

CITY CLERK
CITY OF SUNRISE

2020 MAY 21 PM 4:09

SUNRISE, FLORIDA

ORDINANCE NO. 656

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, CALLING AND PROVIDING FOR A CITY CHARTER AMENDMENT REFERENDUM ELECTION, SAID REFERENDUM ELECTION TO BE HELD IN THE CITY IN CONJUNCTION WITH THE NOVEMBER 3, 2020 ELECTION TO DETERMINE WHETHER SECTIONS 3.12 AND 3.13 OF THE CITY CHARTER SHALL BE AMENDED TO REQUIRE THAT ORDINANCES AND EMERGENCY ORDINANCES BE ADOPTED IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN STATE LAW; PROVIDING FOR THE FORM OF BALLOT; PROVIDING FOR THE VOTING SCHEDULE, PROVIDING FOR REFERENDUM APPROVAL; PROVIDING FOR NOTICE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes §166.031 provides the methods by which a municipality may amend its Charter; and

WHEREAS, Florida Statutes §166.031 provides that the governing body of a municipality may submit an ordinance containing proposed Charter amendments to the electors of such municipality at an election held for that purpose; and

WHEREAS, the City Commission convened a 2019 Charter Review Board via Resolution No. 19-76 to review the City's Charter, and the 2019 Charter Review Board submitted its recommendations for changes to the Sunrise Charter via its Final Report dated January 23, 2020; and

WHEREAS, one of the recommended changes was to revise Sections 3.12 and 3.13 of the City's Charter to require ordinances and emergency ordinances to be adopted in accordance with the procedures set forth in Florida Statutes §166.041 "Procedures for adoption of ordinances and resolutions" as set forth in Florida Statutes Chapter 166 "Municipal Home Rule Powers Act;" and

WHEREAS, the City Commission of the City of Sunrise, Florida has met, deliberated, and publicly conferred on the proposed Charter amendment and determined that it would be in the best interests of the City of Sunrise to accept such recommendation and submit it to the electorate at a referendum election called for such purpose pursuant to Florida Statutes §166.031.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA:

Section 1. A City Charter Amendment Referendum Election in the City of Sunrise, Florida shall be held in conjunction with the election to be held on November 3, 2020. The order in which the proposed charter amendments shall appear on the ballot shall be determined by Resolution of the City Commission.

Section 2. Form of Ballot. In accordance with the City Charter Amendment Referendum Election authorized above, the following question shall be placed on the ballot for the election to be held on November 3, 2020, in the following ballot form:

Charter Amendment Question No. 2

Follow State Law For Adoption of Ordinances

Shall Sections 3.12 and 3.13 of the City Charter of the City of Sunrise be amended to require that ordinances and emergency ordinances be adopted in accordance with the procedures set forth in Chapter 166, Florida Statutes?

_____ YES

_____ NO

Section 3. In the event a majority of the electors voting on such question approve this Charter Amendment Question, then Article III, Sections 3.12 and 3.13 of the City Charter of the City of Sunrise are hereby amended with additions shown in underlined text and deletions shown in ~~striketrough type~~ to provide as follows:

Section 3.12. Ordinances, Resolutions and Motions.

Ordinance means an official, legislative action of the Commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

A resolution is an expression of the Commission on matters of official concern, opinion or administration, of a temporary character, or a provision for the disposition of a particular item of the administrative business of the governing body.

(1) *Form.* Each ordinance or resolution shall be introduced in writing and shall embrace but one (1) subject and matters properly connected therewith. The subject shall be clearly stated in the title. No ordinance shall be revised or amended by

reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act, section, subsection or paragraph of a section or subsection.

(2) *Procedure.* A proposed ordinance shall be enacted in accordance with the procedures for adoption of ordinances set forth in Florida Statutes Chapter 166, as such may be amended from time to time. ~~shall be read by title or in full on the first reading, and by title or in full on the second reading on at least two (2) separate days, at either regular or special meetings of the Commission. At least seven (7)* days prior to second reading a proposed ordinance shall be advertised once by title only in a newspaper of general circulation in the city. The notice of proposed enactment shall state the date, time and place of the meeting, the title or titles of proposed ordinances and the place or places within the city where such proposed ordinances may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.~~

NOTE: ~~*City's advertising schedule conforms to state law.~~

(3) *Effective Date.* Except as otherwise provided in this Charter, every adopted ordinance shall become effective upon adoption or as otherwise specified therein.

(4) *Action Requiring an Ordinance.* In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Commission shall be by ordinance which:

- a. Alters or abolishes any city department or agency;
- b. Establish a rule or regulation the violation of which carries a penalty;
- c. Grant, renew or extend a franchise;
- d. Authorize the borrowing of money not inconsistent with limitations in constitution and general law of the state;
- e. Convey or lease or authorize by administrative action the conveyance or lease of any lands of the city.

(5) *Action by Resolution or Motion.* Other affirmative actions of the City Commission shall be by resolution or motion which shall be approved by a majority of the City Commissioners voting on the issue. Matters requiring a resolution shall be indicated by resolution or ordinance of the City or by general law. Otherwise, Commission action by motion shall be proper.

(6) An ordinance or resolution may not be amended by motion.

Section 3.13 – Emergency Ordinances.

To meet a public emergency affecting life, health, property, safety or the public peace, the Commission may adopt one (1) or more emergency ordinances, but such ordinances may not authorize the borrowing of money except as provided under the emergency appropriations provisions of Article V, Section 5.05(5), of this Charter. Such ordinances may provide for a waiver of notice and the requirement for public advertising.

(1) *Form.* An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.

(2) *Procedure.* An emergency ordinance shall be enacted in accordance with the procedures set forth in Florida Statutes Chapter 166, as such may be amended from time to time. ~~may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least a majority of a quorum of the Commission shall be required for adoption. After its adoption, the ordinance shall be published at least once in a newspaper of general circulation.~~

(3) *Effective date.* Emergency ordinances shall become effective upon adoption or at such date as may be specified in the ordinance.

(4) *Repeal.* An emergency ordinance may be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of an emergency ordinance.

The amendment in this Ordinance so approved by the voters shall then be in full force and effect as provided herein and such amendment to the City Charter shall become effective upon filing same with the Department of State of the State of Florida. In the event a majority of the electors voting upon such question shall disapprove the amendment contained herein, then said amendment shall become, thereupon, null and void.

Section 4. Voting Schedule. Voting shall take place as provided by law.

Section 5. Notice. The City Clerk of the City of Sunrise is hereby authorized and directed to advertise the referendum election contemplated herein and to coordinate all activities necessary to conduct the referendum election called for in Section 1 of this Ordinance and may authorize grammatical, typographical and formatting changes.

Section 6. Conflict. All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 7. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 8. Inclusion in the City Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Charter codified in the Code of Ordinances of the City of Sunrise, Florida.

Section 9. Effective Date. This Ordinance shall be effective immediately upon its passage.

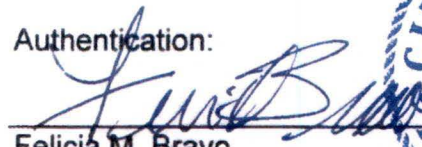
PASSED AND ADOPTED upon this first reading this 28TH DAY OF APRIL, 2020.

PASSED AND ADOPTED upon this second reading this 12TH DAY OF MAY, 2020.



Mayor Michael J. Ryan

Authentication:



Felicia M. Bravo
City Clerk



FIRST READING

MOTION: KERCH
SECOND: SCUOTTO

DOUGLAS: YEA
KERCH: YEA
SCUOTTO: YEA
SOFIELD: YEA
RYAN: YEA

Approved by the City Attorney
as to Form and Legal Sufficiency

SECOND READING

MOTION: SCUOTTO
SECOND: KERCH

DOUGLAS: YEA
KERCH: YEA
SCUOTTO: YEA
SOFIELD: YEA
RYAN: YEA



Kimberly A. Kisslan