

**ORDINANCE 2024-13  
AMENDING THE CITY CHARTER**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA SUBMITTING TO THE ELECTORS OF PALM COAST A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF PALM COAST AMENDING ARTICLE VI, BUDGET AND APPROPRIATIONS TO DELETE FROM OUTDATED PROVISION RELATING TO LIMITATIONS TO COUNCIL’S FISCAL CONTRACTING AUTHORITY WHICH SHALL BE CONSIDERED BY BALLOT; PROVIDING BALLOT TITLE AND SUMMARY FOR THE PROPOSED CHARTER AMENDMENT; PROVIDING FOR DIRECTION TO THE CITY CLERK; PROVIDING FOR CONFLICTS, SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE FOR THE ORDINANCE AND FOR THE APPROVED AMENDMENT**

**WHEREAS**, the Charter of the City of Palm Coast may be amended from time to time in accordance with the provisions of the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes; and

**WHEREAS**, the City Council of Palm Coast may establish the form, content and certification of petition to amend the Charter through establishment of ordinance; and

**WHEREAS**, the City Council continues to remain committed to following the principles of financial accountability and transparency as outlined in Resolution 2013-111; and

**WHEREAS**, as a result of input, recommendations and advice from staff and after careful deliberation and consideration, the City Council finds that it is in the best interest of the public health, safety, and welfare of the citizens of Palm Coast to propose revisions to the Palm Coast City Charter in accordance with Article IX. – General Provisions of the Palm Coast City Charter and Section 166.031, Florida Statutes; and

**WHEREAS**, the proposed revisions will amend Article VI, Section (3)(e), to remove limitations to the Council’s fiscal contracting authority; and

**WHEREAS**, the City Council finds that the proposed ballot question and summary should be submitted to the City electorate for its consideration and final approval or disapproval; and

**WHEREAS**, the City Council of the City of Palm Coast desires to put to a vote of the citizens the issue of whether the Charter should be changed as proposed by the City Council; and

**WHEREAS**, Section 166.031, Florida Statutes, provides that the governing body of a municipality may, by ordinance, submit to the electors of said municipality a proposed amendment to its Charter, which said amendment may be to any part or all of its Charter; and

**WHEREAS**, the City Charter provides that an amendment to the Charter may be submitted to the electors through ordinance approved by a majority vote of the Council members, and if the proposition amend is approved by a majority of the electors, the amendment shall become law; and

**WHEREAS**, the City Council finds it to be in the best interest of its citizens to submit the said proposed Charter amendment to the voters at a referendum election conducted by the Flagler County Supervisor of Elections on Tuesday, November 5<sup>th</sup> 2024.

**NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF PALM COAST, FLORIDA:**

**SECTION 1. REFERENDUM ELECTION.** The City Council of the City of Palm Coast, pursuant to Section 166.031 Florida Statutes, hereby proposes and approves amendments to the Charter of the City of Palm Coast, which proposed amendments are set forth below. Each question shall be voted on separately and approved or disapproved based on its own merit. Such referendum election shall be held in conformity with the laws of the State of Florida. The Supervisor of Elections of Flagler County is to coordinate all matters of said referendum election with the Palm Coast City Clerk, pursuant to that Interlocal Agreement between the City and the Supervisor of Elections.

**SECTION 2. AMENDMENTS TO CITY CHARTER.** The form of the ballot for the Charter Amendments proposed in this Ordinance shall be as follows:

**CITY CHARTER AMENDMENT 1:**

**TITLE:**

**CHARTER AMENDMENT TO UPDATE PROVISIONS RELATED TO CITY COUNCIL'S CONTRACTING AUTHORITY.**

**SUMMARY:**

Shall Article VI of the Charter be amended by removing provision (3)(e) related to fiscal Contracting Authority that limits the City's ability to enter into public private partnerships, have the ability to address growth by having future residents contribute to infrastructure costs, respond to emergencies and use available financial instruments including, but not limited to, bonds.

Yes

No

**SECTION 3.** The proposed amendments, the ballot titles and summaries of the proposed amendments to the Charter, as contained in this Ordinance, shall appear on the ballot in the form of questions as set forth in Section 2 of this Ordinance.

**SECTION 4. SEVERABILITY.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

**SECTION 5. CONFLICTS.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 6. EFFECTIVE DATE OF ORDINANCE.** This Ordinance shall become effective immediately upon its passage and adoption.

**SECTION 7. EFFECTIVE DATE OF CHARTER AMENDMENTS.** The revised Charter provisions proposed for approval in this Ordinance shall become effective upon their approval following election of the electors of the City of Palm Coast in accordance with Section 166.031, Florida Statutes, and Article IX of the City Charter. If the electors reject an amendment, the rejected amendment shall not take effect. The City Clerk is hereby


directed, upon adoption of the revised Charter, to renumber the Charter to logically organize all Charter amendments, and to promptly file the revised Charter with the State of Florida, Department of State, as required by Section 166.031, Florida Statutes.

**APPROVED** on first reading this 2<sup>nd</sup> day of July 2024.

**ADOPTED** on the second reading after due public notice and hearing this 16<sup>th</sup> day of July 2024.

ATTEST:

CITY OF PALM COAST

  
KALEY COOK, CITY CLERK

  
DAVID ALFIN, MAYOR

APPROVED AS TO FORM AND LEGALITY

  
MARCUS DUFFY, CITY ATTORNEY

