

ORDINANCE 28 - 22

AN ORDINANCE PROVIDING FOR A REFERENDUM TO CONSIDER THE ADOPTION OF AMENDMENTS TO SECTION 4.21, "AUTHENTICATION AND RECORDING; CODIFICATION; PRINTING", OF THE CITY OF CAPE CORAL CHARTER CONCERNING RECORDS MAINTAINED BY CITY CLERK AND THEIR ACCESSIBILITY; PROVIDING FOR PUBLICATION OF A NOTICE OF THE REFERENDUM ELECTION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AS FOLLOWS:

SECTION 1. A primary referendum election is hereby ordered to be held in the City of Cape Coral, Florida on August 23, 2022 to consider the adoption of an amendment to the Charter for the City of Cape Coral.

SECTION 2. The polls will be open at the voting places on the date of such election and as otherwise determined by the Lee County Supervisor of Elections. All qualified electors residing within the City shall be entitled and permitted to vote at such election as hereinafter provided. The places of voting for the election are set by the Lee County Supervisor of Elections. The inspectors and clerks for said election shall be appointed as provided by general law.

SECTION 3. The ballots to be used in said election shall contain the description to be voted on, and shall be in substantially the following form:

**OFFICIAL BALLOT  
CITY OF CAPE CORAL, FLORIDA  
ELECTION AUGUST 23, 2022**

**REFERENDUM**

**CITY CHARTER AMENDMENT RELATING TO AUTHENTICATION,  
CODIFICATION AND AVAILABILITY OF CITY RECORDS.**

This proposal amends the Cape Coral City Charter to provide that the City Clerk shall authenticate and maintain ordinances and resolutions in codified form, and make them accessible for the use of the public promptly following adoption; removing the requirement of printed copies being maintained in libraries and public offices, in order to allow accessibility by electronic means.

Shall the above-described amendment to the Charter be adopted?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

SECTION 4. Provision shall be made for instruction to the voters all as provided by general law.

SECTION 5. Adequate provision shall be made for absentee voting. The ballots to be used in said election for absentee voters shall be in substantially the form set out above.

SECTION 6. The Lee County Supervisor of Elections is hereby requested to hold the election in accordance with the election laws of the State of Florida.

SECTION 7. The appropriate election officials, being the City Canvassing Board, shall canvass the ballots and certify same to Lee County Supervisor of Elections and she, in turn, shall certify the election results to the City Council of the City of Cape Coral. The City Council shall, in turn, canvass the votes and declare the results thereof and such returns shall be recorded in the minutes of the City Council at the first meeting after such certification. If a majority of the votes cast at such election support a referendum issue, such issue shall be approved, and shall be effective immediately.

SECTION 8. The City Clerk is hereby authorized and directed to place a notice of this referendum election in a newspaper of general circulation published in Lee County. The publication shall be made

at least thirty (30) days prior to the referendum and shall be made at least twice, once in the fifth week and once in the third week prior to the week in which the referendum is to be held. The notice of referendum shall be in substantially the following form:

**CITY OF CAPE CORAL  
NOTICE OF ELECTION  
AUGUST 23, 2022**

**NOTICE IS HEREBY GIVEN THAT AN ELECTION** will be held on the 23rd day of August, 2022, in the City of Cape Coral, Florida, for the purpose of determining whether or not the voters support an amendment to the Charter for the City of Cape Coral.

The polls will open at the voting places on the date of said election at 7:00 a.m. until 7:00 p.m. on the same day. All qualified electors residing within the city shall be entitled, qualified and permitted to vote at such election.

SECTION 9. The full text of the proposed Charter amendment is set forth in the attached Exhibit A.

SECTION 10. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 11. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER	_____	NELSON	_____
TATE	_____	WELSH	_____
SHEPPARD	_____	LONG	_____
HAYDEN	_____	COSDEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
KIMBERLY BRUNS  
CITY CLERK

APPROVED AS TO FORM:



DOLORES D. MENENDEZ  
CITY ATTORNEY

ord/Charter Amendment-4.21 Authentication

## EXHIBIT A

### § 4.21 - ~~Authentication and recording; codification; printing.~~

- (a) ~~Authentication and recording maintenance.~~ The city clerk shall authenticate by signature and ~~shall maintain in the City's official records record in full in a properly indexed book kept for the purpose~~ all ordinances and resolutions adopted by the council.
- (b) ~~Codification. Within three (3) years after adoption of this charter and annually thereafter, the council~~ The City Clerk shall provide for the preparation of a general maintain a current codification of all city ordinances and resolutions having the force and effect of law. The ~~general~~ codification shall be ~~adopted by the council by ordinance and shall be published promptly in bound or looseleaf form,~~ together with this charter and any amendments thereto, pertinent provisions of the constitution and other laws of the State of Florida, and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as the Cape Coral City Code. Copies of the code shall be maintained on file with the City Clerk, shall be made accessible for the use of the public, furnished to city officers, placed in libraries and public offices for free public reference, and made available for purchase by the public at a reasonable price fixed by the council, all as required by resolution.
- (c) ~~Printing~~ Availability of ordinances and resolutions. The council shall cause each ordinance and resolution to have the force and effect of law and each amendment to this charter to be ~~printed available~~ promptly following its adoption, and the ~~printed~~ ordinances, resolutions and charter amendments shall be ~~distributed or sold~~ accessible to the public at ~~reasonable prices to be fixed by the council.~~ Following publication of the first Cape Coral City Code and at all times thereafter, the ordinances, resolutions and charter amendments shall be ~~printed~~ in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the constitution and other laws of the state, or the codes of technical regulations and other rules and regulations included in the code.