

ORDINANCE NO. 02-2022

AN ORDINANCE OF THE CITY OF GULF BREEZE, FLORIDA, CALLING FOR AN ELECTION TO BE HELD ON NOVEMBER 8, 2022, PROVIDING FOR SUBMISSION TO THE ELECTORS FOR APPROVAL OR DISAPPROVAL OF A PROPOSAL TO REPEAL AND REPLACE THE EXISTING CITY CHARTER WITH A NEW COMPREHENSIVELY REWORDED CITY CHARTER THAT MAINTAINS THE CITY'S COUNCIL-MANAGER FORM OF GOVERNMENT, CHANGES THE TERM OF THE MAYOR TO FOUR YEARS, AND UPDATES OTHER PROVISIONS AS STATED HEREIN BELOW; ESTABLISHING BALLOT TITLES AND SUMMARIES; PROVIDING FOR CONFORMANCE; PROVIDING SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes, Section 166.031(1) provides, in part, that “[t]he governing body of a municipality may, by ordinance, . . . submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter except that part describing the boundaries of such municipality”; and

WHEREAS, through the adoption of Resolution 57-2019 on December 16, 2019, the City Council of the City of Gulf Breeze created a Charter Review Committee to review the current Charter of the City of Gulf Breeze and make recommendations as to any changes to the City Charter; and

WHEREAS, the Charter Review Committee met a total of seven times starting on January 29, 2020, held two public workshops in March of 2020, considered information from the Florida League of Cities and other sources on the purpose of a Charter and the review process, reviewed the Charters of ten other municipalities similar to Gulf Breeze, thoroughly reviewed each section of the Gulf Breeze Charter, and worked with the City staff and City Attorney to draft a comprehensively worded restated Charter that maintains the City’s Council-Manager form of government, changes the term of the Mayor to four years, and updates other provisions; and

WHEREAS, at its meeting on June 8, 2022, the Charter Review Committee finalized the proposed restated City Charter; and

WHEREAS, the Charter Review Committee recommended the proposed restated Charter to the City Council in a joint workshop of the Council and Charter Review Committee on May 16, 2022; and

WHEREAS, the proposed restated City Charter is required to be submitted to the electors of the City of Gulf Breeze for their consideration and approval before becoming effective;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF BREEZE AS FOLLOWS:

SECTION 1. Election Referendum Set. The City Council calls for the holding of a referendum of the electors of the City of Gulf Breeze on November 8, 2022, to consider and vote for or against the approval of the proposed City Charter revisions as herein below approved by the City Council.

SECTION 2. Ballot Titles and Summaries. The ballot title and summary to appear on the ballot of the referendum on the proposed City Charter revisions shall be:

**CITY OF GULF BREEZE
CHARTER REVISION QUESTION**

**CHARTER AMENDMENT
RELATING TO A NEW CITY CHARTER FOR THE CITY OF GULF BREEZE,
FLORIDA**

Shall the current City Charter be repealed and replaced with a comprehensively restated Charter that conforms to municipal home rule powers granted by Florida Law; maintains the City’s Council-Manager form of government; changes the term of the Mayor to four years; describes and clarifies the duties, responsibilities and authority of City officials; and updates other provisions and language?

- YES For adopting the restated City Charter**
 NO Against adopting the restated City Charter

SECTION 3. Publication of Notice. The appropriate officials shall cause to be published in a newspaper of general circulation in the City the notices of the referendum required by Florida law.

SECTION 4. Charter Amendments. In the event the foregoing Charter Revision Question (Section 2 above) is approved by a majority of the electors voting on the proposal, on November 8, 2022, the existing Charter included as Exhibit “A” hereto shall be repealed in its entirety, depending on the results of the referendum (provided that all extra territorial powers of the City conferred by special act or otherwise are preserved and can be repealed or modified only by further referendum or as otherwise provided by law) and the following new Charter for the City of Gulf Breeze shall in its entirety, depending on the results of the referendum, replace the existing Charter and become effective on January 1, 2023:

CHARTER FOR THE CITY OF GULF BREEZE

ARTICLE I. PURPOSE OF CHARTER AND GENERAL POWERS OF THE CITY

Section 1.01. Purpose of Charter.

We, the people of the City of Gulf Breeze, Florida, desiring to affirm our right to a home rule charter form of government, do ordain and adopt, in accordance with the constitution and laws of the State of Florida, this organic structure as our form of government for the City of Gulf Breeze, Florida.

Section 1.02. General Powers and Corporate Existence.

The municipal corporation now existing and known as the City of Gulf Breeze ("City"), located in Santa Rosa County, Florida, within the boundaries hereinafter described, shall continue to be a body politic and corporate, and shall have on behalf of its citizens all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services, and may on behalf of its citizens exercise any power for municipal purposes except when expressly prohibited by law.

Section 1.03. Construction.

The powers of the City established under this Charter on behalf of its citizens shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power of the City as granted in this Article to act on behalf of its citizens.

ARTICLE II. CORPORATE BOUNDARIES

Section 2.01. Corporate Boundaries.

(a) The corporate boundaries of the City of Gulf Breeze shall remain as they exist on the date this Charter takes effect, as follows:

Beginning at the southeasterly corner of partial Section 2, Township 3 South, Range 29 West; thence northwesterly along the eastern boundary of said Section 2 to the southeasterly corner of Section 34, Township 2 South, Range 29 West; thence northwesterly along the easterly boundary of said Section 34 to the northeasterly corner of said Section 34; thence southwesterly along the northerly boundary of said Section 34 to the northwesterly corner of said Section 34; thence northwesterly along

an extension of the westerly boundary of said Section 34 to the Santa Rosa County line; thence southwesterly, southerly, southeasterly and easterly along the meandering Santa Rosa County line to a point on said county line intercepting an extension of the eastern boundary of partial Section 2, Township 3 South, Range 29 West; thence northerly along said line to the point of beginning.

(b) The City shall have the power to change its boundaries consistent with the requirements of Florida law.

ARTICLE III. COMPOSITION OF CITY GOVERNMENT

Section 3.01. Form of Government.

The City shall remain a Council-Manager form of government, under which there shall be a City Council (hereinafter the "Council"), which shall enact local legislation, adopt budgets, determine policies, and appoint a City Manager and a City Attorney as hereinafter prescribed. Except as limited in this Charter, the City Manager shall execute the policies and laws established by the Council and administer the government of the City.

Section 3.02. Council, Election and Terms, Procedures.

(a) The Council shall be comprised of five (5) members, who shall serve as the collective head of the City government. All members of the Council shall be elected at large by a majority vote of the qualified voters of the City voting in the general election. One council office shall be the office of Mayor. The other four (4) council offices shall be designated by separate seats ("A," "B," "C," and "D"). All members of the Council, including the Mayor, shall take office thirty (30) days after the general election in which they are elected.

(b) The terms of each Council office shall be four (4) years. Terms of office for members of the Council other than the office of Mayor shall be staggered such that two offices of Council are elected for their four (4) year terms at the general election every two (2) years. The first four (4) year term of the office of Mayor shall commence with the general election of 2024.

(c) All elected officials who are in office at the time of adoption of this Charter shall continue in office until the terms to which they were previously elected expire or are otherwise limited or terminated; and, for such additional consecutive terms for which they seek and win election. Nothing in this Charter, except as specifically provided herein, shall affect the rights, privileges, or immunities of elected or appointed officials existing at the time of adoption of this Charter.

(d) No person shall be elected to the Council who is not a qualified elector and resident of the City. A member ceasing to possess any of the qualifications specified in this section, convicted of a felony while in office, or fails to attend three (3) consecutive meetings of the Council unless such absence is excused by vote of the Council, shall immediately forfeit their office.

(e) Vacancies in any elective office of the City during the term of the officeholder shall be filled by vote of the Council and the person selected shall serve until the next general election of the City.

(f) No salary in excess of one dollar (\$1.00) per year, shall be paid to the Council or Mayor.

(g) The Council shall meet regularly at such times and places as the Council may prescribe by Ordinance. The Council shall determine its own meeting rules and order of business and shall keep minutes of all proceedings.

(h) A majority of the members of the Council physically present at a meeting shall constitute a quorum to do business. The affirmative vote of a majority of a quorum present shall be necessary to enact any ordinance, adopt any resolution, or otherwise take action.

(i) The Council shall provide for an independent annual audit of all City accounts consistent with the requirements of Florida law and may provide for more frequent audits as it deems necessary.

(j) The Council shall adopt by Ordinance a Procurement Code to provide for: 1) the method of making contracts and incurring obligations for the operation of the City; 2) thresholds requiring approval of expenditures through Council action; and 3) adoption by resolution of purchasing policies and procedures to guide City officials and employees in their procurement of goods and services for the City.

Section 3.03. Mayor.

(a) The Mayor shall preside at all meetings of the Council, and shall perform the duties commensurate with such office, including execution of contracts and agreements as authorized by the Council, and which duties may include representing the collective Council when the Council is not in session and representing the City in interlocal matters unless the Council appoints another Council member for such representation.

(b) A Mayor Pro Tem of the City shall be elected by a majority of the Council from one of its members within a period of forty-five (45) days after the election. During the absence or disability of the Mayor, the Mayor Pro Tem shall act as Mayor and shall perform the duties commensurate with such office.

Section 3.04. City Administration and Appointed Officers.

(a) The City Manager and the City Attorney shall be appointed by the Council and each shall hold office at the pleasure of the Council. No person holding elective office shall be eligible for municipal appointive office. The Council shall set the compensation for the City Manager and the City Attorney.

(b) The City Manager shall be responsible to the Council for the proper administration of all affairs of the City, and shall have the power and be required to:

- (1) Keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City, including matters involving budget and procurement, as deemed by the City Manager to be in the best interests of the City;
- (2) Adhere to procurement limits established in any and all Procurement Code(s) and procedures as may be adopted by the council;
- (3) Be responsible for the hiring, supervision, and removal of all City employees, except as otherwise provided in this Charter;
- (4) Direct all departments of the City, but not City boards or agencies, unless so directed by the Council from time to time;
- (5) Attend Council meetings and have the right to take part in discussion, but with no right to vote;
- (6) Ensure that all City ordinances, policies, provisions of this Charter and acts of the Council are faithfully executed; and
- (7) Perform such other duties as may be required by the Council.

(c) The City Attorney shall report to the Council and shall be the chief legal advisor to all offices and departments of the City in matters relating to their official powers and duties. Nothing contained herein shall prohibit the City or its duly constituted officials from employing special counsel and compensating the same as may be necessary.

(d) The City Clerk, Police Chief, and Fire Chief shall be appointed by the City Manager, but they shall take their oath of office before the Council. Deputies may also be appointed by the City Manager to perform the duties of these officers in their absence.

Section 3.05. City Boards and Authorities.

(a) Unless otherwise provided by law, the Council shall establish or terminate by Ordinance such boards and authorities as it may deem advisable from time to time.

(b) Unless otherwise provided by law, the Council shall determine membership and removal from City boards and authorities.

Section 3.06. Code of Ethics.

All members of the Council, members of City boards, City officials, and employees shall be subject to and abide by the Code of Ethics for public officers and employees as set forth in Florida Statutes and other applicable laws.

ARTICLE IV. ELECTIONS

Section 4.01. Nonpartisan Elections.

All nominations and elections for the Mayor and other Council Members shall be conducted on a nonpartisan basis.

Section 4.02. Electors.

Any person who is a resident of the City and who has been assigned a voter registration number by the County Supervisor of Elections to vote as a qualified Florida elector shall be an elector of the City.

Section 4.03. Supervision of Elections.

The Santa Rosa County Supervisor of Elections conducts elections on behalf of the City pursuant to an interlocal agreement.

Section 4.04. Candidates.

The provisions of the general laws of Florida pertaining to municipal elections, registrations, manner of voting, qualifications of electors, duties of election officers, canvassing returns and the general holding and management of elections for municipal office shall apply.

ARTICLE V. CHARTER AMENDMENTS

Section 5.01. Charter Amendments.

(a) **Initiation by Council.** The Council may propose amendments by Ordinance to this Charter. Upon adoption of the initiating Ordinance, the Council shall submit the proposed amendment to a vote of the electors at the next general election held within the City or at a special election called for such purpose.

(b) **Initiation by Petition.** The electors of the City may propose amendments to this Charter in accordance with Florida law.

(c) **Consistency.** The method for Charter amendments shall be consistent with Florida law.

**ARTICLE VI.
SCHEDULE**

Section 6.01. Effective Date.

Upon approval of a majority of the electorate voting at a referendum on this Charter, this Charter will become effective on January 1, 2023.

Section 6.02. Ordinances Preserved.

All ordinances in effect upon the adoption of this Charter, to the extent not inconsistent herewith, shall remain in full force and effect until amended or repealed.

Section 6.03. Repeal of Former Charter Provisions.

All Charter provisions in effect prior to the effective date of this Charter are repealed.

Section 6.04. Precedence Over Code Provisions.

If a conflict exists between the provisions of this Charter and the Code of Ordinances, the Charter provisions shall prevail.

Section 6.05. Officers and Employees.

The adoption of this Charter shall not affect or impair the rights, privileges or immunities of City officers or employees at the time of the effective date of this Charter, including rights provided for pursuant to Florida Statutes and collective bargaining agreements.

Section 6.06. Existing Rights, Obligations, Duties and Relationships.

(a) Continuity. All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the City shall continue except as modified pursuant to the provisions of this Charter.

(b) Obligations. No debt, contract obligation, or assessment by the City shall be impaired by adoption of this Charter. All existing debts, obligations, and assessments shall remain valid and enforceable, according to their terms, under the Charter provisions applicable at the time the debt was incurred, contract signed, or assessment imposed. All obligations and rights arising in connection with projects financed under former Charter provisions shall be unaffected and remain in full force and effect as if the borrowing, taxing, bonding or other financing provisions had survived the adoption of this Charter.

(c) Other Government Units. All existing rights, obligations, duties, and relationships by law or agreement between the City and other governmental units shall be unaffected by the adoption of this Charter and remain in full force and effect.

Section 6.07. Severability.

If any section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction, the court decision invalidating any section or part of said section shall not affect the remainder of this Charter or the context in which the invalidated section or part of section may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which the court decision may directly apply.

[END OF CHARTER REVISIONS]

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the validity of any part.

SECTION 6. Conflicting Ordinances. All Ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. Effective Date. This Ordinance shall take effect immediately upon its adoption by the City Council.

PASSED ON FIRST READING ON THE 6TH DAY OF JUNE, 2022

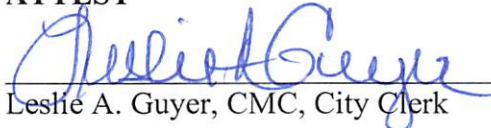
ADVERTISED ON THE 9TH & 23RD DAY OF JUNE, 2022.

PASSED ON SECOND READING ON THE 5TH DAY OF JULY, 2022.

CITY OF GULF BREEZE, FLORIDA

By: 
Cherry M. Fitch, Mayor

ATTEST


Leslie A. Guyer, CMC, City Clerk



