

ORDINANCE NO. O-21-13

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 4.14 - INTERIM GOVERNMENT OF THE CITY CHARTER TO CLARIFY WHAT TO DO WHEN THERE IS NOT A MAJORITY OF CITY COUNCIL AVAILABLE TO SERVE AND TAKE ACTION EITHER THROUGH DEATH, RESIGNATION, SUSPENSION OR REMOVAL FROM OFFICE; 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 #8**

WHAT TO DO WHEN THERE IS NOT A MAJORITY OF CITY COUNCIL AVAILABLE TO SERVE

Shall Section 4.14 of the City Charter be amended, as provided in Ordinance O-21-13 to clarify the language what to do when there is not a majority of City Council available to serve and to add the language for the removal or suspension from office as additional reasons Council Member would not be able to serve?

_____ 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	<u>aye</u>
Vice Mayor Jim Hill	<u>aye</u>
Councilmember Fred Jones	<u>aye</u>
Councilmember Chris Nunn	<u>aye</u>
Councilmember Bob McPartlan	<u>aye</u>

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

CITY OF SEBASTIAN, FLORIDA

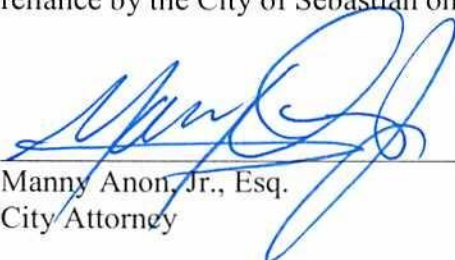
By: 
Mayor Ed Dodd



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-21-13
PROPOSED CHARTER AMENDMENT LANGUAGE**

Sec. 4.14. - Interim government.

Should a condition arise where there should ~~be no~~ not be a majority (3 or more) city council serving, either through death, resignation, removal or suspension from office or otherwise, in the interim until a special election can be called to fill such vacancies, the city clerk shall have the power to fill the vacancies until successors are elected, and such city council so appointed shall call a special election as provided by this Charter. In the event of the inability or refusal of the city clerk to serve in such capacity or to fill such vacancies, within five (5) days after such condition arises, the city manager shall do so. In the event of the inability or refusal of the city manager to act within twenty-four (24) hours, the city attorney shall do so.