



## Legislation Text

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### COMMISSION VOTING/NEW 7-MEMBER COMMISSION (B)

The City Commission (1) authorize the City Attorney to draft, and the Clerk of the Commission to advertise, an ordinance amending the City Charter subject to voter approval on April 8; or (2) refer the matter to the Charter Review Committee for a recommendation at the January 13 Commission meeting; or (3) take no action at this time.

Due to the decision of the voters in November, I have begun a review of the Charter and Code of Ordinances to determine whether any changes are necessary to reflect the increase to 7 members. This review will be expanded to include rules and bylaws of those boards and committees for which the Commission serves as trustees or board members. I will be returning to you early next year to discuss ordinances or resolutions to resolve most of these issues. However, changes to the Charter require a referendum vote of the electorate. The most practical time to have this referendum would be the regular city election scheduled for April 8. You would need to adopt an ordinance calling the referendum in early February. I am therefore bringing this issue to you now.

One section of the Charter, while legal as stated, will no longer serve the purpose for which it was adopted when there is a seven-member commission. It reads:

#### CITY CHARTER

Section 2.07 The commission shall act by motion, proclamation, resolution or ordinance. Unless otherwise provided by this act or by law, a motion or a proclamation is adopted when approved by the votes of a majority of the members present, and an ordinance or resolution is adopted by the votes of three or more commissioners.

#### COMMENTARY

The last part of this section (the part in bold) currently comes into play when fewer than five commissioners are present. The purpose is to require that a majority of ALL commissioners be in favor of an ordinance or resolution for it to be adopted, not just a majority of those present. State law only requires a majority of those present; which in the case when there are only three commissioners present could result in an ordinance or resolution being adopted when only two commissioners are in favor of it.

In order to continue the policy of requiring a majority of ALL commissioners, the Charter would need to be changed to state "an ordinance or resolution is adopted by the votes of four or more commissioners."

If the City Commission desires to allow the voters to amend this section of the Charter prior to the new 7-member commission taking office in May, the Charter could be amended at the City's general election on April 8, 2003. The ballot question would need to be submitted to the Supervisor of Elections on or before Friday, February 14, 2003. The Commission may direct the City Attorney to start preparing a charter amendment and ballot question, and either present it to the Charter Review Committee for their review and recommendation, or place the ordinance on the Commission agenda for Monday, January 13, 2003.