

ORDINANCE NO. O-21-08

AN ORDINANCE OF THE CITY OF SEBASTIAN, INDIAN RIVER COUNTY, FLORIDA, SCHEDULING AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2021, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY OF SEBASTIAN, THE QUESTION OF WHETHER OR NOT TO AMEND SECTION 2.06 (B) MAYOR-DUTIES, GENERAL OF THE CITY CHARTER TO GIVE THE MAYOR THE POWER TO DECLARE A STATE OF LOCAL EMERGENCY; AMEND SECTION 2.06 (C) VICE MAYOR-SELECTION AND TERM TO REMOVE THE LANGUAGE STATING THE TERM OF THE VICE MAYOR SHALL BE FOR ONE YEAR OR UNTIL HIS OR HER SUCCESSOR IS ELECTED; PROVIDING BALLOT LANGUAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 166.031 of Florida Statutes provides that the governing body of a municipality may by ordinance submit to the electors of said municipality a proposed amendment to all or parts of its City Charter; and

WHEREAS, in accordance with Section 5.03 of the City Charter, the Charter Review Committee has met, held public hearings, and recommended to the City Council certain revisions to the Charter; and

WHEREAS, the City Council wishes to call an election in the City of Sebastian on Tuesday, November 2, 2021, for the purpose of submitting to the electors of the City of Sebastian the question stated herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEBASTIAN, FLORIDA, that:

Section 1. ELECTION. A Citywide election is hereby called and scheduled for Tuesday, November 2, 2021 in the City of Sebastian, Florida, for the purpose of submitting to the qualified electors of the City of Sebastian the proposed amendment to the City Charter in the form attached hereto and made a part hereof.

Section 2. BALLOT. The purpose of this election shall be to present a referendum issue to the electors of the City of Sebastian of whether or not to adopt revisions to the City Charter. The ballot shall be substantially in the following form:

**CITY OF SEBASTIAN, FLORIDA
CHARTER AMENDMENT
Ballot Question #3**

ADD MAYOR HAS THE POWER TO DECLARE EMERGENCY AND REMOVE TERM OF VICE MAYOR LANGUAGE

Shall Section 2.06 (b) Mayor-Duties, general of the City Charter be amended, as provided in Ordinance O-21-08, to give the Mayor the power to declare a state of local emergency to be consistent with City Code Section 2-37; and 2.06 (c) Vice Mayor-Selection and Term be amended to remove the term of the Vice Mayor?

_____ Yes for Approval

_____ No for Rejection

Section 3. ELECTION RESULTS. The result of such election shall be determined by a majority of the qualified electors of the City of Sebastian voting on the proposal.

Section 4. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption by the City Council.

The foregoing Ordinance was moved for adoption by Councilmember McPartlan. The motion was seconded by Councilmember Jones and, upon being put to a vote, the vote was as follows:

Mayor Ed Dodd	aye _____
Vice Mayor Jim Hill	aye _____
Councilmember Fred Jones	aye _____
Councilmember Chris Nunn	aye _____
Councilmember Bob McPartlan	aye _____

The Mayor thereupon declared this Ordinance duly passed and adopted this 23rd day of June, 2021.

CITY OF SEBASTIAN, FLORIDA

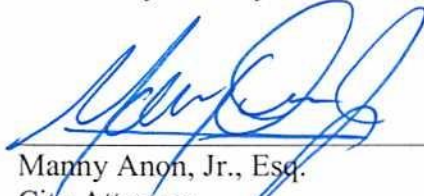
By: 
Mayor Ed Dodd



ATTEST:

Approved as to form and legality for reliance by the City of Sebastian only:


Jeanette Williams, MMC
City Clerk


Manny Anon, Jr., Esq.
City Attorney

I HEREBY CERTIFY that notice of public hearing on this Ordinance was published in the TC Palm Press Journal as required by State Statute, that one public hearing on the Ordinance was held on the 23 day of June, 2021, and that following said public hearing this Ordinance was passed by City Council for placement on the November 2, 2021 ballot.



Jeanette Williams, MMC
City Clerk

**ATTACHMENT TO ORDINANCE O-21-08
PROPOSED CHARTER AMENDMENT LANGUAGE**

Sec. 2.06. - Mayor; vice-mayor.

- (a) *Mayor—Selection and term.* [A]fter the seating of any newly elected council members at the city council meeting held pursuant to Section 2.04 the new city council shall, as the first order of business, elect a mayor from among its members. The incumbent mayor or in his or her absence, the vice-mayor or in his or her absence, the senior member of city council, shall ask for nominations for mayor. After all nominations have been made, the nominations shall be closed. The city clerk shall then call the roll of the council members and each council member shall cast an affirmative vote for the council member of their choice. The council member that receives a majority vote shall be elected mayor. In the event no council member receives a majority of the votes cast on the first ballot, balloting with sequential roll calls shall continue until a council member receives a majority vote. Council members shall not nominate themselves. Only elected council members shall be eligible for the office of mayor.
- (1) If there is no mayor seated on the new or existing city council, a temporary city council chairperson may be elected from the incumbent members of the city council for the purpose of electing a mayor as set forth above.
 - (2) In the event there is only one nomination and second for mayor, the nominee shall be seated as mayor.
- (b) *Mayor—Duties, general.* The mayor shall preside at each meeting of the city council, shall have a vote upon matters before the city council, but shall not possess a veto power. The mayor shall have the power to declare a state of local emergency, preserve the peace and order, be recognized as the head of the city government for all ceremonial purposes, and shall be recognized by the governor as the head of the city government for purposes of military law. The mayor shall sign all ordinances, resolutions and proclamations of the city council or other documents as required by law on behalf of the city as directed and authorized by the city council, which shall also be attested by the city clerk.
- (c) *Vice-mayor—Selection and term.* Immediately subsequent to the selection of a mayor, the city council shall elect a vice-mayor from among its members. ~~The term of the vice-mayor shall be for one year or until his or her successor is elected.~~ The vice-mayor shall be elected using the same procedure as for the election of mayor.
- (d) *Vice-mayor—Duties, general.* In the absence or disability of the mayor, the vice-mayor shall serve as mayor during such absence or disability. In the absence or disability of both the mayor and vice-mayor, the senior member of city council shall serve as mayor during such absence or disability.
- (e) *Vacancies.* In the event the office of mayor shall become vacant during the course of a term, the vice-mayor shall succeed to the office of mayor. In the event the office of vice-mayor shall become vacant during the course of a term, a new vice-mayor shall be chosen as the first order of business at the next council meeting.