

State of Florida



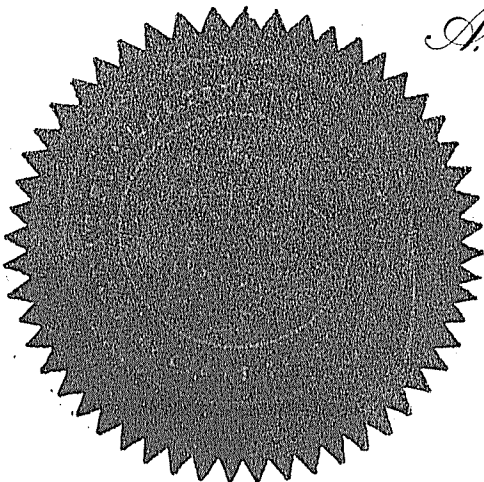
Office of Secretary of State.

S. H. Clay Crawford, Secretary of State of the State of Florida,
do hereby certify that the above and foregoing is a true and correct copy of

HOUSE BILL NO. 7-- AN ACT to abolish the present municipality of the Town of La Belle in Glades and Hendry Counties, State of Florida; to create and establish a new municipality to be known as the City of La Belle, Florida; to legalize and validate the ordinances of said Town of La Belle and official acts thereunder; to preserve the validity and binding force of all the debts, obligations, and liability of the former town of La Belle to continue the same as the debts, and liability of the City of La Belle; to fix and provide the territorial limits, jurisdiction and powers of the City of La Belle in Glades and Hendry Counties, State of Florida, and the jurisdiction and powers of its officers; passed by the Legislature of Florida, extra session 1925, as approved by the Governor and filed in this office.

*Given under my hand and the Great Seal of
the State of Florida at Tallahassee, the Capital,
this the _____ tenth day of _____ December
A. D. 19____ 25.*

S. H. Clay Crawford
Secretary of State



PART I
CHARTER AND RELATED LAWS*

- Art. I. In General, §§ 1-4.1
- Art. II. City Commission, §§ 5-9
- Art. III. Officers And Employees, §§ 10-16
- Art. IV. Elections, §§ 17-21
- Art. V. Ordinances, §§ 22, 23
- Art. VI. Franchises, § 24
- Art. VII. Finances, §§ 25, 26
- Art. VIII. Bonds, §§ 27-29
- Art. IX. Taxation, §§ 30-40
- Art. X. Improvements, §§ 41-58
- Art. XI. Claims Against City, §§ 59-61
- Art. XII. Miscellaneous Provisions, §§ 62-65

ARTICLE I. IN GENERAL

Sec. 1. Existing municipality abolished.

The existing municipality of the Town [City] of LaBelle, Counties of Glades and Hendry, State of Florida, is hereby abolished. The title, rights and ownership of property, uncollected taxes, due, claims, judgments, decrees and choses in action, held or owned by the Town [City] of LaBelle shall pass to and be vested in the municipal corporation organized under this act [section 2 of this compilation] to succeed the municipality abolished. No obligations or contracts of the said municipality including bonds heretofore issued, shall be impaired or avoided by this act [Charter] but such debts and obligations shall pass to and be binding upon the new municipality which is hereby organized and created [section 2 of this compilation]. All officers heretofore elected or appointed and holding office under the said municipality shall continue to hold

their respective offices and to discharge the respective duties thereof until their successors are elected and confirmed under the provisions of this act [Charter], and all existing ordinances of the said municipality, not in conflict with the provisions of this act [Charter], shall continue in effect and unimpaired until repealed, amended or modified by the municipality which is hereby organized and created [section 2 of this compilation].
(Laws of Fla. 1925, Ch. 11580, § 1)

Sec. 2. New municipality created; perpetual succession; seal.

The inhabitants of the City of LaBelle, Florida, as its limits have heretofore been established, shall continue to be a body politic and corporate to be known and designated as the City of LaBelle, and as such shall have perpetual succession, shall

***Editor's note**—This compilation consists of the following legislative acts affecting the City of LaBelle, Florida, Laws of Florida, 1925, Ch. 10758; Laws of Florida, 1925, Ch. 11580; Laws of Florida, 1927, Ch. 12954; Laws of Florida, 1929, Ch. 14158; Laws of Florida, 1929, Ch. 14159; Laws of Florida, 1933, Ch. 16516. A comparative table immediately following the Charter shows the disposition of the included acts in this compilation. The provisions of these acts have been arranged by subject matter and numbered consecutively from 1 through 65 for purposes of indexing and ease of reference. The history of all sections is found in the citation enclosed in parentheses following each section. Where a section or act has been amended, superseded or repealed by a later act, the amended section will list the amendatory acts in chronological order. Only the latest amendment, however, will be set out herein. The editors have supplied catchlines where necessary, inserted material in brackets where necessary to correct obvious errors or for clarification, and have omitted all titles and enacting, repealing, severability and effective date clauses. Style and capitalization have been made uniform. The powers of amendment pursuant to F.S. Ch. 166 have been exercised in regard to amending charters in effect prior to July 1, 1973. These amendments are indicated by an editors note immediately following the amended section and cite the authority in F.S. Ch. 166.

sue and be sued, plead and be impleaded and shall have and use a common seal.
(Laws of Fla. 1925, Ch. 11580, § 2)

Editor's note—Laws of Fla. 1925, Ch. 11580 from which the above section was derived became effective upon approval by the governor on November 23, 1925.

Sec. 3. Territory—Description; city may not alter boundaries.

The territory included within the City of LaBelle as herein established [section 2 of this compilation] shall be as follows:

Editor's note—The boundary description of the City of LaBelle has been deleted but is on file in the city clerk's office.

State law reference—Contraction and extension of municipal territorial limits, F.S. Ch. 171.

Sec. 4. Same—1929 Exclusion.

(a) The Southwest quarter of Section 33, and the Southeast quarter of Section 32, Township 42 South, Range 29 East, be, and the same is hereby excluded from the territorial limits, jurisdiction, and powers of the City of LaBelle; provided that nothing in this act [section] shall be construed to relieve said area from the assessment and collection of any taxes levied by virtue of any bonded indebtedness now owed by the City of LaBelle.

(b) When this act [section] shall have gone into effect, the city commission of the City of LaBelle shall hold or exercise no control over the said territory or its inhabitants; provided however, that beginning with the year 1930, the said city commission shall have authority to assess against property located in the said area the same millage that is assessed against property in the City of LaBelle for the purpose of retiring any bonded indebtedness owing by the City of LaBelle at the time the passage of this act [section] and may continue to assess and collect said millage until the said bonds are retired; but shall not assess nor collect taxes upon the property in the said excluded area for any other purpose.
(Laws of Fla. 1925, Ch. 14159, §§ 1, 2)

Editor's note—Laws of Fla. 1929, Ch. 14159 from which the above section is derived was approved on May 23, 1929, and adopted at a referendum held thereafter within the city.

Sec. 4.1. Same—1969 Exclusion.

(a) The portion of Section 5, Township 43 South, Range 29 East, lying north of the Caloosahatchee River Canal is hereby excluded from the territorial limits, jurisdiction and powers of the City of LaBelle, Hendry County; provided that nothing in this act [section] shall be construed to relieve the area from the assessment and collection of any taxes levied by virtue of any bonded indebtedness now owed by the City of LaBelle.

(b) When this act [section] becomes effective the city commission of the City of LaBelle shall hold or exercise no control over the territory or its inhabitants; provided however, that the city commission shall have authority to assess against property located in the area the same millage that is assessed against property in the City of LaBelle for the purpose of retiring any bonded indebtedness owed by the city at the time of the passage of this act [section], and may continue to assess and collect the millage until the bonds are retired, but shall neither assess nor collect taxes upon the property in said excluded area for any other purpose.

(Laws of Fla. 1969, Ch. 69-1196, §§ 1, 2)

Editor's note—Laws of Fla., Ch. 69-1196 from which § 4.1 is derived became a law without the Governor's approval and was filed in the office of the Secretary of State July 9, 1969.

ARTICLE II. CITY COMMISSION*

Sec. 5. Government of city vested in; composition; incumbents continuing in office.

The government and administration of said City of LaBelle shall be vested in a city commission, consisting of five (5) commissioners, one of whom shall be the mayor-commissioner; one of whom shall be the clerk-commissioner; one tax assessor-commissioner; one tax collector-commissioner and a treasurer-commissioner. Present officers of the Town [City] of LaBelle shall hold their respective offices in the City of LaBelle until their succes-

*Cross references—Officers and employees of city, §§ 10-16; terms of office for elective officers, § 17; ordinances, §§ 22, 23.

sors are elected and qualified under the provision of this act [Charter].

(Laws of Fla. 1925, Ch. 11580, § 6)

Editor's note—Laws of Fla. 1925, Ch. 11580 from which the above section was derived, became effective, upon approval by the Governor, on November 23, 1925.

Cross reference—Legislative powers, § 6.

Sec. 6. Legislative powers vested in; organization.

The legislative power of the corporation shall be vested in the city commission composed of five (5) members, the term of office shall be as herein prescribed [section 17 of this compilation], they shall elect one of their members to be president pro-tempore [vice-mayor] who shall in the absence, disability, suspension or disqualification [of the mayor] preside over the meetings of the city commission, and shall have power to enforce such rules as may be adopted by the city commission.

(Laws of Fla. 1925, Ch. 11580, § 17)

Cross reference—Governmental powers, § 5.

Sec. 7. Discipline; quorum; meeting.

(a) The city commission may determine its own rule of procedure and prescribe the punishment of its members for nonattendance, or disorderly conduct and enforce the same. The majority of its members concurring, it may expel a member for nonattendance or for improper conduct in the office.

(b) Three (3) members of the city commission shall be required to form a quorum for the transaction of business, but a small number may adjourn from day to day and under the provisions of the ordinance may compel the attendance of the absent members by fines and penalties.

(c) The city commission shall hold meetings at such time and such place in the City of LaBelle as it may determine, but not less than one regular meeting each month.

(Laws of Fla. 1925, Ch. 11580, § 18)

Sec. 8. Compensation—For duties as commissioners.

The salaries of the said city commissioners shall be three dollars (\$3.00) each for each or every

meeting of the said city commission, not to exceed thirty (30) meetings in any one year.

(Laws of Fla. 1925, Ch. 11580, § 7)

Cross reference—Compensation for duties as city officials, § 9.

Sec. 9. Same—For duties as city officials.

For work and duties performed by various members of the city commission in connection with their official duties as herein set out, other than the attending of meetings of the city commission, they shall be entitled to such other and additional compensation as the city commission shall fix by ordinance.

(Laws of Fla. 1925, Ch. 11580, § 13A)

Cross reference—Compensation for duties as commissioners, § 8.

ARTICLE III. OFFICERS AND EMPLOYEES

Sec. 10. Creating and abolishing offices.

The city commission may by ordinance, create and abolish such other offices necessary or proper for the exercise of the corporate powers of the town [city], as it may deem advisable, appoint persons to fill the same, prescribe their terms and compensation and remove such officers at will. The city commission may, by ordinance, prescribe the oath to be taken and the bond to be given by said officers and fix the amount and conditions thereof.

(Laws of Fla. 1925, Ch. 11580, § 7)

Sec. 11. Removal of officers.

The commission may, on charge of official misconduct, or willful neglect of duty, or for misfeasance or malfeasance in office, impeach by majority vote of all the members of the commission [and]; after trial, on due notice, may remove any such officer from office.

(Laws of Fla. 1925, Ch. 11580, § 12)

Sec. 12. Mayor commissioner—Duties generally.

(a) It shall be the duty of the mayor-commissioner to attend all the meetings of the city commission to see that all ordinances are executed. He shall

appoint persons to perform, temporarily, the duties of any disabled or suspended officer.

(b) It shall be his duty to suspend any officer, except commissioners, at any time for gross neglect or dereliction of duty, at the same time notifying such officer in writing [of] the cause of his suspension and giving him notice to appear at the next regular meeting of the commission and answer thereto. That when said meeting shall be held, to report such suspension and the cause thereof. If the commission deems the cause sufficient for removal, it shall remove the suspended officer and the vacancy shall be filled as herein prescribed.

(c) The mayor-commissioner shall, from time to time, communicate in writing to the city commission such information and recommend such measures touching the public service and best interest of the city as he may deem proper.

(d) He shall have general supervision over all city affairs, and officers, except commissioners, and may examine into the condition of their office books, records and papers thereof, and therein, and the manner of conducting their official business, and shall perform such other duties as the ordinance of said town [city] may require. (Laws of Fla. 1925, Ch. 11580, §§ 14, 16)

Cross reference—City commission, §§ 5—9.

Sec. 13. Same—Judge of police court.

(Laws of Fla. 1925, Ch. 11580, § 15)

Editor's note—Editorially deleted this section on police court as municipal courts were abolished by the Fla. Const. Art. V, § 20(d)(4).

Sec. 14. Same—Substitute during absence or disability.

During any vacancy in the office of the mayor-commissioner or in his absence, disability, suspension, or disqualification the president pro-tempore [vice-mayor] of the city commission shall discharge the duties of the mayor commissioner. (Laws of Fla. 1925, Ch. 11580, § 13)

Cross reference—City commission, §§ 5—9.

Sec. 15. Clerk-commissioner.

(a) The city clerk [clerk-commissioner] shall attend the meetings of the city commission, keep

accurate minutes of the proceedings of said commission, keep a record of all ordinances passed by the commission, and keep a set of books showing at all times the receipts and disbursements of all moneys.

(b) He shall keep a separate account of each fund so that his books will, at all times, show the amount of money to the credit of each fund.

(c) The clerk shall also issue and sign all warrants to be issued and which shall be countersigned by the mayor-commissioner. He shall also keep a record of all warrants issued in their numerical order and showing this payment and at each regular meeting of the commission and more often if required make a written report to the commission showing a list of all outstanding warrants and the balance on hand to the credit of each fund.

(d) The clerk shall also be the custodian of all records, seal, papers and files of the City of LaBelle. (Laws of Fla. 1925, Ch. 11580, § 26)

Cross reference—City commission, §§ 5—9.

Sec. 16. City marshal.

The mayor-commissioner shall appoint a city marshal, subject to the approval of the city commission and the said city marshal shall hold office during the pleasure of the mayor-commissioner and the city commission.

(Laws of Fla. 1925, Ch. 11580, § 8)

ARTICLE IV. ELECTIONS*

Sec. 17. When held; terms of elective officers; initial election.

(a) There shall be an election held on the third Tuesday in July, A.D. 1926, and on the third Tuesday in July, in each year thereafter.

(b) The term of the elective officers shall begin on the first Tuesday in August after their election, and all officers shall hold office for a term of two (2) years.

*State law reference—Florida Election Code, F.S. Chs. 97—107.

(c) The elective officers of the said city shall be the members of the said city commission; provided, however, that the office of two (2) of the present members of the city commission shall expire on the first Tuesday in August, A.D. 1926, and their successors shall be elected at the election to be held on the third Tuesday of July, A.D. 1926. Prior to the first day of June, A.D. 1926, the present members of the city commission shall meet with the city marshal and the city marshal shall at the usual meeting place of the city commission, in the presence of all members of the city commission, decide by lot which two (2) members of the existing city commission shall have their terms of office expire on the third Tuesday in August, A.D. 1926, and the city clerk-commissioner shall keep a full record of proceedings of such meetings and the manner in which the lot was determined, which minutes shall be recorded in the minute book of the city commission of the City of LaBelle and all the members of the city commission of the City of LaBelle, together with the city marshal shall sign the said minutes provided, however, that the failure of any city commissioner to sign the same will not invalidate the proceedings.

(Laws of Fla. 1925, Ch. 11580, § 9)

Editor's note—Laws of Fla. 1925, Ch. 11580 from which the above section was derived became effective upon approval by the governor, on November 23, 1925.

Cross reference—City commission, §§ 5—9.

Sec. 18. Qualifications of candidates.

All residents of the City of LaBelle who have registered in the city registration books as may be required by ordinance and who have resided in the City of LaBelle for one (1) year, shall be eligible to hold any elective office in the City of LaBelle.

Any candidate for public office in the City of LaBelle elections shall be required to post a qualifying fee of two hundred fifty dollars (\$250.00), or in the alternative, shall be required to collect the signatures of three (3) percent of the registered voters in lieu of the qualifying fee.

(Laws of Fla. 1925, Ch. 11580, § 5; Ref. of 11-3-92; Ord. No. 94-8, § 1, 9-8-94)

Editor's note—Editorially deleted the poll tax as it is unconstitutional. Deleted the registration of electors and qualifications as covered by F.S. § 98.041 et seq.

State law reference—Qualifications of electors, F.S. § 98.041 et seq.

Sec. 19. Candidates; groupings on ballots; who shall be deemed elected.

Prior to any election, the candidates for election as commissioners shall announce for which commissioner they are a candidate and on the official ballot of any election, such candidate shall be separated so that all candidates for mayor commissioner; for clerk-commissioner; assessor-commissioner; collector-commissioner; treasurer-commissioner respectively shall be grouped under their respective heads and the person receiving the highest number of votes for the respective offices shall be declared elected to the same.

(Laws of Fla. 1925, Ch. 11580, § 13A)

State law reference—Candidates, F.S. Ch. 99.

Sec. 20. Proclamation.

All elections shall be proclaimed by the mayor-commissioner at least fifteen (15) days prior thereto, and in case of his refusal or omission to make such proclamation the same shall be made by the clerk-commissioner, but no want of proclamation shall defeat in the general election of two [city] officers receiving the highest number of votes as herein prescribed [section 19 of this compilation].

(Laws of Fla. 1925, Ch. 11580, § 11)

Sec. 21. Voting by printed ballots; when general election law shall apply.

(a) All voting at any general or special elections shall be by printed ballot, in the manner provided by the general election laws of the State of Florida, and the candidates receiving the highest number of votes cast shall be declared elected.

(b) Said town [City of LaBelle] shall have the power to pass ordinances prescribing the form of ballot to be used and the manner of calling, conducting, holding, canvassing and making returns of said election, any General State Law concerning general elections to the contrary notwithstanding, but in the absence of any provision in any such ordinance the general election laws of Florida shall govern.

(Laws of Fla. 1925, Ch. 11580, § 10)

State law reference—Voting and ballots, F.S. Ch. 101.

ARTICLE V. ORDINANCES*

Sec. 22. Authorized.

The city commission shall have full power to pass such ordinances as it may deem proper for the government of said City [of LaBelle].

(Laws of Fla. 1925, Ch. 11580, § 21; Laws of Fla. 1927, Ch. 12954, § 1)

State law reference—Ordinance adoption procedure, F.S. § 166.041.

Sec. 23. Reading; majority vote required for passage; mayor signing.

No ordinance shall be effective until the same be signed by the mayor-commissioner unless it is passed over his veto as may be prescribed by ordinance.

(Laws of Fla. 1925, Ch. 11580, § 19)

Editor's note—Editorially deleted the procedure on adopting ordinances as superseded by F.S. § 166.041.

ARTICLE VI. FRANCHISES

Sec. 24. Limitation on.

(Laws of Fla. 1925, Ch. 11580, § 57)

Editor's note—Editorially deleted this section prohibiting a franchise in excess of thirty (30) years as all limitations on the exercise of powers were repealed by F.S. § 166.021.

ARTICLE VII. FINANCES†

Sec. 25. Depository.

Editor's note—This section was converted to an ordinance by operation of F.S. § 166.021. It has been editorially transferred to the Code of Ordinances and appears as § 2-57.

Sec. 26. Deposit and distribution of revenues.

Editor's note—This section was converted to an ordinance by operation of F.S. § 166.021. It has been editorially transferred to the Code of Ordinances and appears as § 2-56.

ARTICLE VIII. BONDS‡

Sec. 27. Purposes; signatures; resolution; referendum; refunding bonds.

Editor's note—This section has been editorially deleted as F.S. § 166.101 et seq. is full authority for borrowing.

***Cross reference**—City commission, §§ 5—9.

State law reference—Ordinances, F.S. § 166.041.

†**Cross reference**—Taxation, §§ 30—40.

‡**Cross reference**—Improvement bonds, § 56.

Sec. 28. Cancellation.

(Laws of Fla. 1925, Ch. 11580, § 23; Laws of Fla. 1927, Ch. 12954, § 3)

Editor's note—This section was editorially deleted as F.S. § 166.101 is full authority for issuing and canceling bonds.

Sec. 29. Signature; seal; when and where payable.

(Laws of Fla. 1925, Ch. 11580, § 24)

Editor's note—This section has been editorially deleted as F.S. § 166.101 et seq. is full authority for borrowing.

ARTICLE IX. TAXATION**

Secs. 30—40. Reserved.

ARTICLE X. IMPROVEMENTS††

Secs. 41—58. Reserved.

ARTICLE XI. CLAIMS AGAINST CITY

Sec. 59. Disclaimer of city liability.

(Laws of Fla. 1925, Ch. 11580, § 58)

Editor's note—This section has been deleted as superseded by F.S. § 768.28.

Sec. 60. Notice of intention to sue city.

(Laws of Fla. 1925, Ch. 11580, § 60)

Editor's note—This section has been deleted as repealed by F.S. § 96.241(1973).

****Editor's note**—This article has been deleted as superseded by F.S. Ch. 192 et seq.

State law reference—Taxation, F.S. Chs. 192—196.

††**Editor's note**—This article was converted to an ordinance by operation of F.S. § 166.021. It has been editorially transferred to the Code of Ordinances and appears as Ch. 13 of the Code.

State law reference—Supplemental and alternative method of making local municipal improvements, F.S. Ch. 170.

Sec. 61. Statute of limitations on causes of action.

(Laws of Fla. 1925, Ch. 11580, § 59)

Editor's note—This section has been deleted as superceded by F.S. § 768.28.

ARTICLE XII. MISCELLANEOUS PROVISIONS

Sec. 62. General powers.

The City of LaBelle shall have and enjoy the rights, privileges and powers which are granted to incorporated cities by the Constitution and General Laws of the State of Florida. Among the powers, as above set forth the City of LaBelle shall have the power:

- (1) To provide the city with waterworks and electric light plant, to be within or beyond the boundaries of the city;
- (2) To provide for the enclosing, improving and regulating of public grounds belonging to the city, in or out of the corporate limits.

(Laws of Fla. 1925, Ch. 11580, § 4)

Editor's note—The powers listed in this section other than extraterritorial powers have been editorially deleted as the state constitution and F.S. Ch. 166 which converted all powers to ordinances have granted broad home rule powers to cities.

Sec. 63. Power to pass ordinances.

The city, acting through its city commission shall have the power to pass all such ordinances as may be necessary:

- (1) To provide for the inclosing [enclosing], improving and regulating of all public grounds belonging to the town [city] within or beyond its corporate limits;
- (2) To provide the city with a system of waterworks and a system of drainage and sewerage, extend or modify the same within or beyond the territorial limits of the city, and to acquire and hold by grant, lease, purchase, conveyance or otherwise all such rights or privileges, corporal or incorporeal

as may be necessary and incident to the execution of this power.

(Laws of Fla. 1925, Ch. 11580, § 25)

Editor's note—The powers listed in this section other than extraterritorial powers have been editorially deleted as the state constitution and F.S. Ch. 166 which converted all powers to ordinances have granted broad home rule powers to cities.

Sec. 64. Municipal powers under general law.

In addition to the rights, powers and privileges herein conferred upon said City of LaBelle, the said municipality is hereby invested with all rights, powers and privileges of a municipal corporation, on, under and by virtue of the general laws of the State of Florida now in force or which may hereafter be passed.

(Laws of Fla. 1925, Ch. 11580, § 61)

Editor's note—Laws of Fla. 1925, Ch. 11580, from which the above section was derived, became effective, upon approval by the governor, on November 23, 1925.

Sec. 65. Livestock running at large.

(Laws of Fla. 1925, Ch. 10758, § 1)

Editor's note—The powers listed in this section have been editorially deleted as the state constitution and F.S. Ch. 166 which converted all powers to ordinances have granted broad home rule powers to cities.

[The next page is 57]

*****Official*****

**CERTIFICATE OF COUNTY CANVASSING BOARD
HENDRY COUNTY**

We, the undersigned, DARRELL HILL, County Judge, BRENDA HOOTS, Supervisor of Elections, DARRELL HARRIS, Board of County Commissioners, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the 27th day of March, 2020, and proceeded publicly to canvass the votes given for the **City of LaBelle, Charter Amendment One, Terms of Office**, herein specified at the **Presidential Preference Primary** held on the Seventeenth day of March, 2020 A.D., as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

The total number of votes in the Referendum was 387.

Yes received 209 votes

No received 178 votes



Darrell Hill, County Judge



Brenda Hoots, Supervisor of Elections



Darrell Harris, Board of County Commissioners

CITY OF LABELLE, FLORIDA

ORDINANCE NO. 19 – 26

AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, CALLING FOR AND ORDERING A BINDING REFERENDUM TO BE HELD IN THE CITY OF LABELLE ON MARCH 17, 2020; TO DETERMINE WHETHER A MAJORITY OF THE ELECTORS VOTING IN SUCH REFERENDUM ARE IN FAVOR OF CERTAIN PROPOSED CHARTER AMENDMENT; ESTABLISHING THE DATE OF THE REFERENDUM FOR THE CHARTER AMENDMENT TO BE HELD ON MARCH 17, 2020; REQUESTING THAT THE HENDRY COUNTY SUPERVISOR OF ELECTIONS CONDUCT THE ELECTION IN ACCORDANCE WITH THE APPLICABLE LAWS AND REGULATIONS; PROVIDING BALLOT LANGUAGE; DIRECTING THAT THE NOTICE OF ELECTION BE PREPARED AND PUBLISHED; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR SEVERABILITY, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, the City of LaBelle was incorporated in 1925 by Special Act of the Florida Legislature Laws of Florida Chapter 11580 approved by the Governor on November 23, 1925; and

WHEREAS, Chapter 166, Florida Statutes, provides for the methodology for Charter amendments where such amendments may be submitted to a referendum vote by the municipal governing body, in an ordinance format; and

WHEREAS, since incorporation Section 17 of the City Charter has required that the terms of city commissioners shall be fixed at two (2) years; and

WHEREAS, the Hendry County Supervisor of Elections has reported to the City Commission that voter participation rates historically been low during odd year elections where no statewide or national election coincides with the City election; and

WHEREAS, the Supervisor has also provided the City Commission with historical data indicating that no contested election has resulted in the removal of an incumbent Commissioner in recent memory; and

WHEREAS, the in consideration of the Supervisor's data and recommendations, the City Commission desires put to the electors whether the Commission's terms should be set at four (4) years to coincide with state, federal, and countywide even-year elections to encourage greater participation in government by potential candidates and the electorate; and

WHEREAS, on November 14, 2019 the City Commission conducted a first reading of this Ordinance to ascertain whether amendments changing portions of the initial Charter should be considered by the electors at a referendum on the March 17, 2020 ballot; and

WHEREAS, pursuant to Section 166.031, Florida Statutes, and following the City Commission's review, the City of LaBelle has caused the final drafting and preparation of the proposed amendments to the City Charter for submission to the electors of the City in a duly called and held referendum.

THE CITY OF LABELLE HEREBY ORDAINS:

- SECTION 1.** The above recitals are true and correct and incorporated herein by this reference.
- SECTION 2.** The City Commission hereby calls for and orders the holding of a binding referendum for the qualified electors of the City of LaBelle to be held on March 17, 2020 to decide whether a majority of the electors voting therein approve to amend the Charter as proposed. All qualified electors residing in the City of LaBelle on the date thereof shall be entitled and permitted to vote in such referendum.
- SECTION 3.** The Hendry County Supervisor of Elections shall conduct the referendum. Balloting shall occur at regular times and places for City elections or as otherwise provided by the Hendry County Supervisor of Elections in accordance with applicable law. Early voting may be provided as authorized by law.
- SECTION 4.** The City of LaBelle shall reimburse the Hendry County Supervisor of Elections for any costs of the referendum.
- SECTION 5.** The notice of the election shall be published in accordance with Section 100.342, Florida Statutes, in a newspaper of general circulation within the City at least thirty (30) days prior to the election. The first publication to be in the fifth week prior to the election with the second in the third week prior to the election.
- SECTION 6.** The proposed ballot titles and questions for each Referendum Item proposed herein to be placed on the ballot are fully described below; however the City Council reserves the right to further amend the ballot titles and questions, but not the Charter amendments themselves, if necessary to clarify the intent of the proposed revisions for the voting

public; any such proposed changes must be made by Resolution of the Council prior to ballot finalization by the Hendry County Supervisor of Elections. The ballot language shall be as follows:

**OFFICIAL BALLOT
CHARTER AMENDMENTS
CITY OF LABELLE, HENDRY COUNTY, FLORIDA**

**CHARTER AMENDMENT ONE
TERMS OF OFFICE**

Section 17 of the City Charter shall be clarified and amended to change the terms for future Mayor and Commissioners from two (2) year to four (4) year terms. This change does not extend the current terms of any elected official.

YES
NO

SECTION 7. The proposed amendment to the Charter is attached as Exhibit "A" to this Ordinance, and is incorporated into this Ordinance.

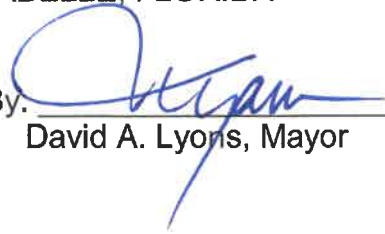
SECTION 8. The appropriate city officials are hereby authorized and directed to take such actions as necessary to effectuate the provisions of this Ordinance and provide public notice of the referendum in accordance with law.

SECTION 9. This Ordinance shall take effect thirty (30) days from its adoption date.

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PASSED AND DULY ADOPTED this 12th day of December, 2019.

CITY COMMISSION OF THE CITY OF
LABELLE, FLORIDA

By: 
David A. Lyons, Mayor

ATTEST:

By: 
Thomas A. Smith, Clerk-Commissioner

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By: 
Derek Rooney, City Attorney

Vote:	AYE	NAY
Mayor Lyons	<input checked="" type="checkbox"/>	_____
Commissioner Smith	<input checked="" type="checkbox"/>	_____
Commissioner Wilkins	<input checked="" type="checkbox"/>	_____
Commissioner Akin	<input checked="" type="checkbox"/>	_____
Commissioner Zimmerly	_____	_____

EXHIBIT A
CHARTER REFERENDA AMENDMENT

The proposed referenda language would amend the City of LaBelle City Charter, as shown by strikethroughs to delete existing text and by underlining new text, as indicated below.

Sec. 17. - When held; terms of elective officers; initial election.

(a) There shall be an election held on the third Tuesday in July, A.D. 1926, and on the third Tuesday in July, in each year thereafter.

(b) The term of the elective officers shall begin on the first Tuesday of the month following in August after their election and certification of results, and all officers shall hold office thereafter for a term of four (4) ~~two (2)~~ years.

~~(c) The elective officers of the said city shall be the members of the said city commission; provided, however, that the office of two (2) of the present members of the city commission shall expire on the first Tuesday in August, A.D. 1926, and their successors shall be elected at the election to be held on the third Tuesday of July, A.D. 1926. Prior to the first day of June, A.D. 1926, the present members of the city commission shall meet with the city marshal and the city marshal shall at the usual meeting place of the city commission, in the presence of all members of the city commission, decide by lot which two (2) members of the existing city commission shall have their terms of office expire on the third Tuesday in August, A.D. 1926, and the city clerk-commissioner shall keep a full record of proceedings of such meetings and the manner in which the lot was determined, which minutes shall be recorded in the minute book of the city commission of the City of LaBelle and all the members of the city commission of the City of LaBelle, together with the city marshal shall sign the said minutes provided, however, that the failure of any city commissioner to sign the same will not invalidate the proceedings.~~