

City of Palm Coast, Florida Agenda Item

Agenda Date: July 2, 2024

Department CITY ADMINISTRATION Division	Amount Account #
Subject: ORDINANCE 2024-XX A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF PALM COAST AMENDING ARTICLE VI, BUDGET AND APPROPRIATIONS TO DELETE FROM OUTDATED PROVISION RELATING TO LIMITATIONS TO COUNCIL'S CONTRACTING AUTHORITY WHICH SHALL BE CONSIDERED BY BALLOT	
Presenter: Lauren Johnston, Acting City Manager	
Attachments: 1. Ordinance	
Background: At the July 25, 2024, Special Workshop Meeting, City Council requested an Ordinance be brought forward amending the Charter of the City of Palm Coast, Article VI, Budget and Appropriations. The Ordinance is attached as requested.	
Recommended Action: ADOPT ORDINANCE 2024-XX A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF PALM COAST AMENDING ARTICLE VI, BUDGET AND APPROPRIATIONS TO DELETE FROM OUTDATED PROVISION RELATING TO LIMITATIONS TO COUNCIL'S CONTRACTING AUTHORITY WHICH SHALL BE CONSIDERED BY BALLOT	

ORDINANCE 2024-____
PROPOSED AMENDMENT TO THE CHARTER

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA SUBMITTING TO THE ELECTORS OF PALM COAST A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF PALM COAST AMENDING ARTICLE VI, BUDGET AND APPROPRIATIONS TO DELETE FROM OUTDATED PROVISION RELATING TO LIMITATIONS TO COUNCIL'S CONTRACTING AUTHORITY WHICH SHALL BE CONSIDERED BY BALLOT; PROVIDING BALLOT TITLE AND SUMMARY FOR THE PROPOSED CHARTER AMENDMENT; PROVIDING FOR DIRECTION TO THE CITY CLERK; PROVIDING FOR CONFLICTS, SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE FOR THE ORDINANCE AND FOR THE APPROVED AMENDMENT

WHEREAS, the Charter of the City of Palm Coast may be amended from time to time in accordance with the provisions of the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes; and

WHEREAS, the City Council of Palm Coast may establish the form, content and certification of petition to amend the Charter through establishment of ordinance; and

WHEREAS, the City Council continues to remain committed to following the principles of financial accountability and transparency as outlined in Resolution 2013-111.

WHEREAS, as a result of input, recommendations and advice from staff and after careful deliberation and consideration, the City Council finds that it is in the best interest 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. – General Provisions of the Palm Coast City Charter and Section 166.031, Florida Statutes; and

WHEREAS, the City Council finds that the proposed ballot question and summary 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; 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 a proposed

amendment to its Charter, which said amendment may be to any part or all of its Charter;
and

WHEREAS, the City Charter provides that an amendment to the Charter may be submitted to the electors through ordinance approved by a majority vote of the Council members, and if the proposition amend is approved by a majority of the electors, the amendment shall become law; and

WHEREAS, the City Council finds it to be in the best interest of its citizens to submit the said proposed Charter amendment to the voters at a referendum election conducted by the Flagler County Supervisor of Elections on Tuesday, November 5th 2024.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF PALM COAST, FLORIDA:

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 are set forth below. 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 that Interlocal Agreement between the City and the Supervisor of Elections.

SECTION 2. AMENDMENTS 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:

CHARTER AMENDMENT TO UPDATE PROVISIONS RELATED TO CITY COUNCIL’S CONTRACTING AUTHORITY.

SUMMARY:

Shall Article VI of the Charter be amended by removing provisions related to Contracting Authority that limit the City’s ability to enter into public private partnerships, respond to emergencies, and have the ability to address growth by having future residents contribute to infrastructure costs.

Shall the above amendment be adopted?

YES _____

NO _____

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 that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code 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 and sections of this Code.

SECTION 5. CONFLICTS. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 6. EFFECTIVE DATE OF ORDINANCE. 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 on first reading this 2nd day of July 2024.

ADOPTED on the second reading after due public notice and hearing this 16th day of July 2024.

ATTEST:

CITY OF PALM COAST

KALEY COOK, CITY CLERK

DAVID ALFIN, MAYOR

APPROVED AS TO FORM AND LEGALITY

MARCUS DUFFY, CITY ATTORNEY