

## City of Palm Coast, Florida Agenda Item

**Agenda Date:** April 14, 2026

**Agenda Item:** E.4

<b>Department</b> CITY ATTORNEY <b>Division</b>	<b>Amount</b> <b>Org/Account #</b>
<b>Subject:</b> PRESENTATION - PROPOSED CHARTER AMENDMENTS	
<b>Presenter:</b> <b>Marcus Duffy, City Attorney</b>	
<b>Attachments:</b> 1. Ordinance	
<b>Background:</b>  On February 24, 2026, the City Council received a report from the Charter Review Committee outlining proposed amendments to the City Charter. Following extensive discussion, the City Council directed the City Attorney to prepare an ordinance reflecting the proposed changes. The ordinance is included with this item for consideration.	
<b>Recommended Action:</b> <b>FOR PRESENTATION AND DIRECTION</b>	

**ORDINANCE 2025-\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM, COAST, FLORIDA, SUBMITTING TO THE ELECTORS OF PALM COAST PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF PALM COAST WHICH SHALL BE CONSIDERED BY BALLOT; PROVIDING BALLOT TITLES AND SUMMARIES FOR THE PROPOSED CHARTER AMENDMENTS; PROVIDING FOR DIRECTION TO THE CITY CLERK; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE APPROVED AMENDMENTS.**

**WHEREAS**, pursuant to the City Charter, the City of Palm Coast established a Charter Review Committee to review the City Charter and make recommendations to the City Council for proposed amendments thereto; and

**WHEREAS**, the Charter Review Committee reviewed, considered, studied, and analyzed the City Charter and received public input during its multiple public meetings; and

**WHEREAS**, on January 31, 2026, the Charter Review Committee submitted its final report, with recommendations to the City Council; and

**WHEREAS**, on February 24, 2026, at a public workshop wherein the City Council reviewed the final report and recommendations, received public comment, the City Council accepted the final report, modified certain proposed charter amendments, and directed the City Attorney to prepare an appropriate ordinance to place the proposed charter amendment before the registered voters of City of Palm Coast at the election to be held on November 3, 2026; and

**WHEREAS**, as a result of the input, recommendations, and advice received during this public process and after careful deliberation and consideration, the City Council finds that it is in the best interests of the public health, safety, and welfare of the citizens of Palm Coast to propose revisions to the Palm Coast City Charter in accordance with Article IX of the Palm Coast City Charter and Section 166.031, Florida Statutes; and;

**WHEREAS**, the City Council finds that the proposed ballot questions and summaries should be submitted to the City electorate for its consideration and final approval or disapproval; and;

**WHEREAS**, the City Council of the City of Palm Coast desires to put to a vote of the citizens the issue of whether the Charter should be changed as proposed by the City Council following the afore described public process; and

**WHEREAS**, Section 166.031, Florida Statutes, provides that the governing body of a municipality may, by ordinance, submit to the electors of said municipality proposed amendments to its Charter, which amendments may be to any part or all of its Charter; and

**WHEREAS**, Article IX of the City Charter provides that amendments to the Charter may be submitted to the electors by a majority vote of the Council members, and if the proposed amendments are approved by a majority of the electors, the amendments shall become law; and

**WHEREAS**, the City Council of the City of Palm Coast, Florida, hereby finds this Ordinance to be in the best interest of the public health, safety, and welfare of the citizens of Palm Coast.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALM COAST THAT:**

**SECTION 1. REFERENDUM ELECTION.** The City Council of the City of Palm Coast, pursuant to Section 166.031 Florida Statutes, hereby proposes and approves amendments to the Charter of the City of Palm Coast, which proposed amendments to the Charter of the City of Palm Coast to be submitted to the electorate for consideration, which proposed amendments and the complete text thereof, as amended, are set forth in Section 2 below. Additions are shown with underlining, deletions are shown with strike through type, and asterisks (\*\*\*) indicate an omission from the existing text which is intended to remain unchanged. Each question shall be voted on separately and approved or disapproved based on its own merit. Such referendum election shall be held in conformity with the laws of the State of Florida. The Supervisor of Elections of Flagler County is to coordinate all matters of said referendum election with the Palm Coast City Clerk, pursuant to the Interlocal Agreement between the City and the Supervisor of Elections.

**SECTION 2. AMENDMENT TO CITY CHARTER.** The form of the ballot for the Charter Amendments proposed in this Ordinance shall be as follows:

**City Charter Amendment 1:**

**TITLE:**

**AMENDING ARTICLE IV(7)(d) OF CITY CHARTER ESTABLISHING PROCEDURES FOR REMOVAL OF COUNCIL MEMBERS OR MAYOR.**

**SUMMARY:**

Shall Article IV(7)(d) of the City Charter be amended to authorize City Council, by supermajority vote after three censures, to request the Governor remove a Council member or Mayor for: loss of qualifications; felony or certain misdemeanor convictions; ethics violations; or unexcused absences from three consecutive or six annual meetings? This establishes a formal local process to initiate state-level removal for misconduct or neglect of duty.

Shall the above-described Charter Amendment be adopted?

Yes \_\_\_\_\_

No \_\_\_\_\_

**Text Revisions:** (Double Underline texts added to the Charter and strikethrough text are removed).

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Art. IV, (7)(d) Removal From Office.

(d) Removal From Office. The Council may request the Governor of Florida to remove the Mayor or any other Council member from his/her office, as determined by a vote in the affirmative of a super majority of the Council, acting as a body, after issuing a minimum of three censures determining that he/she:

1. Lacks any time, or fails to maintain during his/her term of office, any qualification for the office prescribed by this Charter or otherwise required by law;
2. Is convicted of a felony, or enters a plea of guilty or *nolo contendere* to a crime punishable as a felony, even if adjudication of guilt has been withheld;
3. Is convicted of a first-degree misdemeanor arising directly out of his/her official conduct or duties or enters a plea of guilty or *nolo contendere* thereto, even if adjudication of guilt has been withheld;
4. Is found to have violated any adopted City standard of conduct or the Florida code of ethics established for public officials; or
5. Is absent from three consecutive Council business meetings or six business meetings within a twelve-month (12) period without being excused by the Council.

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**City Charter Amendment 2:**

**TITLE:**

**AMENDING CITY CHARTER ARTICLE IV (7)(e) PROCEDURES FOR FILING CITY COUNCIL VACANCIES AND SPECIAL ELECTIONS.**

**SUMMARY:**

Shall Article IV(7)(e) of the City Charter be amended requiring a special election within 90 days for City Council vacancies occurring more than six months before a general election? Vacancies within six months of a general election shall be filled by appointment, followed by a special election within 90 days of the new Council taking office. Prohibits special elections during General Election years from April 15 through November 30 to ensure efficient election administration.

Shall the above-described Charter Amendment be adopted?

Yes \_\_\_\_\_

No \_\_\_\_\_

**Text Revisions:** (Double Underline texts added to the Charter and strikethrough text are removed).

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Article IV, (7)(e) Filling of vacancies.

(1) If, for any reason other than recall or assuming the office of Mayor, a vacancy occurs in the office of any council seat ~~within the first two years of a term the office shall be filled by appointment within 90 days following the occurrence of such vacancy by majority vote of the remaining Council members. If said vacancy occurs within six (6) months of the next regularly scheduled election, the remaining Council members may delay the appointment. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the remaining two years of the original term, thus continuing the original staggering of district seats.~~ the following procedures shall apply based on the timing of the vacancy:

(a) Vacancies More Than Six Months Before a General Election: A special election for the vacant council seat shall be held within 90 days of the occurrence of the vacancy. The City Council shall, by resolution, fix the time for holding such election for the remainder of the unexpired term.

(b) Vacancies Six Months or Less Before a General Election: If a vacancy occurs six (6) months or less before the next regularly scheduled General Election, the vacant seat shall be filled by appointment by a majority vote of the remaining Council members within 90 days of the vacancy.

(c) Post-Election Mandate: Any person appointed under subsection (b) shall serve only until a successor is elected. A special election for the remainder of the original unexpired term shall be held within 90 days after the newly elected City Council takes office following the General Election. This ensures the continued staggering of district seats as originally established.

(d) Election Blackout Period: Notwithstanding any other provision of this section, in any even-numbered year (General Election year), no special election shall be scheduled or held between April 1 and November 30. If the 90-day window for a special election (as required in Section (a) or (b) overlaps with this Blackout Period, the deadline to hold said election shall be automatically extended to ensure the election occurs within 90 days following the swearing-in of the new City Council in November.

~~2. If, for any reason other than recall or assuming the office of Mayor, a vacancy occurs in the office of any Council seat within the last two years of a term, the office shall be filled by appointment within 90 days following the occurrence of such vacancy by majority vote of the remaining Council members. If said vacancy occurs within six (6) months of the next regularly scheduled election, the remaining Council members may delay the appointment. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the regular four year term.~~

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**City Charter Amendment 3:**

**TITLE:**

AMENDING THE CITY CHARTER TO INCREASE CITY COUNCIL'S UNFUNDED CONTRACTING AUTHORITY TO \$30,000,000.00.

**SUMMARY:**

Shall Art. VI (3) (e) of the City Charter be amended to increase the Council's unfunded contracting authority from \$15,000,000.00 to \$30,000,000.00 and extend the term from 36 months to 30 years? Unfunded multi-year or lease-purchase contracts exceeding these limits shall require voter approval via referendum. The \$30,000,000.00 threshold shall be adjusted annually for inflation (CPI), rounded to the nearest \$1,000.00

Shall the above-described Charter Amendment be adopted?

Yes \_\_\_\_\_

No \_\_\_\_\_

**Text Revisions:** (Double Underline texts added to the Charter and strikethrough text are removed).

Article VI, (3) (e) Limitations to Council's Contracting Authority.

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e) Limitations to Council's Contracting Authority. Unless authorized by the electors of the City at a duly held referendum election, the Council shall not enter into lease-purchase contracts, or any other unfunded multiyear contracts, the repayment of which: extend in excess of ~~36-30 months~~ years; or exceeds ~~\$15,000,000.00~~ \$30,000,000.00. As of each October 1 thereafter, the amount of the "Contracting Limit" in effect shall be adjusted to reflect the percentage change in the Consumer Price Index (U.S. City Average All Workers) by using the most recent available information for the prior 12 month period. This adjustment shall be calculated using the most recent available data for the preceding 12-month period. The adjusted amount shall be rounded to the nearest \$1,000 and shall serve as the effective Contracting Limit for the following fiscal year.

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**SECTION 3.** The proposed amendments, the ballot titles and summaries of the proposed amendments to the Charter, as contained in this Ordinance, shall appear on the ballot in the form of questions as set forth in Section 2 of this Ordinance

**SECTION 4. SEVERABILITY.** It is hereby declared to be the intention of the City Council the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance.

**SECTION 5 CONFLICTS.** All prior ordinances and resolutions or parts thereof in conflict with this Ordinance are hereby repealed.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage and adoption.

**SECTION 7. EFFECTIVE DATE OF CHARTER AMENDMENTS.** The revised Charter provisions proposed for approval in this Ordinance shall become effective upon their approval following election of the electors of the City of Palm Coast in accordance with Section 166.031, Florida Statutes, and Article IX of the City Charter. If the electors reject an amendment, the rejected amendment shall not take effect. The City Clerk is hereby directed, upon adoption of the revised Charter, to renumber the Charter to logically organize all Charter amendments, and to promptly file the revised Charter with the State of Florida, Department of State, as required by Section 166.031, Florida Statutes.

APPROVED upon first reading on the \_\_\_\_ day of \_\_\_\_\_ 2026.

Adopted on the second reading after due public notice and hearing on this \_\_\_\_ day of \_\_\_\_2026.

ATTEST:

CITY OF PALM COAST

\_\_\_\_\_  
KALEY COOK, CITY CLERK

\_\_\_\_\_  
MICHAEL NORRIS, MAYOR

APPROVED AS TO FORM AND LEGALITY

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MARCUS DUFFY, CITY ATTORNEY