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City of Everglades City  
2023 General Election

Proposed Charter Amendments

Ballot Summaries & Full Text



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**Section 3: City of Everglades City Proposed Charter Amendment Regarding State and County Roads:**

Shall Section 3 of the City of Everglades City Charter, as amended, be amended to clarify that ownership of streets, thoroughfares, parks, alleys and public lots within the City does not include state and county roads?

Yes or No

**Current Version:**

Section 3. OWNERSHIP AND TITLE.

The title to, and jurisdiction over, all streets, thoroughfares, parks, alleys and public lots within the City, and all property and municipal plants of the City now owned, possessed, or operated, and all property which the City may hereafter acquire within or outside the City, or which may be dedicated to it for the public use, shall be vested in the City of Everglades City. The tide, rights and ownership of all property, uncollected taxes, dues, claims, judgments, decrees, and chases in action, held and owned by the City of Everglades as it now exists shall pass to and are hereby vested in the City of Everglades City.

**Proposed Amendment:**

Section 3. OWNERSHIP AND TITLE.

The title to, and jurisdiction over, all streets, thoroughfares, parks, alleys, and public lots within the City, except state and county roads, and all property and municipal plants of the City now owned, possessed, or operated, and all property which the City may hereafter acquire within or outside the City, or which may be dedicated to it for the public use, shall be vested in the City of Everglades City. The tide, rights and ownership of all property, uncollected taxes, dues, claims, judgments, decrees, and chases in action, held and owned by the City of Everglades as it now exists shall pass to and are hereby vested in the City of Everglades City.

**Section 10a: City of Everglades City Proposed Charter Amendment Regarding Elective Officer Qualifications:**

Shall Section 10(a) of the City of Everglades City Charter, as amended, be amended to require permanent residency in the City for the one-year period preceding the date of the election as a qualification for elective office?

Yes or No

**Current Version:**

Section 10. ELECTIVE OFFICERS; QUALIFICATIONS: POSTING OF BOND.

(a) The elective officers of the City shall be a Mayor and a City Council of five (5) members. No person shall be eligible to hold any elective office in the City unless he/she is an elector of the City.

**Proposed Amendment:**

Section 10. ELECTIVE OFFICERS; QUALIFICATIONS: POSTING OF BOND.

(a) The elective officers of the City shall be a Mayor and a City Council of five (5) members. No person shall be eligible to hold any elective office in the City unless he/she is an elector of the City and has been a permanent resident of the City for the one year period preceding the date of the election.

**Sections 11 and 12: City of Everglades City Proposed Charter Amendment Regarding Mayor and Mayor Pro Tem Qualifications:**

Shall Sections 11 and 12 of the City of Everglades City Charter be amended to require that the Mayor and the Mayor Pro Tem be at least 30 years of age before taking office?

Yes or No

**Current Version:**

Section 11. MAYOR - QUALIFICATIONS: SALARY

The mayor shall hold office for a period of four (4) years, and the election shall be on the fourth Tuesday in November of each odd numbered year. He/She shall take office on the first Tuesday in December following his/her election. He/She shall be elected from the City at large and during his/her term of office he/she shall continue a resident of the City. If the during the term of office the Mayor shall cease to have aforesaid qualification, or if he/she is convicted of a felony or infamous crime, his/her office shall at once become vacant. His/her salary shall be determined by the City Council, but not less than Three Hundred dollars (\$300.00) per month.

Section 12. SAME - DUTIES: MAYOR PRO TEM

The mayor shall be the executive and administrative head of the City government. He/she shall represent the City on all public occasions or whenever or wherever such representation is right and proper. He/she shall have cognizance of the relation of the City to the United States; the State of Florida, counties, and other municipalities. He/she shall keep the City Council from time to time advised in writing as to matters affecting the general welfare of the City. The City Council may from time to time, elect one of their members Mayor Pro Tem to perform the duties of the office of Mayor during the temporary absence or disability of the mayor.

**Proposed Amendment:**

Section 11. MAYOR - QUALIFICATIONS: SALARY

The mayor shall hold office for a period of four (4) years, and the election shall be on the fourth Tuesday in November of each odd numbered year. He/She shall take office on the first Tuesday in December following his/her election. He/She shall be elected from the City at large and during his/her term of office he/she shall continue a resident of the City. In addition to any other qualifications, to qualify for mayor, he/she shall be at least 30 years of age by the time he/she takes office. If the during the term of office the mayor shall cease to have aforesaid qualification, or if he/she is convicted of a felony or infamous crime, his/her office shall at once become vacant. His/her salary shall be determined by the City Council, but not less than Three Hundred dollars (\$300.00) per month.

Section 12. SAME - DUTIES: MAYOR PRO TEM

The mayor shall be the executive and administrative head of the City government. He/she shall represent the City on all public occasions or whenever or wherever such representation is right and proper. He/she shall have cognizance of the relation of the City to the United States; the State of Florida, counties, and other municipalities. He/she shall keep the City Council from time to time advised in writing as to matters affecting the general welfare of the City. The City Council may from time to time, elect one of their members who is at least 30 years of age at the time of the election by City Council, Mayor Pro Tem to perform the duties of the office of Mayor during the temporary absence or disability of the mayor.

**Section 16: City of Everglades City Proposed Charter Amendment Regarding Elective Officer Qualifications:**

Shall Section 16 of the City of Everglades City Charter, as amended, be amended to require appointed City Councilpersons to run for reelection at the next general election for solely the remainder of the term, as opposed to a new term?

Yes or No

**Current Version:**

Section 16. CITY COUNCIL.

The legislative power of the City shall be vested in a City Council comprising five (5) members, with power of veto vested in the mayor. The members of the City Council shall be designated as City Councilpersons and shall be elected from the City at large. Each Councilperson shall be elected for a term of four (4) years. The first election of Councilpersons shall be held on the fourth Tuesday in November, 1953 and on the fourth Tuesday in November of each odd numbered year thereafter.

Each Councilperson shall take office on the first Tuesday in December following his/her election. Vacancies in the City Council shall be filled by appointment following nomination of a candidate(s) by the mayor and majority consent of the remaining

members of the Council, such appointed Councilpersons serve until the next general election of the City.

**Proposed Amendment:**

Section 16. CITY COUNCIL.

The legislative power of the City shall be vested in a City Council comprising five (5) members, with power of veto vested in the mayor. The members of the City Council shall be designated as City Councilpersons and shall be elected from the City at large. Each Councilperson shall be elected for a term of four (4) years. The first election of Councilpersons shall be held on the fourth Tuesday in November, 1953 and on the fourth Tuesday in November of each odd numbered year thereafter.

Each Councilperson shall take office on the first Tuesday in December following his/her election. Vacancies in the City Council shall be filled by appointment following nomination of a candidate(s) by the mayor and majority consent of the remaining members of the Council, such appointed Councilpersons serve the remainder of the term, unless there is an earlier general election. If there is an earlier general election, then the seat of such appointed Councilpersons shall be up for election at the earlier general election for the remainder of the original term. The purpose of this is to ensure that at any one election, either the mayor is up for election or the majority of City Council is up for election for 4- year terms, but not both.

After the 2023 election the City Council person who received the least amount of votes in the 2023 election shall serve a two-year term.

**Section 20: City of Everglades City Proposed Charter Amendment Regarding the City Clerk:**

Shall Section 20 of the City of Everglades City Charter, as amended, be amended to update the financial reporting requirements and tax collection requirements of the City Clerk?

Yes or No

**Current Version:**

Section 20. DUTIES OF CLERK.

(a) The City Clerk shall be Clerk of the City Council. He/she shall attend all meetings of the City Council and keep accurate minutes of its proceedings, and of all ordinances, resolutions and motions and publish the same when necessary and proper. He/she shall administer oaths and affirmations. He/she shall keep an accurate account of all moneys due to the City and all receipts and disbursements by the City; and of its assets and liabilities; and of all appropriations made by the City Council. He/she shall submit to the City Council on or before the 15th day of each month a complete and comprehensive report covering the preceding month of the receipts and expenditures

and of the financial condition of the City, which report may be published in a local paper if so, ordered by the City Council. He/she shall make and keep a list of the outstanding City bonds, to whom issued, for what purpose, when and where payable and the rate of interest they respectively bear. In like manner he/she shall make a list of outstanding warrants, whether time or deferred payments, to whom issued, for what purpose, when and where payable, and the rate of interest they bear, if any. He/she shall furnish the mayor and/or City Council such report, data and information as may be necessary to fully inform them of the financial affairs of the City. He/she shall keep regular books of account, in which shall be entered all indebtedness of the City, and which shall at all times show the financial condition of the City, the amount of bonds, orders, certificates or other evidence of indebtedness outstanding, and the amount of all bonds, orders, certificates or other evidence of indebtedness which have been redeemed. He/she shall be custodian of all books, documents, and files of the City Council, and of all other records and papers pertaining to the City's affairs, the custody of which is not otherwise committed or provided for; and shall perform such other duties, make, and keep such other records, and make such other reports as the City Council and Mayor may from time to time require and direct. The City Clerk and the Deputy Clerk may be removed, discharged, or the office vacated by the mayor with approval of a majority of the City Council.

(b) The City Clerk shall sign all licenses issued by the City, and give receipts for moneys coming into his/her hands in the performance of his/her duties and accurately account for the same. The mayor shall, with the consent and approval of a majority of the City Council, have full right and power to appoint such deputy clerks as may be deemed proper and necessary in the conduct of his/her duties, and any such deputy so appointed and approved shall have power and authority to perform any and all the duties of which the Clerk is charged by law with the performance of. The compensation of such deputies shall be fixed by the City Council and such deputies shall take an oath of office similar to that required by the City Council.

The City Clerk shall give bond to be approved by the City Council before entering upon the performance of the duties of his/her office as in the enabling Act heretofore provided, and shall accurately account for all moneys and credits coming into his/her hands as such officer. The City Clerk shall countersign all checks or warrants drawn by the City against any funds. He/she shall collect all taxes levied for City purposes, including delinquent taxes, and all occupational licenses and make reports thereof to the City Council. He/she shall deposit all funds of the City in such depositories and under such provisions and conditions as the City Council may direct.

**Proposed Amendment:**

**Section 20. DUTIES OF CLERK.**

(a) The City Clerk shall be Clerk of the City Council. He/she shall attend all meetings of the City Council and keep accurate minutes of its proceedings, and of all ordinances, resolutions and motions and publish the same when necessary and proper. He/she shall administer oaths and affirmations. He/she shall keep an accurate account of all



moneys due to the City and all receipts and disbursements by the City; and of its assets and liabilities; and of all appropriations made by the City Council. He/she shall submit to the City Council at each regularly scheduled City Council meeting the current financial statements, which report may be published in a local paper if so ordered by the City Council. He/she shall make and keep a list of the outstanding City bonds, to whom issued, for what purpose, when and where payable and the rate of interest they respectively bear. In like manner he/she shall make a list of outstanding warrants, whether time or deferred payments, to whom issued, for what purpose, when and where payable, and the rate of interest they bear, if any. He/she shall furnish the mayor and/or City Council such report, data and information as may be necessary to fully inform them of the financial affairs of the City. He/she shall keep regular books of account, in which shall be entered all indebtedness of the City, and which shall at all times show the financial condition of the City, the amount of bonds, orders, certificates or other evidence of indebtedness outstanding, and the amount of all bonds, orders, certificates or other evidence of indebtedness which have been redeemed. He/she shall be custodian of all books, documents, and files of the City Council, and of all other records and papers pertaining to the City's affairs, the custody of which is not otherwise committed or provided for; and shall perform such other duties, make, and keep such other records, and make such other reports as the City Council and Mayor may from time to time require and direct. The City Clerk and the Deputy Clerk may be removed, discharged, or the office vacated by the mayor with approval of a majority of the City Council.

(b) The City Clerk shall sign all licenses issued by the City, and give receipts for moneys coming into his/her hands in the performance of his/her duties and accurately account for the same. The mayor shall, with the consent and approval of a majority of the City Council, have full right and power to appoint such deputy clerks as may be deemed proper and necessary in the conduct of his/her duties, and any such deputy so appointed and approved shall have power and authority to perform any and all the duties of which the Clerk is charged by law with the performance of. The compensation of such deputies shall be fixed by the City Council and such deputies shall take an oath of office similar to that required by the City Council.

The City Clerk shall give bond to be approved by the City Council before entering upon the performance of the duties of his/her office as in the enabling Act heretofore provided, and shall accurately account for all moneys and credits coming into his/her hands as such officer. The City Clerk shall countersign all checks or warrants drawn by the City against any funds. He/she shall collect all local business taxes. He/she shall deposit all funds of the City in such depositories and under such provisions and conditions as the City Council may direct.

**Section 21: City of Everglades City Proposed Charter Amendment Regarding the City Attorney:**

Shall Section 21 of the City of Everglades City Charter be amended to require the City Attorney to have 5 years of experience and to allow the City Attorney to serve as

counsel to an enforcement board or the municipality by presenting cases before the enforcement board, but not both?

Yes or No

**Current Version:**

Section 21. CITY ATTORNEY.

The City Attorney shall be a practicing attorney at law and shall have had at least two years' experience in active practice in the Florida courts preceding his appointment. He/she shall be the legal advisor of the City Council, and of other officers and boards, and general attorney for the municipality. He/she shall perform all duties imposed upon him/her under this Charter, or by ordinance or resolution of the City Council. The City Council may employ special counsel for any particular matter within its discretion. The City Attorney may be removed, discharged, or the office vacated by the mayor with approval of a majority of the City Council.

**Proposed Amendment:**

Section 21. CITY ATTORNEY.

The City Attorney shall be a practicing attorney at law and shall have had at least five years' experience in active practice in the Florida courts preceding his/her appointment. He/she shall be the legal advisor of the City Council, and of other officers and boards, and general attorney for the municipality.

Notwithstanding the foregoing, the City Attorney may either be counsel to an enforcement board or shall represent the municipality by presenting cases before the enforcement board, but in no case shall the City Attorney serve in both capacities. He/she shall perform all duties imposed upon him/her under this Charter, or by ordinance or resolution of the City Council. The City Council may employ special counsel for any particular matter within its discretion. The City Attorney may be removed, discharged, or the office vacated by the mayor with approval of a majority of the City Council.

**Sections 25, 33, 35, 36, 45, 47, and 56: City of Everglades City Proposed Charter Amendment Regarding Online Publication:**

Shall Sections 25, 33, 35, 36, 45, 47, and 56 of the City of Everglades City Charter, as amended, be amended to allow publication online in accordance with Florida law?

Yes or No

**Current Versions:**

Section 25. APPROPRIATIONS.

The City Council shall prepare an ordinance based upon estimates submitted by the mayor, fixing the appropriations for the ensuing year, and shall hold a public hearing upon same at a time and place to be designated in a notice of such hearing to be published. Such notice shall be published in a newspaper of general circulation according to the provisions of the Laws of Florida.

### Section 33. STREET AND SIDEWALK IMPROVEMENTS: COSTS.

The City Council is hereby authorized and empowered to regulate, provide for and require the opening, widening, extending, laying, constructing, paving, repairing or improving of any street, avenue, alley, ramp, sidewalk, bulkhead, seawall, breakwater, promenade or public improvement, the drainage and filling in of low places, public or private, dangerous to public health or required to promote public welfare, and the construction and maintenance of water and sewer systems and drains, and may provide for the payment of the cost of any such improvement by general taxation, or by the imposition of special assessments against the property especially benefited for such portion of the entire cost of such work, not exceeding one half such cost, which is not to be borne by the City, such assessments to be and remain liens upon the lands against which assessed until paid, provided that in no event shall the amount of such special assessment exceed the special benefit accruing to the property assessed by reason of such improvement work. In the case of streets, alleys, ramps, sidewalks, seawalls, bulkheads, breakwaters, and promenades the unit or basis for distributing the special assessment to pay the cost of such improvement shall be according to the front footage of the property fronting or abutting upon such improvement in the proportion that the particular parcel of land to be assessed bears to the two footage of all property fronting or abutting thereon, in the case of the drainage or filling in of low places or the construction and maintenance of water and sewer systems and drains, the unit for the assessment of the share and amount of the cost to be distributed and assessed against any particular parcel of land shall be the platted lot according to the last plat thereof recorded amongst the public records at the time of commencing such work and it shall not be necessary for the City to break the assessment down as result of any division of such lots which is not revealed by such recorded plat and each such platted lot shall bear such fair and just proportion of the cost of such work as was necessarily expended in connection with the improvement or benefit accruing thereto. The City shall have a lien superior to all other claims, except taxes, against and upon the property for the amounts of the special assessments together with interest and all costs of collection. Whenever the doing of any such thing is provided for by ordinance, the ordinance providing for the same shall be accompanied by plans and specifications therefore and shall state the estimated total cost which will in the opinion of the City Council cover the total cost of the work and the proportion to be borne by the City, if any, and the estimated amount per front foot as special assessment to be levied upon abutting property, or the estimated cost to be specially assessed against the platted lot to be benefited as the case may be, and shall be published once a week for four (4) consecutive weeks in some newspaper published in Collier County, Florida, or posted for thirty (30) days at the City Hall and two (2) other public places in the said City and the City Council shall meet as soon as practicable after the expiration of said publication or posting at a time named in the ordinance, and permit any owner of or ether persons

interested in, any property against which it is proposed to levy such special assessment, to present to the City Council any objections which he may have to the enforcement of the requirement of such ordinance, and shall have power, if they deem just or right, to revise, repeal or amend said ordinance in such manner as it may deem necessary to correct or equalize the assessment in proportion to the benefits to be bestowed upon the property assessed, but no such amendment shall increase the amount to be specially assessed against the property, nor shall the assessment against any property be in excess of the special benefits accruing to said property by reason of such work, Any person owning or interested in any property to be specially assessed, or generally taxed for said work, who shall not be present at such meeting and does not present in writing to the City Council his/her objections to said ordinance, shall be deemed to have consented to its provisions, and any person so presenting his objections to such ordinance and not satisfied with the action thereof, shall have the right, within thirty (30) days thereafter to present to any court of competent jurisdiction against the enforcement of said ordinance any legal objection he may have to the enforcement of such ordinance, and the court shall have power, upon proper cause shown, to grant such injunctions and any person not presenting his bill for injunction within thirty (30) days, of failing to push to a successful conclusion with due diligence his application for an injunction shall be deemed to have consented to the enforcement of the ordinance and levy and collection of the Special Assessment and taxes necessary thereto, and shall not thereafter be heard to defend against or question the validity of such tax or special assessment. The City Council is hereby authorized to provide by ordinance for the issuance of special assessment certificates for such amounts and drawing such rates of interest and upon such terms and conditions as may be deemed necessary to enable the City to pay the cost of such work pending the collection of special assessments and taxes, and to provide for the payment thereof with interest; and the City Council shall as soon as practicable and within thirty (30) days after the completion of any such work, by resolution, fix a special assessment, per front foot upon the abutting property, or the special assessment against the platted lot to be benefited, as the case may be, at an amount not exceeding either the actual cost of the work or the estimated special assessment stated in the ordinance providing for the work, which said resolution shall specify the amount of the cost of such work so assessed against the abutting or benefiting property and the fact that a lien has been assessed against such property with a breakdown of the specific amount which has been assessed against each particular parcel of property to be particularly described therein and shall provide that the City Clerk shall forthwith have prepared and entered in a book, which shall be prepared and kept for that purpose, and kept open to the public for inspection during reasonable office hours, labeled "IMPROVEMENT LIEN BOOK", the amount of such lien assessed against each lot, the date of the completion of the work and such other information as may be deemed advisable. The City Council shall cause said resolution to be published in a newspaper published in Collier County once each week for four (4) consecutive weeks, or by posting same at the City Hall and two other public places in said City for a period of thirty (30) days. Any person desiring to contest in any way the validity of any such special assessment or lien shall within thirty days after the publication or posting at the City Hall and two other public places in said City of the resolution fixing the special assessment, institute suit to have the enforcement thereof

enjoined, or its invalidity legally declared, and any person not instituting such suit shall not thereafter be heard to question the validity thereof, or to defend against the enforcement of the lien upon the grounds of its invalidity. Any such special assessment paid within thirty days after the publication or posting of such resolution shall be accepted without interest and such assessment not paid within said time shall bear interest from the date of publication or posting of such resolution at the rate of eight (8) percent per year. The City Council may, by ordinance, provide for the payment of such special assessments in installments and for the collection by enforcement of the liens by attorney or attorneys after any payment has not been made in compliance with the provisions of such ordinance. The liens for the amounts of such special assessments may be enforced by bill in equity, and any number of liens arising under the provisions of one ordinance may be enforced in and by one proceeding in equity, The City shall have and collect a lien upon any properties affected by such special assessments for reasonable attorney's fees for the collection of unpaid special assessment after the collection thereof shall have been entrusted to an attorney by resolution of the City Council.

#### Section 35. ISSUANCE OF BONDS.

General bonds of the City may be issued for any municipal purpose, in such denomination and bearing such rate of interest, not exceeding the prevailing market rate at the time of issuance.

(a) Election. The necessity for the issuance of such general bonds must be fixed and determined by the City Council, by resolution duly passed and spread upon the minutes. And before such bonds shall be issued, authority therefore shall be obtained from the qualified electors of the City at an election to be called for that purpose by the City Council, and held after thirty (30) days' notice given by publication once a week for four (4) weeks in a newspaper published in the County.

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(d) Sale. Such bonds when issued may be sold by the City Council to the best advantage obtainable, after advertising for bids for two weeks in a newspaper published in Collier County, such outside newspaper or financial journals as the City Council shall deem advisable; provided, no City bonds whatsoever shall be sold for less than 95 cents on the dollar; plus; accrued interest;

#### Section 36

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(f) Resolution; notice; hearings. If in the opinion of a majority of the City Council the best interest of the City and citizens thereof will be subserved and promoted by the granting or renewing of a franchise to any public utility operating or to operate such utility in the City, then they shall adopt a resolution to that effect and shall cause a notice of the adoption of such resolution to be published in a daily newspaper printed and published in the County, for two (2) consecutive weeks. Such notice shall state a date, not less than eight (8) days after nor more than fifteen (15) after the last of such publications of such notice, at which time the City Council at their usual meeting place, will hear any and all persons, firms and corporations desiring to procure a franchise from the City for such public utility as mentioned in such resolution and notice.

At such meeting persons, firms and corporations desiring to secure such franchise may appear and in writing to the City Council announce that he/she, they or it desire to enter into negotiations with the City Council for the securing of such franchise or renewal of franchise. Thereupon the City Council shall enter negotiations with such applicant, or applicants, for the granting or renewal of such franchise, and may adjourn such meeting from time to time as the City Council may see fit.

(g) Franchise ordinance. Upon such negotiations being had, as provided for in paragraph (f) of this section, if the City Council and any applicant for such franchise or renewal shall agree upon the terms and conditions of such franchise or renewal, then the City Council shall adopt an ordinance granting such franchise to such applicant. Such ordinance shall set forth such franchise verbatim et literatim and shall be published in toto for four (4) consecutive weeks in a newspaper of general circulation, the first of such publications to be not more than ten (10) days after the adoption of such ordinance.

#### Section 45

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(c) Certification of candidates; publication. At least twenty (20) days before any election for the election of City officials, the Council shall certify a list of the candidates nominated, whose names are entitled to appear on the ballot, together with the office to be filled, which list shall be published with a notice calling the election, in a newspaper published in the County. In addition, the same notice and list of candidates which is published shall be posted in at least three (3) conspicuous and public places in the City of Everglades City, such posting to be done not less than five days before the election.

#### Section 47

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(b) Except as provided in paragraph (d) below, each proposed ordinance shall be read by its title on at least two (2) separate days and shall, at least ten (10) days prior to adoption, be noticed once in a newspaper of general circulation in the City of Everglades City. The notice of proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the municipality where such proposed ordinances may be inspected by the public.

#### Section 53. DEFINITIONS.

Whenever in this Charter the word "City" is used, it shall be construed to mean the City of Everglades City, if the context shall permit such construction. Wherever the word "Charter" is used, it shall mean the enabling "Act" as amended from time to time. Whenever publication or notice is required in any newspaper, it shall mean a newspaper published in the City, if there be one, if not, then one of general circulation in the County.

#### Section 56

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(b) Notice of the referendum shall be published at least twice in a newspaper published in and having general circulation in the City, if there be one, if not, then one of general circulation in Collier County, and the first publication shall be made at least thirty (30)

days prior to the date of the referendum. Notice of a referendum shall set forth the date of the election and the exact language of the proposed amendment as it will appear on the ballot.

**Proposed Amendments:**

**Section 25. APPROPRIATIONS.**

The City Council shall prepare an ordinance based upon estimates submitted by the Mayor, fixing the appropriations for the ensuing year, and shall hold a public hearing upon same at a time and place to be designated in a notice of such hearing to be published. Such notice shall be published in a newspaper of general circulation according to the provisions of the Florida law or published online according to the provisions of Florida law.

**Section 33. STREET AND SIDEWALK IMPROVEMENTS: COSTS.**

The City Council is hereby authorized and empowered to regulate, provide for and require the opening, widening, extending, laying, constructing, paving, repairing or improving of any street, avenue, alley, ramp, sidewalk, bulkhead, seawall, breakwater, promenade or public improvement, the drainage and filling in of low places, public or private, dangerous to public health or required to promote public welfare, and the construction and maintenance of water and sewer systems and drains, and may provide for the payment of the cost of any such improvement by general taxation, or by the imposition of special assessments against the property especially benefited for such portion of the entire cost of such work, not exceeding one half such cost, which is not to be borne by the City, such assessments to be and remain liens upon the lands against which assessed until paid, provided that in no event shall the amount of such special assessment exceed the special benefit accruing to the property assessed by reason of such improvement work. In the case of streets, alleys, ramps, sidewalks, seawalls, bulkheads, breakwaters, and promenades the unit or basis for distributing the special assessment to pay the cost of such improvement shall be according to the front footage of the property fronting or abutting upon such improvement in the proportion that the particular parcel of land to be assessed bears to the two footage of all property fronting or abutting thereon, in the case of the drainage or filling in of low places or the construction and maintenance of water and sewer systems and drains, the unit for the assessment of the share and amount of the cost to be distributed and assessed against any particular parcel of land shall be the platted lot according to the last plat thereof recorded amongst the public records at the time of commencing such work and it shall not be necessary for the City to break the assessment down as result of any division of such lots which is not revealed by such recorded plat and each such platted lot shall bear such fair and just proportion of the cost of such work as was necessarily expended in connection with the improvement or benefit accruing thereto. The City shall have a lien superior to all other claims, except taxes, against and upon the property for the amounts of the special assessments together with interest and all costs of collection. Whenever the doing of any such thing is provided for by ordinance, the ordinance providing for the same shall be accompanied by plans and specifications therefore and shall state the estimated total cost which will in the opinion of the City Council cover the

total cost of the work and the proportion to be borne by the City, if any, and the estimated amount per front foot as special assessment to be levied upon abutting property, or the estimated cost to be specially assessed against the platted lot to be benefited as the case may be, and shall be published once a week for four (4) consecutive weeks in some newspaper published in Collier County, Florida, or published online in accordance with Florida law, or posted for thirty (30) days at the City Hall and two (2) other public places in the said City and the City Council shall meet as soon as practicable after the expiration of said publication or posting at a time named in the ordinance, and permit any owner of or either persons interested in, any property against which it is proposed to levy such special assessment, to present to the City Council any objections which he may have to the enforcement of the requirement of such ordinance, and shall have power, if they deem just or right, to revise, repeal or amend said ordinance in such manner as it may deem necessary to correct or equalize the assessment in proportion to the benefits to be bestowed upon the property assessed, but no such amendment shall increase the amount to be specially assessed against the property, nor shall the assessment against any property be in excess of the special benefits accruing to said property by reason of such work, Any person owning or interested in any property to be specially assessed, or generally taxed for said work, who shall not be present at such meeting and does not present in writing to the City Council his/her objections to said ordinance, shall be deemed to have consented to its provisions, and any person so presenting his objections to such ordinance and not satisfied with the action thereof, shall have the right, within thirty (30) days thereafter to present to any court of competent jurisdiction against the enforcement of said ordinance any legal objection he may have to the enforcement of such ordinance, and the court shall have power, upon proper cause shown, to grant such injunctions and any person not presenting his bill for injunction within thirty (30) days, of failing to push to a successful conclusion with due diligence his application for an injunction shall be deemed to have consented to the enforcement of the ordinance and levy and collection of the Special Assessment and taxes necessary thereto, and shall not thereafter be heard to defend against or question the validity of such tax or special assessment. The City Council is hereby authorized to provide by ordinance for the issuance of special assessment certificates for such amounts and drawing such rates of interest and upon such terms and conditions as may be deemed necessary to enable the City to pay the cost of such work pending the collection of special assessments and taxes, and to provide for the payment thereof with interest; and the City Council shall as soon as practicable and within thirty (30) days after the completion of any such work, by resolution, fix a special assessment, per front foot upon the abutting property, or the special assessment against the platted lot to be benefited, as the case may be, at an amount not exceeding either the actual cost of the work or the estimated special assessment stated in the ordinance providing for the work, which said resolution shall specify the amount of the cost of such work so assessed against the abutting or benefiting property and the fact that a lien has been assessed against such property with a breakdown of the specific amount which has been assessed against each particular parcel of property to be particularly described therein and shall provide that the City Clerk shall forthwith have prepared and entered in a book, which shall be prepared and kept for that purpose, and kept open to the public for inspection during



reasonable office hours, labeled "IMPROVEMENT LIEN BOOK", the amount of such lien assessed against each lot, the date of the completion of the work and such other information as may be deemed advisable. The City Council shall cause said resolution to be published in a newspaper published in Collier County, or published online in accordance with Florida law, once each week for four (4) consecutive weeks, or by posting same at the City Hall and two other public places in said City for a period of thirty (30) days. Any person desiring to contest in any way the validity of any such special assessment or lien shall within thirty days after the publication or posting at the City Hall and two other public places in said City of the resolution fixing the special assessment, institute suit to have the enforcement thereof enjoined, or its invalidity legally declared, and any person not instituting such suit shall not thereafter be heard to question the validity thereof, or to defend against the enforcement of the lien upon the grounds of its invalidity. Any such special assessment paid within thirty days after the publication or posting of such resolution shall be accepted without interest and such assessment not paid within said time shall bear interest from the date of publication or posting of such resolution at the rate of eight (8) percent per year. The City Council may, by ordinance, provide for the payment of such special assessments in installments and for the collection by enforcement of the liens by attorney or attorneys after any payment has not been made in compliance with the provisions of such ordinance. The liens for the amounts of such special assessments may be enforced by bill in equity, and any number of liens arising under the provisions of one ordinance may be enforced in and by one proceeding in equity, The City shall have and collect a lien upon any properties affected by such special assessments for reasonable attorney's fees for the collection of unpaid special assessment after the collection thereof shall have been entrusted to an attorney by resolution of the City Council.

#### Section 35. ISSUANCE OF BONDS.

General bonds of the City may be issued for any municipal purpose, in such denomination and bearing such rate of interest, not exceeding the prevailing market rate at the time of issuance.

(a) Election. The necessity for the issuance of such general bonds must be fixed and determined by the City Council, by resolution duly passed and spread upon the minutes. And before such bonds shall be issued, authority therefore shall be obtained from the qualified electors of the City at an election to be called for that purpose by the City Council, and held after thirty (30) days' notice given by publication once a week for four (4) weeks in a newspaper published in the County, or published online in accordance with Florida law.

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(d) Sale. Such bonds when issued may be sold by the City Council to the best advantage obtainable, after advertising for bids for two weeks in a newspaper published in Collier County, or published online in accordance with Florida Law and, in addition to either of the foregoing such outside newspaper or financial journals as the City Council shall deem advisable; provided, no City bonds whatsoever shall be sold for less than 95 cents on the dollar; plus; accrued interest;

## Section 36

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(f) Resolution; notice; hearings. If in the opinion of a majority of the City Council the best interest of the City and citizens thereof will be subserved and promoted by the granting or renewing of a franchise to any public utility operating or to operate such utility in the City, then they shall adopt a resolution to that effect and shall cause a notice of the adoption of such resolution to be published in a daily newspaper printed and published in the County, for two (2) consecutive weeks, or published online in accordance with Florida law. Such notice shall state a date, not less than eight (8) days after nor more than fifteen (15) days after the last of such publications of such notice, at which time the City Council at their usual meeting place, will hear any and all persons, firms and corporations desiring to procure a franchise from the City for such public utility as mentioned in such resolution and notice.

At such meeting persons, firms and corporations desiring to secure such franchise may appear and in writing to the City Council announce that he/she, they or it desire to enter into negotiations with the City Council for the securing of such franchise or renewal of franchise. Thereupon the City Council shall enter into negotiations with such applicant, or applicants, for the granting or renewal of such franchise, and may adjourn such meeting from time to time as the City Council may see fit.

(g) Franchise ordinance. Upon such negotiations being had, as provided for in paragraph (f) of this section, if the City Council and any applicant for such franchise or renewal shall agree upon the terms and conditions of such franchise or renewal, then the City Council shall adopt an ordinance granting such franchise to such applicant. Such ordinance shall set forth such franchise verbatim et literatim and shall be published in toto for four (4) consecutive weeks in a newspaper of general circulation or published online in accordance with Florida law, the first of such publications to be not more than ten (10) days after the adoption of such ordinance.

## Section 45

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(c) Certification of candidates; publication. At least twenty (20) days before any election for the election of City officials, the Council shall certify a list of the candidates nominated, whose names are entitled to appear on the ballot, together with the office to be filled, which list shall be published with a notice calling the election, in a newspaper published in the County, or published online in accordance with Florida law. In addition, the same notice and list of candidates which is published shall be posted in at last three (3) conspicuous and public places in the City of Everglades City, such posting to be done not less than five days before the election.

## Section 47

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(b) Except as provided in paragraph (d) below, each proposed ordinance shall be read by its title on at least two (2) separate days and shall, at least ten (10) days prior to adoption, be noticed once in a newspaper of general circulation in the City of Everglades City, or published online in accordance with Florida law. The notice of

proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the municipality where such proposed ordinances may be inspected by the public.

**Section 53. DEFINITIONS.**

Whenever in this Charter the word "City" is used, it shall be construed to mean the City of Everglades City, if the context shall permit such construction. Wherever the word "Charter" is used, it shall mean the enabling "Act" as amended from time to time. Whenever publication or notice is required in any newspaper, it shall mean a newspaper published in the City, if there be one, if not, then one of general circulation in the County, or, in the alternative to newspaper publication, whenever publication or notice is required in any newspaper, the City may instead publish online in accordance with Florida law.

**Section 56**

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(b) Notice of the referendum shall be published at least twice in a newspaper published in and having general circulation in the City, if there be one, if not, then one of general circulation in Collier County, and the first publication shall be made at least thirty (30) days prior to the date of the referendum, or published online in accordance with Florida law. Notice of a referendum shall set forth the date of the election and the exact language of the proposed amendment as it will appear on the ballot.

**Section 45(a): City of Everglades City Proposed Charter Amendment Regarding Elections Officers:**

Shall Section 45(a) of the City of Everglades City Charter be amended to require one inspector, one clerk, and one poll deputy to serve as officers for elections?

Yes or No

**Current Version:**

**Section 45. MISCELLANEOUS ELECTION PROVISIONS.**

(a) Time and place, voting places; election officers. The City Council shall fix by ordinance or resolution the time and place for holding general and special City elections, except as herein provided, and shall provide for a voting place or places within the Municipal limits of the City, at all such election. For each voting place the City Council shall appoint three (3) inspectors and one (1) clerk who shall before entering upon their duties be sworn by the City Clerk to faithfully perform their duties as such officers of such election. They shall have charge of the polling place, and of the ballot boxes and of all ballots.

**Proposed Amendment:**

**Section 45. MISCELLANEOUS ELECTION PROVISIONS.**

(a) Time and place, voting places; election officers. The City Council shall fix by ordinance or resolution the time and place for holding general and special City elections, except as herein provided, and shall provide for a voting place or places within the Municipal limits of the City, at all such election. For each voting place the City Council shall appoint a minimum of one (1) inspector and one (1) clerk who shall before entering upon their duties be sworn by the City Clerk to faithfully perform their duties as such officers of such election. The City shall appoint one (1) poll deputy who shall before entering upon their duties be deputized by the Collier County Sheriff to faithfully perform his or her duties as such officer of such election. They shall have charge of the polling place, and of the ballot boxes and of all ballots.



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