

City of Palm Coast, Florida Agenda Item

Agenda Date: May 12, 2026

Agenda Item: E.9

Department CITY ATTORNEY Division	Amount Org/Account #
Subject: ORDINANCE 2026-XX AMENDMENT TO THE CITY CHARTER	
Presenter: Marcus Duffy, City Attorney	
Attachments: 1. Ordinance	
Background: <u>UPDATED BACKGROUND FROM THE APRIL 14, 2026, WORKSHOP MEETING:</u> At the April 14, 2026, meeting, City Council provided direction for the proposed charter amendments which are incorporated into the attached ordinance. <u>ORIGINAL BACKGROUND FROM THE APRIL 14, 2026, WORKSHOP MEETING:</u> On February 24, 2026, the City Council received a report from the Charter Review Committee outlining proposed amendments to the City Charter. Following extensive discussion, the City Council directed the City Attorney to prepare an ordinance reflecting the proposed changes. The ordinance is included with this item for consideration.	
Recommended Action: ADOPT ORDINANCE 2026-XX AMENDMENT TO THE CITY CHARTER	

ORDINANCE 2025-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM, COAST, FLORIDA, SUBMITTING TO THE ELECTORS OF PALM COAST PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF PALM COAST WHICH SHALL BE CONSIDERED BY BALLOT; PROVIDING BALLOT TITLES AND SUMMARIES FOR THE PROPOSED CHARTER AMENDMENTS; PROVIDING FOR DIRECTION TO THE CITY CLERK; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE APPROVED AMENDMENTS.

WHEREAS, pursuant to the City Charter, the City of Palm Coast established a Charter Review Committee to review the City Charter and make recommendations to the City Council for proposed amendments thereto; and

WHEREAS, the Charter Review Committee reviewed, considered, studied, and analyzed the City Charter and received public input during its multiple public meetings; and

WHEREAS, on January 31, 2026, the Charter Review Committee submitted its final report, with recommendations to the City Council; and

WHEREAS, on February 24, 2026, at a public workshop wherein the City Council reviewed the final report and recommendations, received public comment, the City Council accepted the final report, modified certain proposed charter amendments, and directed the City Attorney to prepare an appropriate ordinance to place the proposed charter amendment before the registered voters of City of Palm Coast at the election to be held on November 3, 2026; and

WHEREAS, as a result of the input, recommendations, and advice received during this public process and after careful deliberation and consideration, the City Council finds that it is in the best interests 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 of the Palm Coast City Charter and Section 166.031, Florida Statutes; and;

WHEREAS, the City Council finds that the proposed ballot questions and summaries 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 following the afore described public process; 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 proposed amendments to its Charter, which amendments may be to any part or all of its Charter; and

WHEREAS, Article IX of the City Charter provides that amendments to the Charter may be submitted to the electors by a majority vote of the Council members, and if the proposed amendments are approved by a majority of the electors, the amendments shall become law; and

WHEREAS, the City Council of the City of Palm Coast, Florida, hereby finds this Ordinance to be in the best interest of the public health, safety, and welfare of the citizens of Palm Coast.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALM COAST THAT:

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 to the Charter of the City of Palm Coast to be submitted to the electorate for consideration, which proposed amendments and the complete text thereof, as amended, are set forth in Section 2 below. Additions are shown with double underlining, deletions are shown with strike through type, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged. 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 the Interlocal Agreement between the City and the Supervisor of Elections.

SECTION 2. AMENDMENT 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:

AMENDING ARTICLE IV, SECTION (7) OF CITY CHARTER REGARDING REMOVAL OF COUNCIL MEMBERS OR MAYOR.

SUMMARY:

Shall Article IV, Section (7) of the City Charter be amended to expand and clarify standards for forfeitures and suspension of the Mayor and City Council members by defining ethics violations under Florida law, establishing additional meeting attendance requirements, and authorizing the City Council, after three formal censures to petition the Governor for suspension or removal of a City Council Member for neglect of duty or malfeasance.

Shall the above-described Charter Amendment be adopted?

Yes _____

No _____

Text Revisions: (Double Underline texts added to the Charter and strikethrough text are removed).

Art. IV, (7) *Vacancies; forfeiture of office; suspension; recall; filling of vacancies.*

(b) Forfeiture of office. The Mayor or any other Council member shall forfeit his/her office upon determination by the Council, acting as a body, that he/she:

1. Lacks at any time, or fails to maintain during his/her term of office, any qualification for the office prescribed by this Charter or otherwise required by law;

2. Is convicted of a felony, or enters a plea of guilty or nolo contendere to a crime punishable as a felony, even if adjudication of guilt has been withheld;

3. Is convicted of a first degree misdemeanor arising directly out of his/her official conduct or duties or enters a plea of guilty or nolo contendere thereto, even if adjudication of guilt has been withheld;

4. Is found to have violated ~~any standard of conduct or code of ethics established by law for public officials~~ the Code of Ethics for Public Officers and Employees, as set for in Part III, Chapter 112, Florida Statutes by the Florida Commission of Ethics, or violated any adopted City Council standard of conduct and has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or

5. Is absent from three (3) consecutive regular Council meetings, or from six meetings within a twelve (12) - month calendar year, without being excused by the Council. For purposes of this subsection "meetings" include City Council business meetings and City Council workshops.

(c) Suspension from office. The Mayor or any other Council member shall be suspended from office by the Council acting as a body upon return of an indictment or issuance of an information charging the Council member or Mayor with any crime which is punishable as a felony or with any crime arising out of his/her official conduct or duties which is punishable as a misdemeanor. Pursuant thereto:

1. During the period of suspension, the Mayor or the Council member shall not perform any official act, duty, or function, or receive any allowance, emolument, or privilege of office.

2. If the Mayor or the Council member is subsequently found not guilty of the charge, or if the charge is otherwise dismissed or altered so that suspension would no longer be required as provided herein, the suspension shall be lifted by the Council, and the Council member or

Mayor shall be entitled to receive full back allowances and such other emoluments or as he/she would have been entitled to had the suspension not occurred.

(d) Request for Removal by Governor. The Council may, by a supermajority vote of its members, formalize a request to the Governor of the State of Florida to remove or suspend the Mayor or any other Council member from office. Such a request may be initiated for persistent misconduct or recurring violations of the public trust not otherwise specifically enumerated in subsections 7(b) or 7(c) of this Charter.

The threshold for such a request shall be the issuance of three (3) formal censures against the official within a single calendar year. Each censure shall require approval by a majority vote of the Council members present and voting. Upon the issuance of the third censure within a calendar year, the Council may determine that the official's conduct constitutes "neglect of duty" or "malfeasance" under Florida law, justifying a formal petition to the Governor for suspension or removal.

City Charter Amendment 2:

TITLE:

AMENDING CITY CHARTER ARTICLE IV (7)(e) PROCEDURES FOR FILLING CITY COUNCIL VACANCIES AND SPECIAL ELECTIONS.

SUMMARY:

Shall Article IV(7)(e) of the City Charter be amended to revise vacancy procedures? If a vacancy occurs with over 18 months remaining in a term, a special election is required within 90 days. If a vacancy occurs within 6 months of a general election but after ballot deadlines have passed, a special election must be held within 90 days following that general election.

Shall the above-described Charter Amendment be adopted?

Yes

No

Text Revisions: (Double Underline texts added to the Charter and strikethrough text are removed).

Article IV, (7)(e) Filling of vacancies.

(1) If, for any reason other than recall or assuming the office of Mayor, a vacancy occurs in the office of any council seat within the first two years of a term the office shall be filled by appointment within 90 days following the occurrence of such vacancy by majority vote of the remaining Council members. If said vacancy occurs within six (6) months of the next regularly scheduled election, the remaining Council members may delay the appointment. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the remaining two years of the original term, thus continuing the original staggering of district seats. However, the following administrative and timing guardrails shall apply:

(a) 18-Month Rule: Notwithstanding the above, if at the time the vacancy occurs there are more than eighteen (18) months remaining before the next regularly scheduled election, the Council shall call a special election to fill the vacancy for the remainder of the unexpired term. Such special election shall be held as soon as practicable, but no later than ninety (90) days after the vacancy occurs, subject to the availability and scheduling capacity of the Supervisor of Elections and the notice and certification requirements of Florida law.

(b) Ballot Deadline Guardrail: In the event a vacancy occurs after the candidate qualifying period for the next regularly scheduled election has closed, or too late for the seat to be legally certified to the ballot under Florida law (including the 60-day certification deadline), the Council shall call a special election to be held within ninety (90) days following said general election to fill the seat for the remainder of the unexpired term, subject to the availability and scheduling capacity of the Supervisor of Elections.

2. If, for any reason other than recall or assuming the office of Mayor, a vacancy occurs in the office of any Council seat within the last two years of a term, the office shall be filled by appointment within 90 days following the occurrence of such vacancy by majority vote of the remaining Council members. If said vacancy occurs within six (6) months of the next regularly scheduled election, the remaining Council members may delay the appointment. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the regular four-year term. However, if at the time the vacancy occurs there are more than eighteen (18) months remaining before the next regularly scheduled election, the Council shall call a special election to fill the vacancy for the remainder of the unexpired term. Such special election shall be held as soon as practicable, but no later than ninety (90) days after the vacancy occurs, subject to the availability and scheduling capacity of the Supervisor of Elections and the notice and certification requirements of Florida law.

City Charter Amendment 3:

TITLE:

AMENDING THE CITY CHARTER TO INCREASE CITY COUNCIL'S UNFUNDED CONTRACTING AUTHORITY TO \$30,000,000.00.

SUMMARY:

Shall Art. VI (3) (e) of the City Charter be amended to increase the Council's unfunded contracting authority from \$15,000,000.00 to \$30,000,000.00 and extend the term from 36 months to 30 years? Unfunded multi-year or lease-purchase contracts exceeding these limits shall require voter approval via referendum. The \$30,000,000.00 threshold shall be adjusted annually for inflation (CPI), rounded to the nearest \$1,000.00

Shall the above-described Charter Amendment be adopted?

Yes _____

No _____

Text Revisions: (Double Underline texts added to the Charter and strikethrough text are removed).

Article VI, (3) (e) Limitations to Council's Contracting Authority.

e) Limitations to Council's Contracting Authority. Unless authorized by the electors of the City at a duly held referendum election, the Council shall not enter into lease-purchase contracts, or any other unfunded multiyear contracts, the repayment of which: extend in excess of ~~36-30 months~~ years; or exceeds ~~\$15,000,000.00~~ \$30,000,000.00. As of each October 1 thereafter, the amount of the "Contracting Limit" in effect shall be adjusted to reflect the percentage change in the Consumer Price Index (U.S. City Average All Workers) by using the most recent available information for the prior 12 month period. This adjustment shall be calculated using the most recent available data for the preceding 12-month period. The adjusted amount shall be rounded to the nearest \$1,000 and shall serve as the effective Contracting Limit for the following fiscal year.

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 the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any

phrase, clause, sentence, paragraph, or section of this Ordinance 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, or sections of this Ordinance.

SECTION 5. CONFLICTS. All prior ordinances and resolutions or parts thereof in conflict with this Ordinance are hereby repealed.

SECTION 6. EFFECTIVE DATE. 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 upon first reading on the ____ day of _____ 2026.

Adopted on the second reading after due public notice and hearing on this ____ day of ____ 2026.

ATTEST

KALEY COOK, CITY CLERK

MICHAEL NORRIS, MAYOR

APPROVED AS TO FORM AND LEGALITY:

MARCUS DUFFY, ESQ.
CITY ATTORNEY