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**CITY OF LABELLE
ORDINANCE 2019-26**

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AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, CALLING FOR AND ORDERING A BINDING REFERENDUM TO BE HELD IN THE CITY OF LABELLE ON MARCH 17, 2020; TO DETERMINE WHETHER A MAJORITY OF THE ELECTORS VOTING IN SUCH REFERENDUM ARE IN FAVOR OF CERTAIN PROPOSED CHARTER AMENDMENT; ESTABLISHING THE DATE OF THE REFERENDUM FOR THE CHARTER AMENDMENT TO BE HELD ON MARCH 17, 2020; REQUESTING THAT THE HENDRY COUNTY SUPERVISOR OF ELECTIONS CONDUCT THE ELECTION IN ACCORDANCE WITH THE APPLICABLE LAWS AND REGULATIONS; PROVIDING BALLOT LANGUAGE; DIRECTING THAT THE NOTICE OF ELECTION BE PREPARED AND PUBLISHED; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR SEVERABILITY, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, the City of LaBelle was incorporated in 1925 by Special Act of the Florida Legislature Laws of Florida Chapter 11580 approved by the Governor on November 23, 1925; and

WHEREAS, Chapter 166, Florida Statutes, provides for the methodology for Charter amendments where such amendments may be submitted to a referendum vote by the municipal governing body, in an ordinance format; and

WHEREAS, since incorporation Section 17 of the City Charter has required that the terms of city commissioners shall be fixed at two (2) years; and

WHEREAS, the Hendry County Supervisor of Elections has reported to the City Commission that voter participation rates historically been low during odd year elections where no statewide or national election coincides with the City election; and

WHEREAS, the Supervisor has also provided the City Commission with historical data indicating that no contested election has resulted in the removal of an incumbent Commissioner in recent memory; and

WHEREAS, the in consideration of the Supervisor's data and recommendations, the City Commission desires put to the electors whether the Commission's terms should be set at four (4) years to coincide with state, federal, and countywide even-year elections to encourage greater participation in government by potential candidates and the electorate; and

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WHEREAS, on November 14, 2019 the City Commission conducted a first reading of this Ordinance to ascertain whether amendments changing portions of the initial Charter should be considered by the electors at a referendum on the March 17, 2020 ballot; and

WHEREAS, pursuant to Section 166.031, Florida Statutes, and following the City Commission’s review, the City of LaBelle has caused the final drafting and preparation of the proposed amendments to the City Charter for submission to the electors of the City in a duly called and held referendum.

THE CITY OF LABELLE HEREBY ORDAINS:

SECTION 1. The above recitals are true and correct and incorporated herein by this reference.

SECTION 2. The City Commission hereby calls for and orders the holding of a binding referendum for the qualified electors of the City of LaBelle to be held on March 17, 2019 to decide whether a majority of the electors voting therein approve to amend the Charter as proposed. All qualified electors residing in the City of LaBelle on the date thereof shall be entitled and permitted to vote in such referendum.

SECTION 3. The Hendry County Supervisor of Elections shall conduct the referendum. Balloting shall occur at regular times and places for City elections or as otherwise provided by the Hendry County Supervisor of Elections in accordance with applicable law. Early voting may be provided as authorized by law.

SECTION 4. The City of LaBelle shall reimburse the Hendry County Supervisor of Elections for any costs of the referendum.

SECTION 5. The notice of the election shall be published in accordance with Section 100.342, Florida Statutes, in a newspaper of general circulation within the City at least thirty (30) days prior to the election. The first publication to be in the fifth week prior to the election with the second in the third week prior to the election.

SECTION 6. The proposed ballot titles and questions for each Referendum Item proposed herein to be placed on the ballot are fully described below; however the City Council reserves the right to further amend the ballot titles and questions, but not the Charter amendments themselves, if necessary to clarify the intent of the proposed revisions for the voting public; any such proposed changes must be made by Resolution of the Council prior to ballot finalization by the Hendry County Supervisor of Elections. The ballot language shall be as follows:

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**OFFICIAL BALLOT
CHARTER AMENDMENTS
CITY OF LABELLE, HENDRY COUNTY, FLORIDA**

**CHARTER AMENDMENT ONE
TERMS OF OFFICE**

Section 17 of the City Charter shall be clarified and amended to change the terms for future Mayors and Commissioner from two (2) year to four (4) year terms. This change does not extend the current terms of any elected official.

YES
NO

SECTION 7. The proposed amendment to the Charter is attached as Exhibit “A” to this Ordinance, and is incorporated into this Ordinance.

SECTION 8. The appropriate city officials are hereby authorized and directed to take such actions as necessary to effectuate the provisions of this Ordinance and provide public notice of the referendum in accordance with law.

SECTION 9. This Ordinance shall take effect thirty (30) days from its adoption date.

[REMAINDER OF THE PAGE IS BLANK]

127 **PASSED AND DULY ADOPTED** this 12th day of December, 2019.

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ATTEST:

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*****SEE CLERK FOR SIGNED VERSION*****

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By: _____

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Thomas A. Smith, Clerk-Commissioner

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Vote:

AYE

NAY

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Mayor Lyons

 X

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Commissioner Smith

 X

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Commissioner Wilkins

 X

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Commissioner Akin

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Commissioner Zimmerly

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CITY COMMISSION OF THE CITY OF
LABELLE, FLORIDA
*****SEE CLERK FOR SIGNED VERSION*****

By: _____
David A. Lyons, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

*****SEE CLERK FOR SIGNED VERSION*****

By: _____
Derek Rooney, City Attorney

EXHIBIT A
CHARTER REFERENDA AMENDMENT

The proposed referenda language would amend the City of LaBelle City Charter, as shown by strikethroughs to delete existing text and by underlining new text, as indicated below.

Sec. 17. - When held; terms of elective officers; initial election.

(a) There shall be an election held on the third Tuesday in July, A.D. 1926, and on the third Tuesday in July, in each year thereafter.

(b) The term of the elective officers shall begin on the first Tuesday of the month following in August after their election and certification of results, and all officers shall hold office thereafter for a term of four (4) ~~two (2)~~ years.

~~(c) The elective officers of the said city shall be the members of the said city commission; provided, however, that the office of two (2) of the present members of the city commission shall expire on the first Tuesday in August, A.D. 1926, and their successors shall be elected at the election to be held on the third Tuesday of July, A.D. 1926. Prior to the first day of June, A.D. 1926, the present members of the city commission shall meet with the city marshal and the city marshal shall at the usual meeting place of the city commission, in the presence of all members of the city commission, decide by lot which two (2) members of the existing city commission shall have their terms of office expire on the third Tuesday in August, A.D. 1926, and the city clerk-commissioner shall keep a full record of proceedings of such meetings and the manner in which the lot was determined, which minutes shall be recorded in the minute book of the city commission of the City of LaBelle and all the members of the city commission of the City of LaBelle, together with the city marshal shall sign the said minutes provided, however, that the failure of any city commissioner to sign the same will not invalidate the proceedings.~~