

ORDINANCE NO. 552

AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, AMENDING THE TOWN CHARTER TO RELOCATE THE DESCRIPTION OF THE TERRITORIAL BOUNDARIES INTO AN APPENDIX; ADDING A REFERENDUM REQUIREMENT FOR THE TOWN TO JOIN ANY NEW TAXING DISTRICT; REMOVING THE TOWN CLERK AS A CHARTER OFFICER; REORGANIZING THE CHARTER WITH APPROPRIATE NUMERATION OF SECTIONS; ADDING ADDITIONAL LANGUAGE TO THE GRANTED POWERS OF THE TOWN, AND ADDING LANGUAGE TO BE IN CONFORMANCE WITH STATE LAW.

WHEREAS, the Town Council of the Town of Indian River Shores appointed a Charter Review Committee to review the Charter and present recommended changes to the Town Council; and

WHEREAS, the Town Council reviewed the proposed recommendations made by the Charter Review Committee and the following proposed amendments to the Town Charter; and

WHEREAS, the existing Town Council can only bind future Town Councils by amending the Town Charter;

WHEREAS, the Town Council of the Town of Indian River Shores finds that the following proposed amendments are in the public interest and is a matter of great public importance and requires a vote of the electors of the Town of Indian River Shores to amend the Town of Indian River Shores Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, THAT:

Section 1. Call for Referendum.

The following ballot proposal shall be presented to the voters of the Town at a special election to be held in the Town by mail-in ballot only, with all ballots due by January 24, 2023.

Section 2. Proposed Charter Amendments.

A. AMENDMENT ONE:

Relocation of the Territorial Boundaries from Section 1-2 of the Town Charter to an Appendix thereto

Shall the Charter of the Town of Indian River Shores amend Section 1-2 of the Town Charter as follows:

- (a) Shall Section 1-2 "Territorial Boundaries" be relocated from Section 1-2 and become Appendix A at the end of the Charter?

B. AMENDMENT TWO:

Section 1-3 of the Town Charter

Shall the Charter of the Town of Indian River Shores be amended to add language clarifying the Town's powers as follows:

- (a) Shall Section 1-3 of the Charter of the Town of Indian River Shores be amended as follows:
"The Town shall have all the governmental, corporate, and proprietary powers to enable it

to conduct municipal government, perform additional functions, and render municipal services in the exercise of any power for municipal purposes as provided for in the Florida Constitution and the laws of Florida, as amended from time to time, except when expressly prohibited by law or this Charter."

C. AMENDMENT THREE:

Section 2-12(b) of the Town Charter

Shall the Charter of the Town of Indian River Shores be amended to add language to be in conformity with Florida law as follows:

- (a) Shall Section 2-12(b) of the Town Charter be amended to add the following: "Members of the town council may not serve as members of boards, commissions, authorities and agencies which they have created, unless required by the laws of the State of Florida."

D. AMENDMENT FOUR:

Section 3-2 of the Town Charter

Shall the Charter of the Town of Indian River Shores be amended to repeal Section 3-2 which establishes the Town Clerk as a Charter Officer and make the position a non-Charter Officer position as described in Section 2-8, to perform the duties as described in Section 3-2?

E. AMENDMENT FIVE:

Adding Section 4-1.1 of the Town Charter

Shall the Charter of the Town of Indian River Shores be amended to add new Section 4-1.1 as follows:

- (a) Shall the Charter of the Town of Indian River Shores be amended to add new Section 4-1.1 as follows: "Sec. 4-1.1. - Prohibition on takings. No private property shall be taken by the town, except for a public purpose and with full compensation therefore paid to each owner or secured by deposit in the registry of the court and available to the owner. Private economic development shall not be deemed to constitute a public purpose for which private property may be taken by the town through the power of eminent domain."

F. AMENDMENT SIX:

Adding Section 4-1.2 of the Town Charter

Shall the Charter of the Town of Indian River Shores be amended to add new Section 4-1.2 as follows:

- (a) Shall the Charter of the Town of Indian River Shores be amended to add new Section 4-1.2 as follows: "Sec 4-1.2. - Emergency Ordinances. To meet a public emergency affecting life, health, public safety, property or the public peace, the council may adopt an emergency ordinance, but such ordinance may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility or annex land into the town. An emergency ordinance shall be introduced in the form and

manner generally prescribed for ordinances, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating the nature of the emergency. An emergency ordinance shall be adopted after one reading by title only, with or without amendment, or rejected at the meeting at which it is introduced. A majority vote of the council shall be required for adoption. After adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Unless repealed or extended by another ordinance, an emergency ordinance shall be repealed automatically at the expiration of 90 days after adoption."

G. AMENDMENT SEVEN:

Adding Section 4-2.1 to the Town Charter as follows

Shall the Charter of the Town of Indian River Shores be amended to add a new Section 4-2.1 as follows:

- (a) Shall the Charter of the Town of Indian River Shores be amended to add a new Section 4-2.1 as follows: "Sec. 4-2.1. - Referendum regarding inclusion in any taxing district. The town council shall not approve or undertake approval to be included in any proposed taxing district without first submitting inclusion in the proposed taxing district to the electors of the town for approval by a majority of those voting at a general election or at a special election called for such purpose. If inclusion is not approved by a majority of those voting, then the town council shall not proceed to adopt or otherwise approve inclusion in such proposed taxing district."

H. AMENDMENT EIGHT:

Adding Section 8-1 of the Town Charter

Shall the Charter of the Town of Indian River Shores be amended to add new Section 8-1 as follows:

- (a) Shall the Charter of the Town of Indian River Shores be amended to add new Section 8-1 as follows: "Sec. 8-1. - Nepotism prohibited. Neither the town council nor the town manager shall employ or contract with any member of the town council or with the town manager or charter officers nor with any relative of any member of the town council or town manager or the charter officers thereof. The foregoing contract provision shall not apply to contracts publicly advertised and competitively bid for work for the town. Nothing contained above shall limit the town council from contracting with the town manager or charter officers for the terms and conditions of their employment."

I. AMENDMENT NINE:

Adding Section 8-2 of the Town Charter

Shall the Charter of the Town of Indian River Shores be amended to add new section 8-2 as follows:

(a) Shall the Charter of the Town of Indian River Shores be amended to add new section 8-2 as follows: "Sec. 8-2. - Charter Review. Town council shall appoint a Charter Review Committee every 10 years to review the town charter and applicable County, State, and Federal statutes in order to recommend amendments to the town charter, if any. The Committee shall complete its review and submit its report to the town council no later than six months after the original appointment to the Committee. Included in the report shall be any proposed amendments to the Charter. After review of the report by the town council, the town council may call for a referendum election on the proposed amendments, if any, in accordance with the general election laws of the State of Florida. Passage of amendments shall require approval of a majority of electors voting in said election on such amendment."

J. AMENDMENT TEN:

Adding Section 8-3 of the Town Charter

Shall the Charter of the Town of Indian River Shores be amended to add new section 8-3 as follows:

(a) Shall the Charter of the Town of Indian River Shores be amended to add new section 8-3 as follows: "Sec. 8-3. - Charter Amendments. The town council, by ordinance, or the electors, by petition signed by the registered voters, may submit to the electors a proposed Charter amendment utilizing the procedures for municipal charter amendments as stated in Florida State Statutes."

K. AMENDMENT ELEVEN:

Reorganization of the numbering of Articles and titles of Articles of the Town Charter.

Shall the Charter of the Town of Indian River Shores be amended with the following renumbering and entitling of the Articles:

(a) Shall the Town Charter be amended with the following renumbering and entitling of the Articles:

"Article 1 General Provisions (Section 1-1 through Section 1-7)

Article 2 Town Council (Section 2-1 through Section 2-14)

Article 3 Charter Officers (Section 3-1 through Section 3-2)

Article 4 Ordinances (Section 4-1 through Section 4-2.1)

Article 5 Financial Procedures (Section 5-1 through Section 5-6)

Article 6 Elections (Section 6-1 through Section 6-4)

Article 7 Continuation (Section 7-1 through Section 7-4)

Article 8 Miscellaneous (Section 8-1 through Section 8-3)”

Section 3. Form of the Official Ballot.

The form of the official ballot for the referendum shall be as follows:

**REFERENDUM TO AMEND SECTION 1-2 OF
THE TOWN CHARTER OF INDIAN RIVER SHORES**

Shall Section 1-2 “Territorial Boundaries” be relocated from Section 1-2 and become Appendix A at the end of the Charter?

_____ Yes, for approval

_____ No, for rejection

**REFERENDUM TO AMEND SECTION 1-3 OF
THE TOWN CHARTER OF INDIAN RIVER SHORES**

Shall Section 1-3 of the Town Charter be amended as follows: “The Town shall have all the governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform additional functions, and render municipal services in the exercise of any power for municipal purposes as provided for in the Florida Constitution and the laws of Florida, as amended from time to time, except when expressly prohibited by law or this Charter?”

_____ Yes, for approval

_____ No, for rejection

**REFERENDUM TO AMEND SECTION 2-12(b) OF
THE TOWN CHARTER OF INDIAN RIVER SHORES**

Shall Section 2-12(b) of the Town Charter be amended to add the following: “Members of the town council may not serve as members of boards, commissions, authorities and agencies which they have created, unless required by the laws of the State of Florida?”

_____ Yes, for approval

_____ No, for rejection

REFERENDUM TO AMEND SECTION 3-2 OF
THE TOWN CHARTER OF INDIAN RIVER SHORES

Shall Section 3-2 of the Town Charter be amended to repeal the Town Clerk as a Charter Officer and make the position a non-Charter Officer position as described in Section 2-8, to perform the duties as described in Section 3-2?

_____ Yes, for approval

_____ No, for rejection

REFERENDUM TO ADD SECTION 4-1.1 OF
THE TOWN CHARTER OF INDIAN RIVER SHORES

Shall the Town Charter be amended to add section 4-1.1 adding language prohibiting takings of private property except for a public purpose and with full compensation paid to the owner and prohibiting private economic development to qualify as a public purpose?

_____ Yes, for approval

_____ No, for rejection

REFERENDUM TO ADD SECTION 4-1.2 OF
THE TOWN CHARTER OF INDIAN RIVER SHORES

Shall the Town Charter be amended to add section 4-1.2 adding language allowing for adoption of emergency ordinances to meet a public emergency affecting life, health, public safety, property or the public peace, requiring a majority vote for adoption of the emergency ordinance and automatically repealing the ordinance ninety (90) days after adoption unless repealed or extended by another ordinance?

_____ Yes, for approval

_____ No, for rejection

**REFERENDUM TO ADD SECTION 4-2.1 OF
THE TOWN CHARTER OF INDIAN RIVER SHORES**

Shall the Town Charter be amended to add section 4-2.1 adding language requiring a referendum before the Town Council approves or undertakes approval to be included in any proposed taxing district and requiring a majority of those voting at a general election or special election to approve the referendum to be included in any proposed taxing district?

_____ Yes, for approval

_____ No, for rejection

**REFERENDUM TO ADD SECTION 8-1 OF
THE TOWN CHARTER OF INDIAN RIVER SHORES**

Shall the Town Charter be amended to add section 8-1 adding language prohibiting nepotism and prevent the Town Council or the Town Manager from employing or contracting with any member of the Town Council or with the Town Manager or Charter Officers or with any relative of any member of the Town Council or Town Manager or the Charter Officers thereof?

_____ Yes, for approval

_____ No, for rejection

**REFERENDUM TO ADD SECTION 8-2 OF
THE TOWN CHARTER OF INDIAN RIVER SHORES**

Shall the Town Charter be amended to add section 8-2 adding language requiring a Charter Review Committee every ten (10) years to review the Charter and make recommendations including proposed amendments, if any, by report to the Town Council within six (6) months of the appointment of the Charter Review Committee and after review by the Town Council, allow the Council to call for a referendum in accordance with Florida law?

_____ Yes, for approval

_____ No, for rejection

**REFERENDUM TO ADD SECTION 8-3 OF
THE TOWN CHARTER OF INDIAN RIVER SHORES**

Shall the Town Charter be amended to add section 8-3 adding language allowing the Town Council, by ordinance, or the electors, by petition signed by the registered voters, to submit to the electors a proposed Charter amendment utilizing the procedures for municipal charter amendments as stated in Florida State Statutes?

_____ Yes, for approval

_____ No, for rejection

**REFERENDUM TO REORGANIZE THE NUMBERING AND TITLES OF
THE TOWN CHARTER OF INDIAN RIVER SHORES**

Shall the Town Charter be amended to reorganize the numbering and titles of the Articles of the Charter as follows: Article 1 General Provisions, Article 2 Town Council, Article 3 Charter Officers, Article 4 Ordinances, Article 5 Financial Procedures, Article 6 Elections, Article 7 Continuation, and Article 8 Miscellaneous?

_____ Yes, for approval

_____ No, for rejection

Section 4. Town Clerk Responsibilities.

The Town Clerk or designee is herewith instructed to cause and perform any and all acts necessary in order to conduct said Charter Amendment Referendum via the means outlined in Section 1 above in conformity with the Town Charter and applicable Florida law and as provided for in Chapter 101, Florida Statutes.

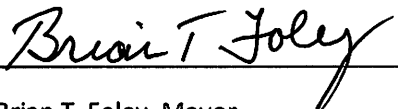
Section 5. Effective Date.

If a majority of the electors voting in this Referendum vote in favor of proposed Amendments, the Town Council shall have the Amendments so voted incorporated into the Charter and shall file the revised Charter with the Department of State, at which time the revised Charter shall take effect; otherwise, no part of this Ordinance shall become law.

1st Reading: Thursday, June 23, 2022

Published: Friday, July 8, 2022

PASSED AND ADOPTED upon second and final reading at a regular meeting of the Town Council of the Town of Indian River Shores, Florida, on the 28th day of July 2022.

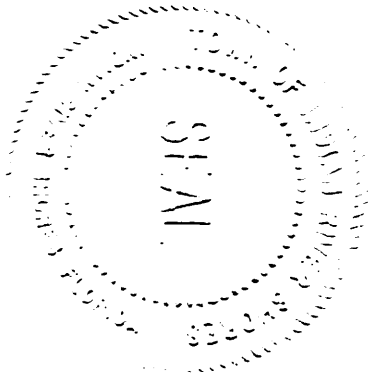


Brian T. Foley, Mayor

ATTEST:



Elizabeth Scheidel, Interim Town Clerk



Robert T. Wood

Robert T. Wood

