



1015 Cultural Park Blvd.
Cape Coral, FL

AGENDA

CHARTER REVIEW COMMISSION

October 18, 2018

3:00 PM

Conference Room 220A

1. Call to Order

A. Chair Peterson

2. Roll Call

A. Bennie, Jenkins, Kitchen, McNamara, Peterson, Robinson, Sund,
and Alternate Stewart

3. Public Input

4. Business

- A. Meeting Minutes - September 20, 2018 meeting
- B. Full list of the proposed changes
- C. Discussion of draft language from the City Attorney's Office to move 4.03(a) to an even year
- D. Discussion of timeline to submit complete report of recommendations to City Council

5. Commissioner Comments

6. Date and Time of Next Meeting:

A. The next meeting will be held on Thursday, November 15, 2018, at 3:00 p.m. in Conference Room 220A.

In accordance with the Americans with Disabilities Act and Section of 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the Office of the City Clerk at least forty-eight (48) hours prior to the meeting. If hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

If a person decides to appeal any decision made by the Board/Commission/Committee with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

SPECIAL NOTE: This is not a meeting of the Cape Coral City Council. However, two or more Council Members may be in attendance and may participate at this workshop/meeting.

Item Number:	2.A.
Meeting Date:	10/18/2018
Item Type:	Roll Call

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Bennie, Jenkins, Kitchen, McNamara, Peterson, Robinson, Sund, and Alternate Stewart

SUMMARY:

ADDITIONAL INFORMATION:

Item Number:	4.A.
Meeting Date:	10/18/2018
Item Type:	Business

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Meeting Minutes - September 20, 2018 meeting

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
▢ September 20, 2018 meeting minutes	Backup Material

**MINUTES FOR THE MEETING OF THE CITY OF CAPE CORAL
CHARTER REVIEW COMMISSION**

THURSDAY, SEPTEMBER 20, 2018

Conference Room 220A

3:00 P.M.

Chair Peterson called the meeting to order at 3:00 p.m.

Roll Call: McNamara, Peterson, Robinson, Sund, and Alternate Stewart were present. Bennie and Kitchen were excused. Jenkins was absent.

Also Present: Mark Moriarty, Assistant City Attorney
Council Liaison Stout, arrived at 3:02 p.m.

Public Input

No speakers

BUSINESS

Approval of Minutes – August 16, 2018 meeting

Chair Peterson stated the minutes of the August 16, 2018 meeting were presented for approval.

Commissioner Sund moved, seconded by Commissioner McNamara, to approve the minutes of the August 16, 2018 meeting as presented. Voice Poll: All “ayes.” Motion carried 5-0.

Full List of the Proposed Changes (continued)

Charter Meeting Revisions from 8 16 18 Meeting

**# of signatures needed for referendum petition
– survey of local cities and counties**

Chair Peterson asked if the members were okay with all of the covered changes to the substantiations and captured all of the input. ***There was no objection.***

Council Liaison Stout arrived at 3:02 p.m.

Chair Peterson stated the City Attorney's Office sent out the document containing the # of signatures needed for referendum petition – survey of local cities and counties. The CRC's proposal was to change it to 10%. Has this added information changed anyone's mind on what we already voted on and agreed on?

Discussion held regarding:

- Inability to get to 15%
- What do Fort Myers and Bonita Springs do? Nothing found in their Charter but they could petition their elected officials and go through the political process rather than the referendum process

Chair Peterson stated he did not see anything that would lead to any changes in what we have already voted on and agreed on.

CRC Recommendation 8 16 18 4.05b

Discussion held regarding the substantiation of 4.05(b) which goes along with the 4.02 eligibility.

Chair Peterson reminded the group that they were going to add it but then it would be in two different places, so the CRC decided to move it. He noted it was included in the first page of the document he sent out: Move: "Proof of residence shall be established by a valid voter's registration card" from section 4.05 to section 4.02 eligibility.

Discussion held regarding the reason to move it was that it should be in a section that listed qualifications.

Commissioner Comments

Chair Peterson questioned how this should be presented to City Council. Rather than using a power point presentation, Elmo could be used at the podium during the City Council meeting with the final version produced by the City Attorney's Office. The final version should be approved by the CRC. Using Elmo would project to the public, and a paper copy would be in the Council's meeting packet.

Discussion held regarding the process of getting it on a Council meeting agenda.

Commissioner McNamara stated before discussing that, he brought up Codes of technical regulations 4.20(b): *Copies of any adopted code of technical regulations shall be made available by the City Clerk for distribution or for purchase at a reasonable price.* He asked if the Assistant City Attorney found out if we would violate copyright laws.

Assistant City Attorney Moriarty stated technical code writers have sued numerous people for doing exactly what the Board was proposing to do. They put all of their Codes online themselves, but they do protect their copyright, and they do not want you posting their code on your website. He opined that it would be a copyright violation for us to put their code on our website.

Discussion held regarding getting rid of the recommendation to 4.20(b).

Commissioner McNamara moved, seconded by Commissioner Robinson, to delete the proposed change for 4.20(b) codes of technical regulations. Voice Poll: All “ayes.” Motion carried 5-0.

Assistant City Attorney Moriarty requested clarification that 4.20(b) has been rescinded.

Chair Peterson responded in the affirmative. He stated the CRC was all set with what we are proposing to Council. He questioned what the next step was to get it on a City Council meeting agenda.

Council Liaison Stout stated the City Manager makes his recommendations and sends his agenda to the Mayor for his approval.

Chair Peterson asked how the motion should be made and if it should be sent to both the Mayor and the City Manager.

Assistant City Attorney Moriarty stated the motion should be directing either the City Clerk or myself to take some action to either one of those two parties or both.

Chair Peterson stated the Chair usually doesn't make a motion, but I guess in this case it would be okay to make a motion that this is transmitted to both of them. Assistant City Attorney Moriarty responded in the affirmative.

Chair Peterson stated the motion he was proposing is that the Commission transmits our proposed changes to both the City Manager and the Mayor for consideration on the City Council agenda.

Commissioner Sund stated he brought up the topic of the schedule of elections at the last meeting. He noted that Supervisor of Elections Tommy Doyle was at a recent Cape Coral Republican Club meeting and has been informing the public about the lengthy ballot for the November election. At that meeting someone asked Mr. Doyle about moving the Cape Coral's municipal elections to even numbered presidential and gubernatorial election years. He reached out to the Elections Office for clarification and was told it was in the works but to wait until after the current election in November. The question that arose from that was how our election moved from even years to odd years.

Council Liaison Stout stated it was Belinda Young who changed it when she was the Supervisor of Elections. Sharon Harrington just kept that schedule. There had been discussion back then that if the City wanted to change it, there may have been a significant charge or possibly the Elections Office just did not want to change it.

Commissioner Sund mentioned the Chair wanted to get these recommendations out sooner rather than later. His question was would it be possible for us, in addition to the recommendations we are sending, to send a note to City Council to make them aware that we have also reached out to the Supervisor of Elections Office about the possibility that this CRC would like to change this, but we are waiting to hear back from the Supervisor of Elections Office before bringing it to Council. Would it be okay to submit our recommendations now and then come back later with this but still within the timeline for an election? He requested that the CRC makes the Council aware that we have reached out to the Supervisor of Elections Office.

Council Liaison Stout stated the Supervisor of Elections would allow for the municipal elections on even numbered years, but it would stretch the term of the current councilmembers another year. This happened when they changed to the odd numbered years.

Commissioner McNamara questioned if we could make the current recommendations based on the contingency.

Chair Peterson stated so far we are talking about proposing changes based on something that has not been formally put out there other than just discussion at a meeting.

Commissioner Sund stated the Supervisor of Elections Office noted this information would come out after the election. He noted we still had the timeframe to recommend this after the election.

Council Liaison Stout stated going to even numbered years is a popular idea among a lot of people because the turnout is so much greater; she noted how the GO Bond is on this year's ballot.

Discussion held regarding:

- Not closing the door on the CRC and having the ability to send this recommendation at a later date
- Information about even numbered years may be available sometime early in 2019
- Deadline to get on the ballot for the general election in 2019 is the end of May
- How long the CRC was appointed to serve; until the mission is completed with recommendations; then the Board will be sunsetted.

Chair Peterson stated we could come to an agreement today that we agree to everything to date and if we were going to hold off the decision of the Supervisor of Elections, we could call the next meeting to be in March of next year. We could take a hiatus between now and March and refresh everything with whatever information we have at that time.

Commissioner Sund stated he wanted to put it out there before we talked about transmitting it and did not want to rush anything.

Chair Peterson stated he would rather wait until we have something more formal and either transmit as part of this or don't transmit at all.

Commissioner McNamara stated to hold this in abeyance until more information is available.

Discussion held regarding there is nothing here other than the line item veto; the rest are housekeeping items.

Chair Peterson stated we needed to make a decision on whether or not we want to transmit it now or do we want to wait. He asked if there is a motion on the floor to either transmit it now or wait until closer to the deadline?

Commissioner Stewart stated he would submit that we wait.

Chair Peterson questioned if that was a motion.

Commissioner Stewart moved, seconded by Commissioner Sund, to wait to transmit the proposed recommendations until it is closer to the deadline.

Discussion held regarding:

- Hopefully we will get clarification from the Supervisor of Elections that municipal elections are allowed to move to even numbered years.
- It gives us time to make the recommendation to City Council that we recommend moving municipal elections from odd years to even years.
- The CRC can always reconvene in March.
- If the recommendation is finished and the Charter has been reviewed, there is no additional work to be done.
- If you have additional time, there is nothing that prevents this body from reconvening to see the status of the report.
- The CRC would not adjourn and disband the group. They would just continue.

Chair Peterson stated the specific section in the Charter being discussed is 4.03 Election and Terms. If the Supervisor of Elections changes it from odd to even years to put it on the general election, we would want to come back and look at amending Section 4.03(a).

Discussion held regarding how committees are finished when they deliver their report.

Council Liaison Stout stated City Council would probably like the CRC to weigh in on their recommendations, just like they did with the Budget Review Committee.

Commissioner McNamara stated if we are in agreement and think it should be moved to even numbered years, give it to City Council. Have we concluded that it should be in?

Discussion held regarding:

- The CRC will need to be refreshed on this topic.
- Wasn't it the cost that prevented us from doing anything before?
- There is a new Supervisor of Elections and that person may agree.
- The cost was there because they have to ramp up for the odd numbered years, but with the even numbered years, there is no additional cost.

Commissioner McNamara stated he would move that we go ahead and hammer out the language before we submit this or just go ahead and send it today.

Recording Secretary Kerr reminded the CRC that there was still a motion on the table made by Commissioner Stewart, seconded by Commissioner Sund. You have to either withdraw the motion or vote on it.

Chair Peterson acknowledged that. He asked the motion maker if he wanted to withdraw it and discuss this more before we vote on this motion.

Commissioner Stewart stated he would like to see us take a step at the next meeting rather than the five of us decide on it.

Chair Peterson stated there was a quorum, and the CRC has the ability to do it.

Commissioner Stewart stated he realized that, but we have two or three people missing who may want to voice their input.

Commissioner McNamara stated his concern was that if we turned in a report, Council may think we're done.

Assistant City Attorney Moriarty stated it was possible to turn in a partial report.

Chair Peterson wanted to submit it while it is fresh. We can start discussing the changes we want to make to 4.03 and get to an agreement and a vote on 4.03. We have met the requirements for a quorum, and we can move it forward.

Commissioner McNamara questioned if we are going to move this forward, what changes in the language do we want to make?

Chair Peterson stated everything mentioned is in 4.03(a). Right now it says Districts 2, 3, 5, and 7 shall be held on the first Tuesday after the first Monday in November in odd numbered years beginning in November, 2007 and every fourth year thereafter. He stated putting this on the next meeting agenda would give people time to think about this issue.

Commissioner McNamara stated maybe we can get the language worked out, what needs to be written to move the elections to an even numbered year as soon as possible.

Discussion held regarding:

- Change date for primary elections that are currently scheduled for September.
- The purpose of making this change
- Put in wording in there specific to coincide with the State of Florida election code
- Anything in the Charter that says that a certain period of time has to elapse between a primary and a general? it was ruled by a State order.
- 2022 State district maps
- Concern if there were a court battle over district maps that alters the primary schedule
- State law says you have to qualify 85 days prior to the general or whatever the benchmark is.
- Locked in to an original primary date

Chair Peterson asked if the City Attorney's Office could bring back the dates and language requirements to get us on even years.

Assistant City Attorney Moriarty responded in the affirmative and asked that the CRC make a motion. He wanted to make sure it was the will of the entire Commission.

Commissioner Sund moved, seconded by Commissioner Robinson, to have the City Attorney's Office draft language and come up with the dates that is required to move this to an even year. Voice poll: All "ayes." Motion carried 5-0.

Discussion held regarding not going through with the motion made earlier in the meeting regarding waiting to transmit the proposed recommendations until it is closer to the deadline.

Chair Peterson stated we will get the language for further discussion and vote on it. He stated he wanted to move quickly, but he did not want to pass anyone up.

Assistant City Attorney Moriarty stated he has seen partial reports given to the governing body and keeps the committee convened; it is not until the final report that is given that the Commission is then dissolved.

Chair Peterson stated assuming that next month we have a quorum and that we have no additional information that is required as part of the discussion, he fully anticipated that we will have this completed at the next meeting. As part of the next meeting, we can discuss the timeline for transmission of the complete report to City Council and not have to worry about coming back next spring.

Assistant City Attorney Moriarty clarified that he was bringing back proposed language, possibly with different variations, to move it to an even year but not doing anything with the substantiation for the change.

Chair Peterson responded in the affirmative. We can come up with the substantiation after the vote.

Council Liaison Stout noted a great substantiation was the increase in number of voters coming out in gubernatorial years, which is usually between 50% to 60%. It has been as high as over 80% in presidential years.

Chair Peterson noted the last municipal election had around 17% voting. The numbers speak for themselves, and it is probably cheaper.

Commissioner Comments

No other additional comments.

Date and Time of Next Meeting

The next meeting would be held on Thursday, October 18, 2018, at 3:00 p.m. in Conference Room 220 A.

Adjournment

There being no further business, the meeting was adjourned at 3:50 p.m.

Submitted by,

Barbara Kerr
Recording Secretary

Item Number:	4.B.
Meeting Date:	10/18/2018
Item Type:	Business

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Full list of the proposed changes

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
▢ 2018-09-20 list of recommendations to date	Backup Material

Charter Review Commission Recommendation Made February 15, 2018

§ 4.02. - Eligibility.

Current Wording	Proposed Amendment	If Adopted Will Read
Only qualified electors of the City, who have been continuous full time residents of the City for the entire calendar year immediately preceding their qualification for office, as provided in Section 4.05, shall be eligible to hold the office of Council member or Mayor	Only qualified electors of the City, who have been continuous full time residents of the City for the entire calendar year immediately preceding their qualification for office, as provided in Section 4.05, shall be eligible to hold the office of Council member or Mayor. <u>Proof of residence shall be established by a valid voter's registration card.</u>	Only qualified electors of the City, who have been continuous full time residents of the City for the entire calendar year immediately preceding their qualification for office, as provided in Section 4.05, shall be eligible to hold the office of Council member or Mayor. Proof of residence shall be established by a valid voter's registration card.

Substantiation:

The requirement is in §4.05(b) and should be added to §4.02

Charter Review Commission Recommendation Made August 16, 2018

§ 4.05 (b). - Candidate qualifications and election.

Current Wording	Proposed Amendment	If Adopted Will Read
Any person eligible to hold the office of Council member may have his or her name placed on the ballot as a candidate for Council member for the Council district in which he or she resides upon filing with the City Clerk a sworn statement of qualifications and the payment of a one hundred dollar (\$100) filing fee. Proof of residence shall be established by a valid voter's registration card.	Any person eligible to hold the office of Council member may have his or her name placed on the ballot as a candidate for Council member for the Council district in which he or she resides upon filing with the City Clerk a sworn statement of qualifications and the payment of a one hundred dollar (\$100) filing fee. Proof of residence shall be established by a valid voter's registration card.	Any person eligible to hold the office of Council member may have his or her name placed on the ballot as a candidate for Council member for the Council district in which he or she resides upon filing with the City Clerk a sworn statement of qualifications and the payment of a one hundred dollar (\$100) filing fee.

Substantiation:

The requirement was moved to §4.02

II. Charter Review Commission Recommendation Made March 15, 2018

§ 4.06 (a) - Mayor; mayor pro tem.

Current Wording	Proposed Amendment	If Adopted Will Read
<p>§ 4.06 (a). The Mayor shall be the chief elected officer of the city, preside at all council meetings, be responsible for the orderly conduct of business, have the same powers as a council member, sign all documents as required by the City Council and shall have the power to veto line items in the City budget, provided that such veto is exercised in writing to the City Clerk, with immediate notification to the other members of the City Council at least fourteen (14) days prior to the date of the Final Public Hearing on the budget. The City Council may override such veto with a two-thirds vote of its members as provided in Section 4.16(d).</p>	<p>§ 4.06 (a). The Mayor shall be the chief elected officer of the city, preside at all council meetings, be responsible for the orderly conduct of business, have the same powers as a council member, sign all documents as required by the City Council and shall have the power to veto line items in the City budget, provided that such veto is exercised in writing to the City Clerk, with immediate notification to the other members of the City Council at least fourteen (14) days prior to the date of the Final Public Hearing on the budget. The City Council may override such veto with a two-thirds vote of its members as provided in Section 4.16(d).</p>	<p>§ 4.06 (a). The Mayor shall be the chief elected officer of the city, preside at all council meetings, be responsible for the orderly conduct of business, have the same powers as a council member, sign all documents as required by the City Council.</p>

II. Charter Review Commission Recommendation Made March 15, 2018

§ 4.06 (b) - Mayor; mayor pro tem.

Current Wording	Proposed Amendment	If Adopted Will Read
§ 4.06 (b). A council member shall be elected by the majority vote of the Council to serve as Mayor Pro Tem. Such election shall be held at the first Council meeting following each City General Election, except that in the years in which there is no City General Election, such election shall take place at the first regular City Council meeting on or after the anniversary of the previous City General Election. The Mayor Pro Tem shall be responsible for the orderly conduct of business in the Mayor's absence, shall not have the power to veto and shall serve for a period of one year.	§ 4.06 (b). A council member shall be elected by the majority vote of the Council to serve as Mayor Pro Tem. Such election shall be held at the first Council meeting following each City General Election, except that in the years in which there is no City General Election, such election shall take place at the first regular City Council meeting on or after the anniversary of the previous City General Election. The Mayor Pro Tem shall be responsible for the orderly conduct of business in the Mayor's absence, shall not have the power to veto and shall serve for a period of one year.	§ 4.06 (b). A council member shall be elected by the majority vote of the Council to serve as Mayor Pro Tem. Such election shall be held at the first Council meeting following each City General Election, except that in the years in which there is no City General Election, such election shall take place at the first regular City Council meeting on or after the anniversary of the previous City General Election. The Mayor Pro Tem shall be responsible for the orderly conduct of business in the Mayor's absence, and shall serve for a period of one year.

Substantiation:

A single member of Council shouldn't have the power to veto the budget. This is further supported by §4.10 (b) and (c). Vetoing line items is, or could be interfering with administration as defined in §4.10 (b) and (c). The Major is not an executive.

Charter Review Commission Recommendation Made April 19, 2018

§ 4.10 (a) Prohibitions.

Current Wording	Proposed Amendment	If Adopted Will Read
(a) Holding other office. Except where authorized by law, neither the Mayor nor any Council member shall hold any other City office or employment during the term for which he or she was elected to the Council, and neither a former Mayor nor former Council member shall hold any compensated appointive City office or employment until one (1) year after the expiration of the last term for which he or she was elected as Mayor or Council member. Neither the Mayor nor any Council member, either directly or indirectly, may be a contractor to the City.	(a) Holding other office. Except where authorized by law, neither the Mayor nor any Council member shall hold any other City office or employment during the term for which he or she was elected to the Council, and neither a former Mayor nor former Council member shall hold any compensated appointive City office or employment until one (1) year after the expiration of the last term for which he or she was elected as Mayor or Council member. Neither the Mayor nor any Council member, either directly or indirectly <u>during their active term or until one (1) year after the expiration of the last term for which he or she was elected as Mayor or Council member</u> may be a contractor to the City.	(a) Holding other office. Except where authorized by law, neither the Mayor nor any Council member shall hold any other City office or employment during the term for which he or she was elected to the Council, and neither a former Mayor nor former Council member shall hold any compensated appointive City office or employment until one (1) year after the expiration of the last term for which he or she was elected as Mayor or Council member. Neither the Mayor nor any Council member, either directly or indirectly during their active term or until one (1) year after the expiration of the last term for which he or she was elected as Mayor or Council member may be a contractor to the City

Substantiation:

The change clarifies the time period the member may not be a contractor to the city.

II. Charter Review Commission Recommendation Made March 15, 2018

§ 4.16 (d) – Veto Procedure.

Current Wording	Proposed Amendment	If Adopted Will Read
§ 4.16 (d). <i>Veto procedure.</i> The Mayor's line item veto may be overridden by the Council by an affirmative vote of two-thirds of the entire Council at any time prior to the adoption of the final budget.	§ 4.16 (d). Veto procedure. The Mayor's line item veto may be overridden by the Council by an affirmative vote of two-thirds of the entire Council at any time prior to the adoption of the final budget.	

Substantiation:

See §4.06 substantiation.

II. Charter Review Commission Recommendation Made May 17, 2018

§ 4.20 (b) – Codes of technical regulations.

Current Wording	Proposed Amendment	If Adopted Will Read
(b) Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase at a reasonable price.	(b) Copies of any adopted code of technical regulations shall be made available <u>on-line at no cost</u> , by the city clerk for distribution or for purchase at a reasonable price.	(b) Copies of any adopted code of technical regulations shall be made available on-line at no cost, by the city clerk for distribution or for purchase at a reasonable price.

Substantiation:

To leverage technology to make ordinances and resolutions available and convenient to the broadest audience possible at no cost.

II. Charter Review Commission Recommendation Made May 17, 2018, Rescinded September 20, 2018.

§ 4.20 (b) – Codes of technical regulations.

Current Wording	Proposed Amendment	If Adopted Will Read
(b) Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase at a reasonable price.	(b) Copies of any adopted code of technical regulations shall be made available on-line at no cost, by the city clerk for distribution or for purchase at a reasonable price.	(b) Copies of any adopted code of technical regulations shall be made available, by the city clerk for distribution or for purchase at a reasonable price.

Substantiation:

Codes of technical regulations are copyrighted. Making them available at no cost would violate the owners' copyright.

II. Charter Review Commission Recommendation Made May 17, 2018

§ 4.21 (b) – Authentication and recording; codification; printing.

Current Wording	Proposed Amendment	If Adopted Will Read
(b) Codification. Within three (3) years after adoption of this charter and annually thereafter, the council shall provide for the preparation of a general 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 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.	(b) Codification. Within three (3) years after adoption of this charter and annually thereafter, the council shall provide for the preparation of a general 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 furnished to city officers, placed <u>online</u> , 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.	(b) Codification. Within three (3) years after adoption of this charter and annually thereafter, the council shall provide for the preparation of a general 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 furnished to city officers, placed online, 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.

Substantiation:

To leverage technology to make ordinances and resolutions available and convenient to the broadest audience possible at no cost..

II. Charter Review Commission Recommendation Made May 17, 2018

§ 4.21 (c) – Authentication and recording; codification; printing.

Current Wording	Proposed Amendment	If Adopted Will Read
(c) <i>Printing of ordinances and resolutions.</i> 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 promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold 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.	(c) Printing <u>Publication</u> 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 promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be <u>placed online at no cost</u> , distributed or sold 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.	(c) <i>Publication of ordinances and resolutions.</i> 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 promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be placed online at no cost, distributed or sold 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.

Substantiation:

To leverage technology to make ordinances and resolutions available and convenient to the broadest audience possible at no cost.

II. Charter Review Commission Recommendation Made June 21, 2018

§ 7.08 – Public Records.

Current Wording	Proposed Amendment	If Adopted Will Read
Copies of the budget and capital program as adopted shall be public records and shall be made available to the public at suitable places in the city.	Copies of the budget and capital program as adopted shall be public records and shall be made available <u>on-line at no cost</u> to the public, <u>and</u> at suitable places in the city.	Copies of the budget and capital program as adopted shall be public records and shall be made available on-line at no cost to the public, and at suitable places in the city.

Substantiation:

To leverage technology to make the budget and capital program available and convenient to the broadest audience possible at no cost.

II. Charter Review Commission Recommendation Made July 19, 2018

§ 8.02 (c) – Report; specifications.

Current Wording	Proposed Amendment	If Adopted Will Read
<p>(c) <i>Report; specifications.</i> Within six (6) months after the completion and receipt of the federal census and at least each ten (10) years thereafter. The districting commission shall file with the City Clerk a report containing a recommended plan for adjustment of the council district boundaries to comply with these specifications:</p> <p>(1) Insofar as practicable, each district shall be formed of compact, contiguous territory, and its boundary lines shall follow the centerlines of streets or canals.</p> <p>(2) Each district shall contain, as nearly as possible equal population.</p>	<p>(c) <i>Report; specifications.</i> Within six (6) months after the completion and receipt of the federal census and at least each ten (10) years thereafter. The districting commission shall file with the City Clerk a report containing a recommended plan for adjustment of the council district boundaries to comply with these specifications:</p> <p>(1) Insofar as practicable, each district shall be formed of compact, contiguous territory, and its boundary lines shall follow the centerlines of streets or canals.</p> <p>(2) Each district shall contain, as nearly as possible equal population.</p> <p>(3) <u>Districting plans may not be drawn to favor or disfavor an incumbent or political party. Districts shall not be drawn to deny racial or language minorities the equal opportunity to participate in the political process and elect representatives of their choice.</u></p>	<p>(c) <i>Report; specifications.</i> Within six (6) months after the completion and receipt of the federal census and at least each ten (10) years thereafter. The districting commission shall file with the City Clerk a report containing a recommended plan for adjustment of the council district boundaries to comply with these specifications:</p> <p>(1) Insofar as practicable, each district shall be formed of compact, contiguous territory, and its boundary lines shall follow the centerlines of streets or canals.</p> <p>(2) Each district shall contain, as nearly as possible equal population.</p> <p>(3) Districting plans may not be drawn to favor or disfavor an incumbent or political party. Districts shall not be drawn to deny racial or language minorities the equal opportunity to participate in the political process and elect representatives of their choice.</p>

Substantiation:

The districting constitutional amendment passed in 2010 did not apply to municipalities. This proposed revision makes the city charter consistent with the language approved in 2010.

II. Charter Review Commission Recommendation Made July 19, 2018

§ 9.03 (a) – *Number of Signatures.*

Current Wording	Proposed Amendment	If Adopted Will Read
(a) <i>Number of signatures.</i> Initiative and referendum petitions must be signed by qualified electors of the city equal in number to at least fifteen (15) percent of the total number of qualified electors registered to vote at the last regular city election.	(a) <i>Number of signatures.</i> Initiative and referendum petitions must be signed by qualified electors of the city equal in number to at least fifteen (15) <u>ten (10)</u> percent of the total number of qualified electors registered to vote at the last regular city election.	(a) Number of signatures. Initiative and referendum petitions must be signed by qualified electors of the city equal in number to at least ten (10) percent of the total number of qualified electors registered to vote at the last regular city election.

Substantiation:

Aligns with other city's requirements for citizen-initiated ballots.

Item Number:	4.C.
Meeting Date:	10/18/2018
Item Type:	Business

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Discussion of draft language from the City Attorney's Office to move 4.03(a) to an even year

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

	Description	Type
▣	2018-10-04 Proposed Draft Language 4.03 (a) Election and terms	Backup Material

Proposed Draft Language

§ 4.03 (a). – Election and terms.

Current Wording	Proposed Amendment	If Adopted Will Read
A Primary Election and a General Election are to be held pursuant to law. The General Election date for councilpersons from Districts 2, 3, 5, and 7 shall be held on the first Tuesday after the first Monday in November in odd numbered years beginning in November, 2007 and every fourth year thereafter. Councilpersons for Districts 1, 4, and 6 and the Mayor shall be elected at the general election held on the first Tuesday after the first Monday beginning in November in odd numbered years beginning in November, 2009, and every fourth year thereafter. Primary Elections shall be held on the second Tuesday after the first Monday in the month of September.	A Primary Election and a General Election are to be held pursuant to <u>state</u> law. The General Election date for councilpersons from Districts 2, 3, 5, and 7 shall be held on the first Tuesday after the first Monday in November in odd <u>even</u> numbered years beginning in November, 2007 <u>2024</u> and every fourth year thereafter. Councilpersons for Districts 1, 4, and 6 and the Mayor shall be elected at the general election held on the first Tuesday after the first Monday beginning in November in odd <u>even</u> numbered years beginning in November, 2009 <u>2022</u> , and every fourth year thereafter. Primary Elections shall be held on the second Tuesday after the first Monday in the month of September.	A Primary Election and a General Election are to be held pursuant to state law. The General Election date for councilpersons from Districts 2, 3, 5, and 7 shall be held on the first Tuesday after the first Monday in November in even numbered years beginning in November, 2024 and every fourth year thereafter. Councilpersons for Districts 1, 4, and 6 and the Mayor shall be elected at the general election held on the first Tuesday after the first Monday beginning in November in even numbered years beginning in November, 2022, and every fourth year thereafter. Primary Elections shall be held on the second Tuesday after the first Monday in the month of September.

Substantiation:

Higher voter participation generally occurs during the federal, state and county elections in even numbered years.

Proposed Draft Language

§ 4.03 (a). – Election and terms.

Current Wording	Proposed Amendment	If Adopted Will Read
<p>A Primary Election and a General Election are to be held pursuant to law. The General Election date for councilpersons from Districts 2, 3, 5, and 7 shall be held on the first Tuesday after the first Monday in November in odd numbered years beginning in November, 2007 and every fourth year thereafter. Councilpersons for Districts 1, 4, and 6 and the Mayor shall be elected at the general election held on the first Tuesday after the first Monday beginning in November in odd numbered years beginning in November, 2009, and every fourth year thereafter. Primary Elections shall be held on the second Tuesday after the first Monday in the month of September.</p>	<p>A Primary Election and a General Election are to be held pursuant to <u>state</u> law. The General Election date for councilpersons from Districts 2, 3, 5, and 7 shall be held on the first Tuesday after the first Monday in November in odd <u>even</u> numbered years <u>to coincide with federal, state, and county elections</u> beginning in November, 2007 <u>2024</u> and every fourth year thereafter. Councilpersons for Districts 1, 4, and 6 and the Mayor shall be elected at the general election held on the first Tuesday after the first Monday beginning in November in odd <u>even</u> numbered years <u>to coincide with federal, state, and county elections</u> beginning in November, 2009 <u>2022</u>, and every fourth year thereafter. Primary Elections shall be held on the second Tuesday after the first Monday in the month of September.</p>	<p>A Primary Election and a General Election are to be held pursuant to state law. The General Election date for councilpersons from Districts 2, 3, 5, and 7 shall be held on the first Tuesday after the first Monday in November in even numbered years to coincide with federal, state, and county elections beginning in November, 2024 and every fourth year thereafter. Councilpersons for Districts 1, 4, and 6 and the Mayor shall be elected at the general election held on the first Tuesday after the first Monday beginning in November in even numbered years to coincide with federal, state, and county elections beginning in November, 2022, and every fourth year thereafter. Primary Elections shall be held on the second Tuesday after the first Monday in the month of September.</p>

Substantiation:

Higher voter participation generally occurs during the federal, state and county elections in even numbered years.