

**ORDINANCE NO. O-21-12**

**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 4.12 (B) – ELECTION PROCEDURES; TIE VOTE TO INCLUDE THE LANGUAGE FOR THE OUTCOME OF A TIE VOTE SHALL BE IN ACCORDANCE WITH FLORIDA LAW; 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 #7**

**OUTCOME FOR A TIE VOTE SHALL BE IN ACCORDANCE WITH FLORIDA LAW**

Shall Section 4.12 (b) of the City Charter be amended, as provided in Ordinance O-21-12 to include the language that the outcome of a tie vote shall be in accordance with Florida Law instead of a special runoff election?

\_\_\_\_\_ 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 Hill. The motion was seconded by Councilmember McPartlan 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:

  
Jeanette Williams, MMC  
City Clerk

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

  
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-21-12  
PROPOSED CHARTER AMENDMENT LANGUAGE**

**Sec. 4.12. - Election procedures; tie vote.**

- (a) In all general or special elections, the candidates receiving the highest vote in each of the offices of council member to be filled, shall be elected for two-year terms, or the balance of the term.
- (b) In the event that at any election there are two (2) or more candidates for the same office and they should receive the same number of votes, ~~the question shall be decided by a special run-off election between the tied candidates to be held no later than thirty (30) days after the results of the initial election are declared by city council~~ the outcome shall be in accordance with Florida Law.