14.** If any section, sentence, clause, or phrase of this ordinance is held to be invalid or
256 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
257 the validity of the remaining portion of this ordinance.

258

259 **PASSED AND ORDAINED** this _____ day of _____,
260 2017, by the City Council of the City of Umatilla, Florida.

261
262
263
264

265 Mary Johnson
266 Mayor

267
268

Attest:

Approved as to form:

269
270

271 Scott Blankenship
272 City Manager

Kevin M. Stone
City Attorney

273
274

Passed First Reading: June 6, 2017

275
276

Passed Second Reading: _____

277

[Seal]

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

Readings of the proposed ordinance will be considered at the Umatilla City

Council meetings on June 6, 2017 and June 20, 2017 at 7:00 p.m. The meetings will be held in the City Council Chambers at 1 S. Central Avenue, Umatilla, Florida.

The proposed Ordinance may be inspected by the public between the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday at City Hall. For further information call (352) 669-3125.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

A person who decides to appeal any decision made by any board, agency, or council with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based (Florida Statutes, 286.0105).

The City of Umatilla is an equal opportunity provider and employer.

Karen H. Howard, CMC
City Clerk

Ad No: 10065174
June 03, 2017

Affidavit of Publication

DAILY COMMERCIAL

Leesburg, Lake County Florida
STATE OF FLORIDA, COUNTY OF LAKE

Before the undersigned authority personally appeared

Linda Rostomily

who on oath says that she is an authorized employee of the Daily Commercial, a daily newspaper published at Leesburg, in Lake County, Florida; that the attached copy of advertisement, being a notice in the matter of

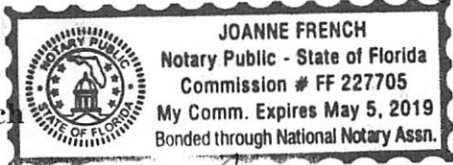
ORD 2017- B

was published in said newspaper in the issues of:

JUNE 03, 2017

Affiant further says that the said Daily Commercial is published at Leesburg, in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida, daily, and has been entered as second class mail matter at the post office in Leesburg, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 5 day of June, A.D., 2017.



Joanne French
Notary Public

(Print, Type or Stamp Name of Notary Public)

AD# 10065174