



CITY OF UMATILLA AGENDA ITEM STAFF REPORT

DATE: August 31, 2017 **MEETING DATE:** September 5, 2017
SUBJECT: Resolution 2017 - 40
ISSUE: Support of Home Rule

BACKGROUND SUMMARY: Home Rule language was proposed in the 1968 Florida Constitutional Revision and was adopted by the voters. The Florida Legislature adopted the Home Rule Powers Act in 1973 and Article VIII, Section 2(b) states:

“Municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise power for municipal purposes except as otherwise provided by law.”

The Home Rule power allows municipalities to establish its form of government through the Charter and enact Ordinances, Resolutions, Codes, and Plans without prior state approval. City laws cannot conflict with state or federal laws, but Home Rule powers allow cities to be effective and efficient in providing for their citizens.

Many local elected officials across the state closely watched last session as Florida legislators supported initiatives to dilute the “Home Rule” powers of the counties and municipalities.

Strong “Home Rule” powers ensure that local government remains accountable to and keeps close ties to those it serves. “Home Rule” serves the citizens who hold their representatives accountable at the local level by attending the council meetings where they are allowed to voice their opinions and concerns for their community. It is believed that local government can best provide for its citizens. Legislation passed in Tallahassee often takes a “cookie-cutter” approach. What works in a metropolitan area does not necessarily work in a rural area.

The resolution supports strong home rule powers and directs the City Clerk to send a copy of the Resolution to the Governor, legislative and congressional representatives, and other cities within Lake County

STAFF RECOMMENDATIONS: Adoption of Resolution 2017 - 40, Support of Home Rule

FISCAL IMPACTS: N/A

COUNCIL ACTION:

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

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

1 **RESOLUTION 2017-40**

2 **A RESOLUTION OF THE CITY OF UMATILLA, FLORIDA, SUPPORTING**
3 **ALL LEGISLATIVE EFFORTS TO PROTECT AND STRENGTHEN THE**
4 **RIGHTS OF FLORIDA CITIZENS TO GOVERN THEMSELVES UNDER**
5 **MUNICIPAL HOME RULE POWERS CONFERRED UPON THEM BY THE**
6 **FLORIDA CONSTITUTION; PROVIDING FOR LEGISLATIVE FINDINGS AND**
7 **INTENT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR**
8 **CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

9 **WHEREAS**, the Constitution of the State of Florida empowers its citizens with the right of local
10 self-government through “Home Rule”, and

11 **WHEREAS**, “Home Rule” is the form of voluntary self government closest to its citizens; and

12 **WHEREAS**, Florida's municipalities are constitutionally embodied with the right of “Home Rule,”
13 and

14 **WHEREAS**, a city is created by its citizens to provide additional functions and services for the
15 particular unique benefit of each particular community, and

16 **WHEREAS**, local citizens develop a charter, voted upon by its citizens, to specify the form,
17 functions and powers of their city government through local referenda; and

18 **WHEREAS**, constitutional “Home Rule” authority enables all governmental, corporate and
19 proprietary powers necessary to conduct municipal government, perform municipal needed functions and
20 render municipal services; and

21 **WHEREAS**, city residents take special pride in this diversity and responsibility; and

22 **WHEREAS**, strong “Home Rule” powers ensure that government remains accountable to and in
23 keeping with the concerns of its citizenry, and

24 **WHEREAS**, intrusion upon “Home Rule” authority by the state or federal government undermines
25 the fundamental constitutional right of citizens to govern themselves.

26 **NOW THEREFORE, BE IT HEREBY RESOLVED**, that the City Council of the City of
27 Umatilla, Florida, supports all legislative efforts to protect and strengthen the rights of Florida citizens to
28 govern themselves under municipal “Home Rule” powers conferred upon them by the Florida Constitution.

29 **SECTION 1.** The foregoing recitals are incorporated by reference and made a part thereof.

30 **SECTION 2.** Mayor to Execute. The Mayor is hereby authorized and directed to sign and execute this
31 Resolution upon approval by the City Council.

32 **SECTION 3.** Savings Clause: If any section, sentence, clause, phrase, or word of this Resolution is for
33 any reason held, or declared to be, unconstitutional, inoperative or void, such holding or invalidity shall not
34 effect the remaining portions of this Resolution without such unconstitutional, invalid, or inoperative part
35 therein; and the remainder of this Resolution, after the exclusion of such part or parts shall be deemed and
36 held to be valid as if such parts had not been included herein; or if this Resolution or any provisions thereof
37 shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances, or
38 set of circumstances, such holding shall not effect the applicability therereof to any other person, property
39 or circumstances.

41 **SECTION 4. Conflicts.** All Resolutions or parts of Resolutions in conflict with any of the provisions of
42 this Resolution are hereby repealed.

43 **SECTION 5. Severability.** If any Section or portion of a Section of this Resolution proves to be invalid,
44 unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any
45 other Section or part of this Resolution.

46 **SECTION 6. Effective Date.** This Resolution shall become effective immediately upon its passage and
47 adoption.

48 **It is HEREBY FURTHER RESOLVED** that the City Council of the City of Umatilla Dora directs the
49 City Clerk to send a copy of this Resolution to the Governor of the State of Florida, to the Florida state
50 legislative delegation representing Lake County, Florida, to the congressional delegation serving the State
51 of Florida and to all cities within Lake County, Florida.

52 **EFFECTIVE DATE:** This Resolution shall take effect immediately upon its adoption by the City Council
53 of the City of Umatilla, Lake County, Florida, this 5th day of September, 2017.

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55 _____
56 Mary C. Johnson
57 Mayor, City of Umatilla

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59 ATTEST:

Approved as to Form:
STONE & GERKEN, P.A.

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61
62 _____
63 Karen H. Howard, CMC
64 City Clerk

Kevin Stone/Grant Watson/Lewis Stone
Attorney

Passed first reading: _____
[Seal]

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