

**TOWN OF BELLEAIR
ORDINANCE NO. 540
PROPOSED CHARTER AMENDMENT**

AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA, SUBMITTING TO THE ELECTORS A PROPOSED AMENDMENT TO SECTION 2.07 OF THE TOWN CHARTER TO REVISE THE PROCESS FOR THE ABOLITION OF A MUNICIPAL DEPARTMENT TO CONFORM WITH STATE STATUTE AND SPECIFYING THE PROCEDURAL MECHANISM FOR ANY PROPOSED ABOLITION OF THE POLICE DEPARTMENT, TO BE ADDED TO THE MUNICIPAL GENERAL ELECTION BALLOT ON MARCH 15, 2022; PROVIDING PROPOSED REVISION TO THE TOWN CHARTER; PROVIDING FOR PUBLICATION IN ACCORDANCE WITH THE LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, section 2.07 (f) of the Town of Belleair's Charter presently provides that no department of the Town shall be abolished except by the affirmative vote of at least four (4) of the commission members; and

WHEREAS, Florida Statute § 166.031 (5), requires a unanimous vote of the governing body of a municipality to dissolve any department provided for in its charter; and

WHEREAS, with identified limitations, Section 8.01(b) of the Town Charter also provides that the electors of the Town have the power to require reconsideration by the commission of any adopted ordinance;

WHEREAS, electors within the Town, at public meetings and in written submissions, have expressed a desire to formalize a process for the continued preservation of the Town's police department and protect against its future abolition; and

WHEREAS, the Town Commission desires to harmonize its Charter provisions governing the abolition of municipal departments with the operative law and articulated will of its electors; and

WHEREAS, Florida Statute § 166.031 (1), provides that the governing body of a municipality may, by ordinance, submit to its electors a proposed amendment to its charter; and

WHEREAS, the Town Commission finds that this Ordinance proposing language for submission to the electors concerning the process for the abolition of municipal departments is in the best interest of the public health, safety, and welfare of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, that:

Section 1: That an amendment to Section 2.07 of the Town's Charter be proposed to the electors of the Town of Belleair at a referendum election to be held as part of the General Election on March 15, 2022, said Section 2.07 of the Charter to read, as amended, as follows:

Sec. 2.07. - Prohibitions and limitations.

(a) Holding other office. No member of the commission, during the terms for which he has been elected or appointed or for one year thereafter, shall be eligible for appointment to any office, position or employment in the town which carries compensation other than to an office within the commission, except as provided for under section 3.02.

(b) Performance and removals. The commission or any of its members, and board[s] and committees or members thereof appointed by the commission, shall not in any manner interfere with the performance of the duties or the removal of any employee of the town who is under the supervision of the manager.

(c) Interference with administration. Except for the purpose of inquiries and investigations under section 2.06(c), the commission or its members shall deal only through the manager or acting manager with employees who are subject to the direction and supervision of the manager. Neither the commission nor its members shall give orders to any such employee either publicly or privately.

Nothing in the foregoing paragraph is to be construed to prohibit individual members of the commission from closely scrutinizing by questions and personal observations all aspects of town operations so as to obtain independent information to assist the members of the commission in the formulation of sound policy.

(d) [Receipt of bequests, etc.] The commission may receive bequests or donations and may make donations only where such are in the furtherance of the public purposes of the town.

(e) Purchasing procedure. The commission shall adopt a purchasing and procurement policy by ordinance consistent with state law.

(f) Department abolishment. No department of the town shall be abolished except by the ~~affirmative vote of at least four (4) of the commission members.~~ unanimous vote of the five (5) commission members. The commission may abolish the Town's Police Department only by the unanimous adoption of an ordinance voted upon by the five (5) commission members.

(g) Disposition of real property. No real property owned by the town shall be sold, alienated or conveyed until the same has been appraised an independent appraiser who is a member of an appraisal organization listed in F.S. § 253.025, or its successor.

Section 2. The Town Clerk is hereby directed to notify the Pinellas County Supervisor of Elections that the referendum item provided above shall be considered on the same ballot as the General Election to be held on March 15, 2022.

Section 3. This Ordinance shall be published in accordance with the law.

Section 4. This Ordinance shall take effect immediately upon its passage and adoption. The referendum shall take effect only upon the approval of a majority of the Town's qualified electors voting at the referendum election voting on this issue.

ADOPTED ON FIRST READING by the Town Commission of the Town of Belleair, Florida, at the meeting held on the 16th day of November, 2021.

PUBLISHED THE 24th day of November, 2021.

PASSED AND ADOPTED ON SECOND READING AND PUBLIC HEARING this 7th day of December, 2021.



Michael Wilkinson, Mayor

ATTEST:


Christine Nicole, Town Clerk

