

ORDINANCE NO. 2022-__

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, PROVIDING FOR A REFERENDUM ELECTION TO BE HELD ON NOVEMBER 8, 2022, FOR THE PURPOSE OF DETERMINING WHETHER THE CITY CHARTER SHOULD BE AMENDED; PROVIDING FOR THE PLACEMENT OF FIVE (5) REFERENDUM ITEMS ON THE BALLOT; PROVIDING THE TEXT OF THE PROPOSED CHARTER AMENDMENTS; DIRECTING THE CITY CLERK TO PROVIDE THE SUPERVISOR OF ELECTIONS WITH A COPY OF THE ORDINANCE; PUBLISHING THE REFERENDUM ITEMS IN ACCORDANCE WITH STATE LAW; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council, as the governing body of the City of Port St. Lucie, has reviewed the City's Charter and has determined that there are provisions in need of immediate attention; and

WHEREAS, pursuant to Section 166.031(1), Florida Statutes, the City Council must adopt the proposed Charter changes by ordinance, to be submitted to the electors of the City to consider and vote upon at the next general election; and

WHEREAS, the changes in the Charter will not take effect unless approved by a majority of those electors voting in the next general election; and

WHEREAS, pursuant to its review, the City Council desires to submit the following five (5) amendments to the City Charter to the electors of the City of Port St. Lucie at a referendum election to be held in conjunction with the general election to be held on November 8, 2022.

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. The above recitals are true and correct and are hereby incorporated by reference.

Section 2. In the event the Proposed Charter Amendment entitled “*Charter Amendment Governing the Filling of a Vacancy on the City Council to fill an Unexpired Term*” is approved by a majority vote at the referendum as called for in this Ordinance, Article III, Section 3.09(c) of the City of Port St. Lucie Charter shall be amended as follows:

Article III – Legislature.

* * *

Section 3.09 – Vacancies; Forfeiture of Office; Filling of Vacancies.

* * *

(c) Filling of vacancies. A vacancy of the council shall be filled in one of the following ways:

- (1) If there are fewer than ~~six (6)~~ twelve (12) months remaining in the unexpired term or if there are fewer than ~~six (6)~~ twelve (12) months before the next regular city election, the council by a majority vote, shall choose an interim successor from the district in which the vacancy occurred. The successor will serve to fill the unexpired term.*
- (2) If there are more than ~~six (6)~~ twelve (12) months remaining in the unexpired term or more than ~~six (6)~~ twelve (12) months remain before the next regularly scheduled election, the city council will schedule a special election to be held ~~no earlier than thirty (30) days and not later than ninety (90) days following the date the vacancy occurred. Should a primary election become necessary, it shall be scheduled not fewer than fifteen (15) nor more than forty (40) days before the special election~~ as required by state law and in coordination with the Supervisor of Elections. Notwithstanding Section 5.04 of this Charter, for the purpose of filling a vacancy, only one special election shall be held and the single candidate with the highest number of votes shall prevail. Should at any time the council membership be reduced to less than a quorum, the remaining council members will appoint additional members to serve, subject to filling the vacancies as described above.*

Section 3. In the event the Proposed Charter Amendment entitled “*Charter Amendment Governing the Procedures of City Council Meetings*” is approved by a majority vote at the referendum as called for in this Ordinance, Article 3, Section 3.10(c) of the City of Port St. Lucie Charter shall be amended as follows:

Article III – Legislature.

* * *

Section 3.10 – Procedure.

* * *

(c) Voting. ~~Voting, on ordinances and resolutions, shall be by roll call on final action and shall be recorded in the minutes of the proceeding.~~ A majority of the council shall constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council except as otherwise provided in the preceding sentence and in section 3.10, shall be valid or binding unless adopted by the affirmative vote of a majority of the council.

Section 4. In the event the Proposed Charter Amendment entitled “*Charter Amendment Governing the Rules of Advisory Boards and Committees*” is approved by a majority vote at the referendum as called for in this Ordinance, Article III, Section 3.11 of the City of Port St. Lucie Charter shall be amended as follows:

Article III – City Council.

* * *

Section 3.11 – Municipal Committees.

* * *

The City Council may, by a majority vote, establish Advisory Committees to work on matters affecting the City of Port. St. Lucie, Florida. Any resident of the City is eligible to serve on such a committee. No elected official shall be permitted to serve as a member of any committee established under this section. ~~Each committee established under this section shall adopt its own rules and procedures, and set up its own internal regulations for periodic meetings, minutes, and reporting back their findings to the City Council.~~ Council shall establish by resolution the bylaws,

rules, procedures and reporting requirements of each board and committee within the City.

When establishing such Advisory Committees, the City Council shall set forth the tenure and duties of the members thereon.

Section 5. In the event the Proposed Charter Amendment entitled “Charter Amendment Governing the Publication of Hearing Notices for Ordinances” is approved by a majority vote at the referendum as called for in this Ordinance, Article IX, Section 9.10 of the City of Port St. Lucie Charter shall be amended as follows:

Article IX – Powers of the City.

* * *

Section 9.10 – Ordinances in General.

* * *

(b) Procedure. An ordinance may be introduced by any member at any regular or special meeting of the council. Upon introduction of any ordinance, the city clerk shall distribute a copy to each council member and to the manager, shall file a reasonable number of copies in the office of the city clerk and such other public places as the council may designate, and shall publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the council. The public hearing shall follow the publication by at least seven ~~(7)~~ (10) days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the hearing, the council may adopt the ordinance with or without amendment or reject it but, if it is amended as to any matter of substance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required in the case of a newly introduced ordinance.

* * *

(d) Publish defined. As used in this section, the term "publish" means to print or post, in one or more newspapers of general circulation in the city as allowed by state law, (1) the ordinance by title, and (2) the places where copies of it have been filed and the time when they are available for public inspection.

Section 6. In the event the Proposed Charter Amendment entitled “Charter Amendment Governing the Planning & Zoning Board” is approved by a majority vote at

the referendum as called for in this Ordinance, Article XII of the City of Port St. L Charter shall be amended as follows:

Article XII – Planning and Zoning.

Sec. 12.01 – Planning and Zoning Board.

There shall be a planning and zoning board to operate within the City of Port St. Lucie, which shall serve as the city’s Local Planning Agency as required by Section 163.3174, Florida Statute Florida, for the purpose of procuring and suggesting plans for the zoning and arrangement of the city, with a view to its general improvement and probable growth and demands.

~~*Sec. 12.02. – Composition of the Planning and Zoning Board.*~~

~~*Composition of the board shall be as provided for by ordinance.*~~

~~*Sec. 12.03. – Removal of board members.*~~

~~*Any member of the Planning and Zoning Board may be removed by a vote of the City Council either with or without cause. The Planning and Zoning Board, by a majority vote of the Board, shall recommend new members to be considered for appointment by the City Council.*~~

~~*Sec. 12.04. – Planning and zoning board recommendations to the city council.*~~

~~*The Planning and Zoning Board shall make recommendations to the City Council pertaining to all items relating to planning and zoning before any council action may be taken.*~~

~~*Sec. 12.05. – Adoption of procedures.*~~

~~*The City Council shall, by ordinance, set forth the procedures for meeting, records, absences, and voting for the Planning and Zoning Board meetings.*~~

Section 7. Five (5) proposed ballot questions shall be presented to the electorate of the City of Port St. Lucie at the general election on November 8, 2022. The wording and title of the ballot questions to appear on the ballot on the date of the November 8, 2022 election, as embodied in this Ordinance, shall be as follows:

BALLOT
City of Port St. Lucie, Florida
Municipal Election

**CHARTER AMENDMENT GOVERNING THE
FILLING OF A VACANCY ON THE CITY COUNCIL
TO FILL AN UNEXPIRED TERM**

Shall the Charter of the City of Port St. Lucie be amended to provide that a vacancy on the City Council resulting in an unexpired term of twelve (12) months or longer shall be filled by a single special election, administered by the Supervisor of Elections as required by state elections law, eliminating the run-off election only in cases of filling a midterm vacancy?

_____ **Yes**
_____ **No**

**CHARTER AMENDMENT GOVERNING THE
PROCEDURES OF CITY COUNCIL MEETINGS**

Shall the Charter of the City of Port St. Lucie be amended to require majority consensus voting on every item of business considered by the City Council, eliminating roll-call voting?

_____ **Yes**
_____ **No**

**CHARTER AMENDMENT GOVERNING THE RULES
OF ADVISORY BOARDS AND COMMITTEES**

Shall the Charter of the City of Port St. Luce be amended to require the City Council to establish by resolution the bylaws, rules, procedures and reporting requirements of boards and committees of the City?

_____ **Yes**
_____ **No**

**CHARTER AMENDMENT GOVERNING THE
PUBLICATION OF HEARING NOTICES FOR ORDINANCES**

Shall the Charter of the City of Port St. Lucie be amended to require the publication of the date and time of the public hearing on every ordinance, in print or online as allowed by state law, at least ten (10) days prior to the public hearing on the ordinance?

_____ Yes
_____ No

**CHARTER AMENDMENT GOVERNING
THE PLANNING & ZONING BOARD**

Shall the Charter of the City of Port St. Lucie be amended to designate the City's Planning & Zoning Board as the Local Planning Agency of the City, as required by Florida Statute, and establishing operating procedures by ordinance?

_____ Yes
_____ No

Section 8. The City Clerk is hereby directed to instruct the Supervisor of Elections of St. Lucie County to include each of the five (5) ballot questions described in Section 7 of this Ordinance on the ballot for the general election to be held on November 8, 2022, throughout the City of Port St. Lucie. The places of voting in such election shall be the polling place of each precinct in the general election, which polls shall be open from 7:00 a.m. to 7:00 p.m. on November 8, 2022. All duly qualified electors of the City of Port St. Lucie shall be entitled to participate in and vote at such election.

Section 9. As required by section 100.342, Florida Statutes, at least 30 days notice of the forthcoming referendum, including its purpose and eligibility requirements for

voting, shall be published by the City Council in a newspaper of general circulation in the City, at least twice, once in the fifth week and once in the third week prior to the week in which the election is to be held. Such notice shall contain the text of the proposed ballot questions.

Section 10. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

Section 11. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Charter of the City of Port St. Lucie, if approved by a majority of the electors voting in the November 8, 2022, election.

Section 12. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Port St. Lucie that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

Section 13. This Ordinance shall become effective immediately upon final adoption on second reading.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie.

Florida, this ___ day of _____, 2022.

**CITY COUNCIL
CITY OF PORT ST. LUCIE**

By: _____
Shannon M. Martin
Mayor

ATTEST:

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Sally Walsh,
City Clerk

James D. Stokes
City Attorney