

ORDINANCE 24-21

AN ORDINANCE OF THE CITY OF DUNEDIN, FL SUBMITTING TO THE CITY ELECTORS A PROPOSED AMENDMENT TO SECTIONS 1.02, 1.03, 4.01, 4.06, 5.03, 5.04, 5.06, AND 5.09 OF THE CITY CHARTER TO CORRECT THE USE OF IMPROPER GRAMMAR AND PUNCTUATION, REFORMAT, RENUMBER, AND CORRECT INTERNAL REFERENCES TO SECTIONS WITHIN THE CHARTER; PROVIDING FOR A REFERENDUM ELECTION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission for the City of Dunedin ("City") appointed a Charter Review Committee to review the City Charter pursuant to Section 6.03 of the City Code of Ordinances; and

WHEREAS, the Charter Review Committee conducted a complete review of the City Charter, having received input from the public and City staff; and

WHEREAS, the Charter Review Committee submitted a report to the City Commission recommending various amendments to the City Charter be presented to the voters; and

WHEREAS, the City Commission wishes to call an election to allow the City's electorate to vote on the proposed changes to the City Charter at the next general Municipal election on November 5, 2024; and

WHEREAS, the City Commission desires to renumber Sections 1.02 Acquisition and Disposal of Property; Eminent Domain and 1.03 Construction such that the section on Construction appears in the Charter before the section on the Acquisition and Disposal of Property; Eminent Domain; and

WHEREAS, the City Commission desires to revise Section 4.01 to correct an improper use of grammar to identify that following a City Manager's absence or disability the City Commission may appoint another person to serve until the Manager returns or the disability "ceases" instead of using the current language, which states until the "disability shall cease"; and

WHEREAS, the City Commission desires to revise Section 4.06 to correct a punctuation error and to provide that the Commission shall establish personnel procedures and rules; and

WHEREAS, Section 5.03 of the City Charter should be re-organized so as to more succinctly state its intended meaning; and

WHEREAS, Sections 5.04 and 5.06 of the City Charter need to be amended to correct grammatical and punctuation clerical errors; and

WHEREAS, Section 5.09 of the City Charter should be amended to correct various grammatical errors; and

WHEREAS, the City Commission wishes to call an election to allow the City's electorate to vote on the proposed changes to the City Charter correcting the improper grammar and punctuation and to utilize the proper cross references within the Charter, at the next general City election on November 5, 2024.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED

Section 1. The above recitals are factual, correct, and incorporated by reference as the findings of the City Commission memorializing the factual basis and public purpose for proposing the amendment pursuant to section 166.031, Florida Statutes.

Section 2. That Sections 1.02 and 1.03 of the Charter of the City of Dunedin shall be amended to be renumbered and read as follows:

Section 1.023. - Acquisition and Disposal of Property; Eminent Domain.

The City shall have the power to acquire by purchase, gift, devise, condemnation or otherwise, property real or personal, or any estate or interest therein, within or without the City, and for any of the purposes of the City, and to improve, sell, lease, mortgage, pledge or otherwise dispose of the same or any part thereof, provided that the purchase or sale of any real property shall require the affirmative vote of four-fifths ($\frac{4}{5}$) of the full City Commission.

Notwithstanding any other provisions of this Charter or other law providing for the use of the power of eminent domain, the City shall not use the power of eminent domain to take private property for the purpose of making the property so taken available for a private commercial, financial, retail or industrial enterprise. The city may only use the power of eminent domain to take private property if such property is to be owned by the City and used for a public purpose.

Section 1.032. - Construction.

The powers of the City shall be construed liberally, limited only by the Florida State Constitution, General Law, and specific limitations contained herein. Special acts pertaining to the jurisdiction and exercise of powers by this City shall be considered amendments to this Charter, and pursuant to the provisions adopted for incorporation of other charter amendments, shall be incorporated as official amendments to the Charter.

Section 3. That Section 4.01 of the Charter of the City of Dunedin shall be amended to read as follows:

Section 4.01. - City Manager.

As the Chief Executive Officer of the City, the City Manager shall have sole responsibility for the appointment and removal of all City employees, the management and supervision of all City departments, and shall see that all laws, provisions of this Charter and acts of the City Commission, subject to the enforcement or administration by the Manager, or by employees under the supervision and control of the Manager, are faithfully executed.

The City Manager shall be appointed by the City Commission for an indefinite term by a four-fifths vote of the City Commission. The City Manager may be removed by a four-fifths vote of the City Commission. The compensation of the City Manager shall be determined by the City Commission.

The City Manager shall file a letter with the City Commission designating a qualified administrative person to exercise the powers and duties of the City Manager during any extended absence or disability. The City Commission may revoke such designation at any time and appoint another person to serve until the Manager returns or the disability shall ceases.

Except as provided herein, neither the City Commission nor any member of the City Commission shall, in any manner, dictate the appointment or removal of any employee whom the City Manager is empowered to appoint. However, the City Commission or any member may express its views and fully and freely discuss with the City Manager anything pertaining to the appointment or removal of any employee. The City Manager shall take direction only from the City Commission and not from an individual member of the Commission.

Except for the purpose of formal inquiries or investigation, the City Commission shall deal with City employees who are subject to direction and supervision of the City Manager solely through the City Manager. Members of the City Commission shall be entitled to request information from Department Heads directly. The City Manager may direct employees to fully and freely discuss matters requested by the City Commission, or any member thereof, with the City Commission or such member.

The City Manager shall prepare and submit to the City Commission an annual budget and capital program and, after approval of the City Commission, administer the same.

Any other duties of the City Manager shall be as provided by the City Commission by ordinance, resolution, or specific direction.

The power and authority of the City Manager is expressly limited to that herein described and the City Manager shall enter into no agreements, negotiations or other arrangements with any groups, organizations, governmental bodies or individuals requiring policy making decisions by the City Commission without the prior knowledge and approval of that body.

Section 4. That Section 4.06 of the Charter of the City of Dunedin shall be amended to read as follows:

Section 4.06. Personnel System.

All appointments and promotions of City employees except those specifically exempted by ordinance, shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence and to this end, the Commission shall, establish personnel procedures and rules.

Section 5. That Section 5.03 of the Charter of the City of Dunedin shall be amended to read as follows:

Section 5.03 - Elections.

The regular election of Mayor and Commissioners shall be held on the first Tuesday following the first Monday in November of every year in which an election is held in the manner provided in Article V of this Charter and shall be for four (4) year terms.

In one election, the qualified electors shall elect two (2) Commissioners; in the following even numbered year election the qualified electors shall elect a Mayor and two (2) Commissioners, and thereafter, elections will fall on even numbered years. Future elections shall be held in the same sequence.

~~Future elections shall be held in the same sequence. Candidates for the office of City Commissioner shall qualify for a single numbered specific seat.~~

Candidates for the office of City Commissioner shall qualify for a single numbered specific seat. In the first year in which an election (i.e. March 8, 2011) for Commissioners is held, the qualified electors shall elect two (2) Commissioners, one for seat two (2) and one for seat four (4) to serve for a

term of three (3) years; and thereafter seats two (2) and four (4) shall serve for a term of four (4) years.

In the following election (i.e. November 6, 2012), the qualified electors shall elect a Mayor and two (2) Commissioners, one for seat one (1) and one for seat three (3) to serve for a term of four (4) years.

The candidate receiving the highest number of votes for the numbered seat shall be declared elected, if otherwise qualified.

The candidates so elected shall assume their offices at a Special City Commission meeting on the second Monday following the election.

No person shall be eligible as a candidate for Mayor who has been elected to two (2) consecutive full four year terms as Mayor immediately preceding the general election for Mayor; and no person shall be eligible as a candidate for Commissioner who has been elected to two (2) consecutive full four year terms as Commissioner without waiting until the next election (i.e. sit out for two years to become eligible.)

Any Commissioner who has served for two (2) consecutive full four year terms as Commissioner will be eligible as a candidate for the next Mayoral election.

The Mayor, after two consecutive full four year terms as Mayor, will not be eligible to run for Commissioner without waiting until the next election.

Section 6. That Section 5.04 of the Charter of the City of Dunedin shall be amended to read as follows:

Section 5.04. - Election Ordinance.

The City Commission shall, by City Ordinance, define and describe the voter and candidates' qualifications, rules and methods of conducting elections within the City of Dunedin.

Section 7. That Section 5.06 of the Charter of the City of Dunedin shall be amended to read as follows:

Section 5.06. - Initiative Ordinance.

The qualified voters of the City shall have the power to propose ordinances to the City Commission provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of City employees. If the City Commission

fails to adopt the proposed ordinance or an agreeable modification thereof, the voters shall have the power to adopt or reject it at a City election.

Section 8. That Section 5.09 of the Charter of the City of Dunedin shall be amended to read as follows:

Section 5.09. - Initiative and Referendum Ordinance Proceedings.

Any five (5) qualified voters may commence initiative or referendum proceedings by filing an affidavit with the City Clerk, stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed ordinance to be voted upon. Promptly after the affidavit of the petitioners' committee is filed, the Clerk may, at the committee's request, issue the appropriate petition blanks to the petitioners' committee.

(a) Petitions:

(1) *Number of Signatures.* Initiative or referendum ordinance petitions must be signed by qualified voters of the City equal in number to at least fifteen percent (15%) of the total number of qualified voters registered to vote at the last regular City election.

(2) *Form and Content.* All papers [pages] of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain, or have attached thereto throughout their circulation, the full text of the ordinance proposed or sought to be reconsidered.

(3) *Affidavit of Circulator.* Each paper [page] of a petition shall have attached to it when filed, an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(4) *Time for Filing Referendum Petitions.* Referendum petitions must be filed within sixty (60) days after adoption by the City Commission of the ordinance sought to be reconsidered.

(b) Procedure After Filing:

(1) *Certificate of Clerk; Amendment of Petition.* Within ten (10) days after the petition is filed, the City Clerk or other official designated by

the City Commission shall complete a certificate as to its sufficiency; or if insufficient, shall specify the particulars wherein it is defective and promptly send a copy of the certificate to the petitioners' committee by registered mail. The only grounds for insufficiency is failure to comply with subsection (a), or subject matter limitations set forth in Sections ~~5.05 and 5.06~~ 5.06 and 5.07. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the Clerk or other official designated by the City Commission within two (2) days after receiving the copy of the certificate of insufficiency and files a supplementary petition with additional signatures within (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsection 2 and 3 of subsection (a) and, within five (5) days after it is filed, the Clerk or other official designated by the Commission shall complete a certificate as to the sufficiency of the petition as amended and send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request City Commission review within the time required, the Clerk or other official designated by the City Commission shall promptly present the certificate to the City Commission and the certificate shall then be a final determination as to the sufficiency of the petition. The City Clerk shall be paid by the petitioners' committee the amount set by the County Supervisor of Elections for verification of the names on the petition.

(2) *City Commission Review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the City Commission. The City Commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the City Commission's determination shall then be a final determination as to the sufficiency of the petition.

Section 9. A referendum election is hereby called and will be held on the 5th day of November, 2024, at the general City election to be held on said date, for the consideration by the voters of the City of Dunedin the proposed amendment to the City Charter. The question to appear on the referendum ballot reflecting the proposed amendment to the City Charter at the election scheduled for November 5, 2024 shall be as follows:

**REVISING MULTIPLE CHARTER SECTIONS TO
RENUMBER AND CORRECT FORMATTING,
CROSS-REFERENCES, GRAMMATICAL AND
PUNCTUATION ERRORS**

Should Sections 1.02, 1.03, 4.01, 4.06, 5.03, 5.04, 5.06, and 5.09 of the City Charter be amended to renumber two sections, correct improper grammar and punctuation, reformat paragraphs without changing the language, and correct internal references to sections within the City Charter, as described in Ordinance No. 24 - 21?

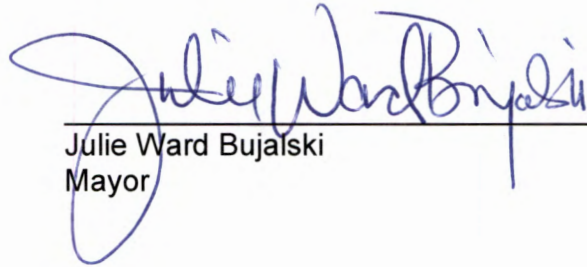
_____ YES - For the amendment

_____ NO - Against the amendment

Section 9. The City Clerk is directed to notify the Pinellas County Supervisor of Elections that the referendum items provided above shall be considered at the City's general election to be held on November 5, 2024.

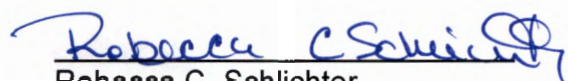
Section 10. This Ordinance shall be published in accordance with the requirements of law and shall take effect immediately upon its passage and enactment. The amendments to the City Charter provided for herein shall take effect only upon approval of a majority of the City electors voting at the referendum election on this ballot question and upon the filing of the amended Charter with the Secretary of State in accordance with the requirements of law. Upon taking effect, this Ordinance shall be codified and made part of the Charter of the City of Dunedin, Florida.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN,
FLORIDA, THIS 25th DAY OF July, 2024.



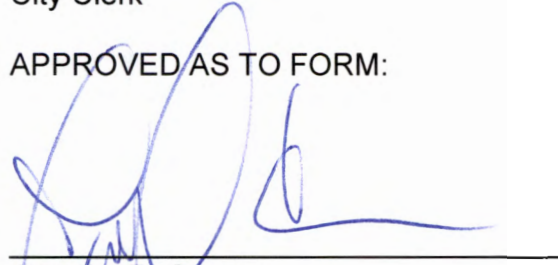
Julie Ward Bujalski
Mayor

ATTEST:



Rebecca C. Schlichter
City Clerk

APPROVED AS TO FORM:



Jennifer R. Cowan
City Attorney

READ FIRST TIME AND PASSED:

June 20, 2024

READ SECOND TIME AND PASSED:

July 25, 2024