

ORDINANCE NO. 506

AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA PERTAINING TO THE TOWN CHARTER; AMENDING THE TOWN CHARTER TO (A) CHANGE EFFECTIVE DATE OF ENACTED ORDINANCES, (B) PROVIDE FOR ESTABLISHMENT OF TOWN PURCHASING POLICIES AND PROCEDURES BY ORDINANCE, (C) ADD REQUIREMENT FOR TWO INDEPENDENT APPRAISALS PRIOR TO SALE OF TOWN REAL PROPERTY, AND (D) PERMIT DETERMINATION OF SALARIES FOR MAYOR AND COMMISSIONERS BY ORDINANCE; PROVIDING FOR A REFERENDUM ON THE FOUR CHARTER AMENDMENTS; CONDITIONING THE EFFECTIVENESS OF THE CHARTER AMENDMENTS ON APPROVAL AT REFERENDUM; PROVIDING FOR OTHER RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

BE IN ENACTED BY THE PEOPLE OF THE TOWN OF BELLEAIR, FLORIDA:

SECTION 1. AUTHORITY FOR THIS ORDINANCE. This ordinance is enacted pursuant to Chapters 100 and 166, Florida Statutes, and other applicable provisions of law.

SECTION 2. TOWN COMMISSION FINDINGS AND DECLARATION OF INTENT.

(a) Following the conclusion of the proceedings of the Town's 2016 Charter Review Committee, the Charter Review Committee proposed amendments to the Town Charter and the Town Commission has held two (2) public hearings for consideration of such proposed amendments by the Town Commission and the residents of Belleair.

(b) Following the full consideration of the proposed charter amendments at such public hearings the Town Commission found the charter amendments set forth in Section 3 hereof to be necessary and appropriate for the purposes set forth in the report of the Charter Review Committee and by this Ordinance establishes final text of the proposed amendments and provides for such amendments to be placed to a vote of the electors of the Town in accordance with Florida Statutes Section 166.031.

SECTION 3. AMENDMENTS TO TOWN OF BELLEAIR CHARTER. The Town Commission hereby proposes to amend the Town Charter as follows:

Amendment No. 1 Changes Effective Date of Enacted Ordinances

Charter section 2.11(a)(1) of the Charter shall be amended to provide that town ordinances shall become effective on the date provided in the ordinance or otherwise as provided by state law.

Amendment No. 2 Provides for Establishment of Town Purchasing Policies and Procedures by Ordinance

Section 2.07(e) of the Charter entitled Competitive Purchasing Procedure, is removed and replaced with the following provision:

“(e) *Purchasing Procedure.* The Commission shall adopt a purchasing and procurement policy by ordinance consistent with state law.”

Amendment No. 3 Adds Requirement for Two Independent Appraisals Prior to Sale of Town Real Property

New Section 2.07(g) shall be added to the Town Charter to read as follows:

“No real property owned by the Town shall be sold, alienated or conveyed until the same has been appraised by two (2) independent appraisers who are members of an appraisal organization listed in Section 253.025, Florida Statutes, or its successor.”

Amendment No. 4: Permits Determination of Salaries for Mayor and Commissioners by Ordinance

Section 2.09 of the Charter entitled Compensation and Expenses is amended to read in its entirety as follows:

“The Commission may determine a reasonable annual salary for the Mayor and Commissioners by ordinance, but no ordinance establishing or increasing such salary shall become effective as to any Commissioner or the Mayor sitting on the Commission at the time of the passage of the ordinance until the expiration of the then present term of office for that individual. Members of the Commission shall also receive their actual and necessary expenses incurred in the performance of their duties of office.”

SECTION 4. REFERENDUM. The Town Clerk is hereby authorized and directed to place on the ballot for the general election to be held on November 8, the following four (4) ballot titles and questions:

BALLOT TITLE:

**NO. 1
CHARTER AMENDMENT
Amends Charter to Change Effective Date of Enacted Ordinances**

BALLOT QUESTION: Shall subsection 2.11(a)(1) of the Town Charter be amended to allow ordinances to have an effective date as provided in the enacted ordinance or as provided by State law instead of thirty (30) days after enactment?

Yes _____

No _____

BALLOT TITLE:

NO. 2

CHARTER AMENDMENT

Provides for Establishment of Town Purchasing Policies and Procedures by Ordinance

BALLOT QUESTION: Shall Section 2.17(e) of the Town Charter be amended to remove the Competitive Purchasing Procedure to provide that Town purchasing and procurement policies and procedures shall be established by ordinance consistent with state law?

Yes _____

No _____

BALLOT TITLE:

NO. 3

CHARTER AMENDMENT

Adds Requirement for Two Independent Appraisals Prior to Sale of Town Real Property

BALLOT QUESTION: Shall Section 2.07 of the Town Charter be amended to create a requirement that the Town shall not sell or dispose of any Town owned real property until the property has been appraised by two (2) independent appraisers?

Yes _____

No _____

BALLOT TITLE:

NO. 4

CHARTER AMENDMENT

Permits Determination of Salaries for Mayor and Commissioners by Ordinance

BALLOT QUESTION: Shall Section 2.09 of the Town Charter be amended to remove the prohibition on salaries for the Mayor and Commissioners and provide that the Commission may determine reasonable salaries of Mayor and Commissioners to be effective after expiration of the sitting officials' terms of office?

Yes _____

No _____

SECTION 5. SEVERABILITY. In the event that any word, phrase, clause, sentence or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, clause, phrase, sentence or paragraph hereof.

SECTION 6. SUPERSEDING CLAUSE. All ordinances, resolutions or parts thereof in conflict or inconsistent with this ordinance are hereby superseded insofar as there is conflict or inconsistency.

SECTION 7. EFFECTIVE DATE. Section 3 of this ordinance shall take effect only if and when approved by a majority of the electors of the Town voting in the referendum called in Section 4 of this ordinance. All other sections of this ordinance shall take effect thirty (30) days after final passage and adoption.

PASSED ON FIRST READING: August 2, 2016

PASSED ON THE SECOND AND FINAL READING: **August 16, 2016*

Mayor

ATTEST:

Town Clerk