ORDINANCE NO. 2018-129

AN ORDINANCE RELATING TO THE GOVERNMENT OF THE CITY OF TAMPA, FLORIDA; SUBMITTING TO THE ELECTORS OF THE CITY OF TAMPA, FLORIDA PROPOSED AMENDMENTS AND ADDITIONS TO THE REVISED CHARTER OF THE CITY OF TAMPA, FLORIDA 1975, AS AMENDED; REGARDING ALL CHARTER SECTIONS TO REMOVE GENDER DESIGNATIONS, CORRECT TYPOGRAPHICAL ERRORS, REMOVE REDUNDANCIES, AND REMOVE OBSOLETE PROVISIONS; AND TO AMEND CHARTER SECTIONS 2.01 “CITY COUNCIL –COMPOSITION – DISTRICTS”; SECTION 2.04 “STAFF”; SECTION 2.09 “PROCEDURE”; SECTION 3.01 “CITY CLERK”; SECTION 4.01 “MAYOR”; SECTION 5.01 “DEPARTMENTS”; SECTION 5.03 “ADDITIONAL DUTIES”; SECTION 6.01 “OFFICERS”; SECTION 6.02 “TERM”; SECTION 6.03 “APPOINTMENTS”; SECTION 6.06 “OATH” SECTION 6.06 “SALARIES”; SECTION 7.05 “MILLAGE”; SECTION 7.08 “DIVERSION OF FUNDS”; SECTION 7.10 “INVESTMENT OF FUNDS”; SECTION 9.01 “BOARDS”; SECTION 10.01 “MISCELLANEOUS – ELECTIONS AND VACANCIES”; SECTION 10.03 “DISCRIMINATION PROHIBITED”; SECTION 10.07 “INITIATIVE AND REFERENDUM”; ADD SECTION 10.10 “CHARTER REVIEW” AND SECTION 10.11 “CHARTER AMENDMENT”; PROVIDING FOR A REFERENDUM; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 3, 2017, the City Council approved Resolution No. 2017-223, creating a Charter Commission Review to determine whether the City of Tampa’s Home Rule Charter of 1975, as amended might be revised to benefit of the Citizens of Tampa, Florida; and

WHEREAS, on July 20, 2017, the City Council approved Resolution No. 2017-588, amending Resolution No. 2017-223, to make some housekeeping changes to the operating of the Charter Review Commission; and

WHEREAS, the Charter Review Commission held thirteen Public Hearings to consider changes to the Revised Charter of the City of Tampa, Florida 1975, as amended, with the last Public Hearing having been held on May 14, 2018, and,

WHEREAS, on May 24, 2018, the Charter Review Commission’s recommendations were presented to the Tampa City Council for consideration and approval; and

WHEREAS, the following changes were approved by the Tampa City Council to be presented to the voters of the Citizens of the City of Tampa, at the General Election to be held in the City of Tampa, Florida on March 5, 2019; and

WHEREAS, Exhibit A to this Ordinance contains the form of the amendment that will be placed on the ballot on Tuesday, March 5, 2019.
NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:

Section 1. There is hereby proposed that changes be made to the Revised Charter of
the City of Tampa, Florida 1975, as amended, to allow the City Council of the City of
Tampa to make changes to the said City Charter, by Ordinance to make the said Charter
gender neutral; to remove outdated or redundant language; to eliminate internal
conflicts; to bring into conformance any provisions of the Charter that have been found
to be in conflict with federal or state law, or judicial determinations.

Section 2. That it is hereby proposed that Section 2.01, Article II of the Revised
Charter of the City of Tampa of 1975, as amended, be amended to read as follows:

Section 2.01. – City Council – Composition – Districts.

There shall be a city council in which all legislative power shall be vested. The city
council shall be composed of seven members, each representing a district. The territory
of districts 1 through 3 shall be identical and shall be composed of the entire territory of
the city. The members of the city council representing each of districts 1 through 3
shall be elected at large. The territory of districts 4 through 7 shall be determined prior
to each regular municipal election by dividing the territory of the city into districts
numbered 4 through 7 containing as nearly as possible equal population as provided by
law (Florida Statute 79-573, as amended), or in the absence of state law, by ordinance
of the city council. Prior to November 1 of the year immediately preceding each city
election (unless superseded by general or special law), the Hillsborough County City
County Planning Commission (the “Planning Commission”) will, using the latest
published official census figures, perform the calculations necessary to make the
electoral districts of the City of Tampa, Florida, as equal in population as required by
the United States Constitution. The Planning Commission will hold two public
hearings, no later than 270 days prior to any city election for city council. The
Planning Commission will then submit this information to the city council no later than
180 days prior to city council elections. The members of the city council representing
each of districts 4-7 shall be elected by the electors within such districts.

Section 3. That it is hereby proposed that Section 2.4, Article II of the Revised
Charter of the City of Tampa of 1975, as amended, be amended to read as follows:

Section 2.04. Staff.

The city council shall have as its staff the following who shall be responsible to the city
council through the chair of the council: (a) Budget Analyst. The city council
is authorized to employ a Budget Analyst II or an individual with similar qualifications,
pursuant to the city's position classification code, to assist in the budgetary matters of the city council. The city council by ordinance shall define the qualifications, pay and responsibilities of said employee in accordance with the city's position classification code; (b) City Council Attorney. The city council may employ one city council attorney, whose salary and qualifications shall be set by city council in accordance with those established for comparable assistant city attorneys. Said city council attorney shall (1) serve in an advisory capacity to the city council, and shall perform such duties, including drafting of ordinances, legal research, legal advice to individual city council members relating to city council matters and providing independent advisory opinions, as requested by city council; and (2) be subject to termination only by vote of the city council. Said city council attorney shall not file suit, or bring, or defend any action in court on behalf of the city council, the mayor, the several departments, officers and boards of the city government except with written authorization of the city attorney. No action or opinion of the said city council attorney shall be construed to be the official legal position of the city, and such official legal position and actions shall be solely within the scope of the powers and duties of the city attorney; (c) Other Staff. Each city council member may employ one fulltime equivalent legislative aide, whose hours are subject to the discretion of the council member; (d) Other Staff. The city council may create and fill other staff positions for the purpose of assisting in the performance of its legislative function, provided however that such other staff positions and the salaries thereof shall first be approved by the mayor must be approved by an affirmative vote of no fewer than five members of the city council; funds for such positions must be found in the city council's budget, and, any additional costs thereof must first be approved by the mayor.

Section 4. That it is hereby proposed that Section 2.09(a), Article II of the Revised Charter of the City of Tampa, Florida 1975, as amended, be amended to read as follows:

Section 2.09 – Procedure. (a) Except as provided in Subsection (b), each ordinance shall be noticed one in a newspaper of general circulation in the city, and on the city's website at least seven days in accordance with the minimum requirements imposed by state law; if none, at least seven (7) days prior to adoption, which notice of proposed enactment shall state the date, time, and place of the meeting at which such ordinance shall be considered, the title or titles of proposed ordinances, and the place or places where such proposed ordinances may be inspected by the public and shall advise that interested parties may appear at the meeting and be heard with respect thereto; provided, however the city council by two-thirds vote of the entire city council may enact an emergency ordinance without complying with this subsection and without the requirement on two separate days provided that the ordinance shall contain a finding and declaration by the city council of the emergency; provided further, no emergency ordinance shall be enacted which enacts or amends a land use plan or which rezones private real property. (b) Enactment or ordinances initiated by the city council or its designee which rezones private real property shall be enacted pursuant to the uniform procedure set out in Chapter 166.041(3)(c), Florida Statutes (including all amendments
Section 5. That it is hereby proposed that Section 3.01, Article III of the Revised Charter of the City of Tampa, Florida 1975, as amended, be amended to read as follows:

Section 3.01 City Clerk.

There shall be a city clerk who shall be at least eighteen years of age and shall be a resident of the city. As an independent custodian of all records, the clerk shall keep and have the care and custody of the books, records, papers, legal documents, journals of proceedings, and any artifacts of the city, and shall carry out such additional duties as determined by the City Code. The initial term of office of city clerk shall be for two years, commencing October, 1975, and each successive term shall be for four years. The city clerk shall be appointed by the mayor and confirmed by a simple majority no fewer than four members of the entire city council. Not later than the fifteenth-ninetieth day after the commencement of each term or a vacancy in the office of city clerk, the mayor shall appoint and submit a city clerk nominee to the city council for confirmation. The city council, within fifteen days after such submission, shall confirm or disapprove such appointment, and the failure of the city council to act upon such appointment within said time shall be confirmation thereof. In the event of disapproval by the city council of said appointment, the mayor, may, within fifteen ninety days thereafter, shall submit to the city council another appointment. Before assuming the duties of the office, the city clerk shall qualify by giving such bond and making and filing such oath of office as shall be prescribed by law or ordinance. The city clerk shall remain in office until the clerk’s successor is appointed and confirmed. The city clerk may be removed by the mayor but only with the approval of the city council. The salary of the city clerk shall be fixed by the mayor with the approval of the city council. The city clerk shall be entitled to all benefits now provided to all unclassified employees similarly situated.

Section 6. That it is hereby proposed that Section 4.01, Article IV of the Revised Charter of the City of Tampa, Florida 1975, as amended, be amended to read as follows:

Section 4.01. – Mayor.

There shall be a mayor in whom all executive power of the city shall be vested and who shall be the administrative head of the municipal government. Responsibility for the proper administration of the city government shall be solely that of the mayor. The mayor shall be elected at large, shall have been a resident and elector of the city for one year immediately preceding the commencement of the term of office, and shall continue to be a resident and elector of the city during the term of office. No person who has, or but for resignation would have, served as mayor for two consecutive, full terms shall be elected as mayor for the succeeding term. The mayor shall be responsible
to the people of the city for the proper administration of the affairs of the city and to that end the mayor's powers and duties shall include, but shall not be limited to, (1) the administration and enforcement of all laws, ordinances, contracts, and franchises, (2) the negotiation of all contracts, franchises, acquisition, and disposition of property and, upon approval thereof by the city council, the execution on behalf of the city of all agreements, leases, deeds, and other instruments in connection therewith, (3) the exercise of direct control and supervision of all departments and divisions of the municipal government, (4) except as herein otherwise expressly provided, the appointment and removal and the fixing of the compensation of all officers and employees of the city, the employment and compensation of whom are not otherwise provided for herein, all such appointments to be made upon merit and fitness alone and in accordance with as nearly as possible with civil service requirements, with the exception of officers, directors, managers, and supervisors who are not subject to civil service, (5) the general charge, management, control, and supervision of all property of the city, (6) the promulgation by executive order of such administrative directives, decisions, and codes and personnel rules and regulations as the mayor shall deem necessary and proper, all of which executive orders of a formal, general, and permanent nature shall be filed with the city clerk, (7) the representation of the city on all public occasions where such representation shall be right and proper, (8) cognizance of the relation of the city to the county, state, federal and other municipal governments, (9) periodically advising council as to the financial conditions and needs of the city, (10) furnishing to the council such available information, date, and advice pertaining to the affairs of the city as may reasonably requested, (11) making such recommendations as the mayor may deem necessary or expedient in the interests of the city to the council relative to the adoption of ordinances and resolutions; provided, however, that nothing herein contained shall prevent the city council in the exercise of its legislative functions and powers from calling into consultation the boards or departments and other officers and employees of the city wherever in the judgment of the council it may be necessary[,] but neither the council nor any member thereof shall interfere with the conduct of any department, officer, or employee in the discharge of that person's duty.

Section 7. That it is hereby proposed that Section 4.02, Article IV of the Revised Charter of the City of Tampa, Florida 1975, as amended, is amended to read as follows:

Section 4.02 – Absence and Succession.

During the temporary disability, disqualification, or absence from the city, inability of the mayor to serve, the chairman of the city council shall discharge the duties of the mayor and while so acting he shall not have the right to act as a member of or preside over meetings of the city council. During the period the chairman is discharging the duties of the mayor, the chairman pro tem shall preside over meeting of the city council. If it shall be necessary for the chairman to discharge the duties of the mayor for more than 10 successive days the acting mayor shall, as acting mayor, receive the mayor's salary during such time as the acting mayor may act. In case the office of the
mayor becomes permanently vacated by the death, resignation or otherwise, the chairman shall discharge the duties of the mayor until a successor for the unexpired term shall take office. In the event that by operation if law the chairman shall become acting mayor until a successor is elected at a special election then the chairman pro tem shall become acting chairman of the city council and the council shall immediately chose an acting chairman pro tem.

Section 8. That it is hereby proposed that Section 5.01, Article V of the Revised Charter of the City of Tampa, Florida 1975, as amended, be amended to read as follows:

Section 5.01 – Departments.

The mayor may, by executive order approved by the city council by a two-thirds vote of the entire city council, establish, create, combine or abolish departments, or boards, which executive order shall direct by whom and in what manner the duties of any such departments or boards combined or abolished shall be performed, except that this power shall not extend to the legal department, department of revenue and finance, internal audit department, police department, fire department, the civil service board, the board of trustees of the city employees retirement fund, and the fire fighters and police officers pension fund. Changes to the excepted departments and boards (not established by a special act of the Florida Legislature) shall be subject to a voter referendum initiated by an ordinance of the city council, before any of the functions of the excepted departments, listed above may be accomplished.

Section 501(f) Department of Public Works; (g) Department of Sanitation; and (h) Purchasing Department shall be removed as no longer necessary to be in the City Charter, and will be included as amended from time to time by an ordinance of the City Council, as provide for herein, to be included in the City of Tampa Code. Sections 501(f), (g) and (h) will be designated as reserved in the Revised Charter of the City of Tampa, Florida 1975, as amended.

Section 9. That it is hereby proposed that Section 5.03, Article V of the Revised Charter of the City of Tampa, Florida 1975, as amended, be amended to read as follows:

Section 5.03. Additional Duties.

Each of the foregoing officers shall perform such other duties as shall be directed by the mayor. If such duties fall within the provisions of Section 5.01 herein, they shall be done by executive order, with the approval of the city council. Or by the council by ordinance in the furtherance of their respective administrative and legislative functions.
Section 10. That it is hereby proposed that Section 6.01, Article VI of the Revised Charter of the City of Tampa, Florida 1975, as amended, be amended to read as follows:

Section 6.01. – Officers.

The government of the City shall be conducted by the following named officers and boards: a mayor, a city council, a city clerk, a city attorney, a director of finance [also known as the Chief Financial Officer], an internal auditor, a chief of police, a chief of the fire department, a director of public works, a chief of sanitation, a purchasing agent, a civil service board, a board of trustees of the city employees retirement fund, a fire fighters and police officers pension board, a zoning board of adjustment, variance review board, and any such officers, departments, and/or boards as may be created pursuant to this chapter and not inconsistent therewith; and all of said officers and members of boards shall be residents and electors of the city, shall perform such duties as may be prescribed the charter or ordinance of the city not inconsistent with said charter, and shall receive such compensation as shall be fixed and determined in accordance with this charter. The residency requirements of all department heads may be waived by a vote of no fewer than five members of the city council for a period of up to one year. The one-year residency requirement exception may be voted upon no more than two consecutive times after the original exception.

Section 11. That it is hereby proposed that Section 6.02, Article VI of the Revised Charter of the City of Tampa, Florida 1975, as amended, be amended to read as follows:

Section 6.02. – Term

The term of all officers, the mayor, and city council members, created as provided for by this charter shall be for four years and until their successors have been duly qualified, provided however, that the mayor and city council members elected in the 1979 municipal elections shall hold office for a term of three and one-half (3 ½) years and provide further that the terms of all officers appointed by the mayor shall terminate with the term of office of the mayor so appointing, except the city clerk and those board members appointed for fixed and staggered terms.

Section 12. That it is hereby proposed that Section 6.03, Article VI of the Revised Charter of the City of Tampa, Florida 1975, as amended, be amended to read as follows:

Section 6.03 – Appointment

The Mayor with thirty ninety days after taking office or after a vacancy shall exist, shall appoint and submit to the city council for confirmation by a majority of no fewer than four votes of the entire city council, heads of departments and any administrative personnel with administrative authority or responsibility equal to or greater than
that of a department head. The city council, with 15 days after such submission, shall confirm or disapprove such appointments; and the failure of the city council to act upon any such appointment within said time shall be confirmation thereof. In the event of disapproval by the city council of any said appointments, they mayor with fifteen ninety days thereafter, shall submit, or resubmit to the city council the name of the appointee. The power of removal of such officers shall be vested exclusively in the mayor, with the exception of the city clerk as provided in Section 3.01 herein.

Section 13. That it is hereby proposed that Section 6.05, Article VI of the Revised Charter of the City of Tampa, Florida 1975, as amended, is amended to read as follows:

Section 6.05. – Oath.

Each officer of the city before entering upon the discharge of the officer’s duties shall take and subscribe an oath, before a person authorized to administer oaths in the city, that the officer is a resident of the city and is entitled to hold and will faithfully perform the duties of the office to which the officer has been elected or appointed and will support, uphold, and defend the charter and ordinances of the City of Tampa, the Constitution and laws of the State of Florida, and the Constitution and laws of the United States of America.

Section 14. That it is hereby proposed that Section 6.06, Article VI, of the Revised Charter of the City of Tampa, Florida 1975, as amended, is amended to read as follows:

Section 6.06. – Salaries.

The initial salaries or compensation of all officers of the city shall be the same as they were upon the date of the referendum upon this charter, provided that from and after October 1, 1975, any such salary or salaries of officers of the city may be increased or decreased at any time by the concurrence of the mayor and a majority of no fewer than four votes of the entire city council, which concurrence shall be documented by resolution, or ordinance of the council recommended or approved in writing by the mayor.

Section 15. That it is hereby proposed that Section 7.05, Article VII of the Revised Charter of the City of Tampa, Florida 1975 as amended, be amended to read as follows:

Section 7.05. – Millage.

Upon adoption of the annual budget, or as soon thereafter as practicable, the city council shall proceed to determine the amounts which may be necessary for the carrying on of the municipal government during the next ensuing fiscal year from ad valorem taxes and shall proceed to fix the millage or tax necessary in accordance with state law [F.S. 200.065, as it may be amended from time to time], which millage as so determined shall be certified by the mayor to the proper authorities.
Section 16. That it is hereby proposed that Section 7.08, Article VII of the revised Charter of the City of Tampa, Florida 1975 as amended, be amended to read as follows:

Section 7.08. – Diversion of Funds.

No funds raised by taxation arising from the sale of bonds or other obligations of the city shall be diverted from any purpose other than that for which the funds were raised nor shall any contract be entered into in excess of the funds provided for carrying it out, and any contract in violation of this section shall be void; provided, however, that any such funds which shall be found not to be needed upon completion of a capital improvement for which such funds were raised or any such funds not needed because of the abandonment of the capital improvement for which raised may be used only as provided in the document that authorized the expenditures, to the extent permitted by the authority or indenture under which such funds were raised, be allowed, appropriated, or applied to such other capital improvements as recommended by the mayor and approved by two-thirds vote of council.

Section 17. That it is hereby proposed that Section 7.10, Article VII of the Revised Charter of the City of Tampa, Florida 1975 as amended, be amended to read as follows:

Section 7.10. – Investment of Funds.

The director of finance with the consent and approval of the mayor is authorized to invest any funds of the city in any manner allowed by Section 215.47, Fla. Stat. [as it may be amended from time to time], with the exception, that the city may not invest in mortgage securities which represent participation in, or are collateralized by, mortgage loans secured by real property. The City is also authorized to invest in United States Government or United States Treasury bonds, certificates, notes or bills or may arrange interest time deposits with the depositories of the city, and; and the interest derived from such investments or deposits shall accrue as revenue to the general fund of the city. Furthermore, except in the case city may invest in of special funds for which the city is required by agreement or by law to credit such special funds with interest on its invested balances.

Section 18. That it is hereby proposed that Section 9.01 of the Revised Charter of the City of Tampa, Florida, 1975, as amended, be amended to read as follows:

Section 9.01. – Boards

There shall be a civil service board, a board of trustees of the city employees’ retirement fund, a firefighters and police officers pension board, the appointments, terms, duties and responsibilities of the members of which shall be as now or hereafter provided by special law. There shall be a zoning adjustment board composed of seven members, four members appointed by the mayor and approved by city council and
three members appointed by city council. Variance Review Board whose responsibilities, terms and duties shall be determined by ordinance, and further shall be such other boards as exist under state law, until modified by ordinance upon recommendation or with approval of the mayor. There shall be such other standing boards as may be created by ordinance and ad hoc boards and committees as may be created by resolution upon the recommendation or with the approval of the mayor.

Section 19. That it is hereby proposed that section 10.1 of the Revised Charter of the City of Tampa, Florida, 1975, as amended, is amended to read as follows:

Section 10.01. Miscellaneous. – Elections and Vacancies.

All elections shall be conducted and vacancies filled in accordance with the provisions of law.

The supervisor of elections of Hillsborough County, Florida, shall be the elections officer of the City of Tampa, Florida, and shall conduct, hold, and regulate all municipal elections of every kind, nature, or character whatsoever held in the city, including regular, general, special, bond, referendum, recall, charter and all other municipal elections. The elections officer shall not be required to be a resident or elector of the city:

1. Unless or until changed by Florida Statute, or City of Tampa ordinance as authorized by State Law, elections shall be held in the manner hereinabove described on the first Tuesday in March, and when appropriate, in the event of the necessity of a run-off election, to be held on the fourth Tuesday in April, of every year in which municipal elections are to be held for the election of all candidates for all elective offices in the city. All elected and qualified candidates elected at said March or April election respectively, shall take office on May 1 of the year in which they are elected.

2. Any person possessing the requisite qualifications may upon compliance with all applicable provisions of law and ordinance qualify as a candidate and have said person’s name placed upon the ballot for the office sought by no earlier than noon of the 50th day and no later than noon of the 46th day from and before the date of the first election:

(a) Paying a qualifying fee in a sum equal to 5% percent of the annual salary of the office sought, or

(b) Filling a qualifying petition in the form, content, and manner hereinafter provided bearing the genuine signatures of the number of electors in the City of Tampa, Florida, as shall equal .25 percent of the population of the City of Tampa for the City Council Districts, or one (1) percent of the population of the City of Tampa, Florida for mayor, according to the latest published official state or federal census or the “Population and Housing Estimates” as promulgated yearly by the Hillsborough County City-County Planning Commission, whichever shall be most current.

3. City of Tampa municipal elections shall be held, conducted, and regulated without regard to political parties. A candidate for municipal office shall not:

(a) Campaign as a member of any political party:
(b) Publicly represent or advertise as a member of any political party;
(c) Solicit or accept political party funds or endorsement.

4. If a vacancy should occur in any elective city office, the effects of which leaves more than fifteen (15) months of the term remaining, the elections officer shall call for a special election to fill such vacancy within ten (10) days from the date of an actual vacancy or the acceptance of a resignation. Candidates shall have a period of at least five (5) business days in which to qualify for said special election, beginning at 9:00 A.M. on the first day and ending at 5:00 P.M. on the fifth day, but there shall be a period of at least thirty (30) days in which to allow candidates to circulate qualifying petitions. The special election shall be held on the fourth Tuesday following the date of the deadline for qualifying; however, if a regularly scheduled election is within twenty-eight (28) to ninety (90) days of the deadline for qualifying as a ballot candidate for such vacancy, the special election may be held at the same time. Should no candidate receive a majority of the votes cast in the first election, a second election shall be held between the top two vote recipients of the first election on the forty-ninth (49) day after the first election, as determined by the elections officer. If no second election is required, the candidate with a majority of all votes cast in the first election shall take office immediately upon certification. If a second election is required because no candidate received a majority of all votes cast in the first election, then the top vote recipient of the two candidates in the second election shall take office immediately upon certification.

All resignations of elected officials of elected city officials must be made in writing to the city clerk who will forward the resignation to the elections officer. For the purpose of this section, the clerk must accept all resignations within five (5) days of receipt thereof, and any resignation accepted by the clerk cannot be withdrawn.

All vacancies in city council shall exist within fifteen (15) months or less of the term remaining shall be filed by majority vote of the remaining city council. Should a vacancy occur in the office of mayor, within fifteen (15) months or less of the term remaining the chairperson of the city council shall be mayor until the expiration of such mayor's term. The chairperson of the city council's office as a member of the city council shall be vacant upon assuming the position of mayor and shall be filed by majority vote of the remaining city council. The chairperson shall become acting mayor to fill a vacancy that occurs with longer than fifteen (15) months remaining and shall serve as acting mayor until a mayor is elected at a special election. During the time the chairperson is acting mayor, the chairperson's position on the city council shall remain unoccupied, but the chairperson shall return thereto as soon as a new mayor takes office. The successful candidate of an election held to fill a vacancy shall take office when qualified, upon receiving a certificate of election and as soon as the office is vacant as determined by the elections officer. Vacancies filled by appointment must be with thirty (30) days from the time the vacancy exists.

The city council shall have power and authority by ordinance to make any additional rules and regulations concerning electors and elections in the city as may be necessary for the full and complete exercise of the powers and authority herein vested in the
elections officer and to impose upon and vest in the elections officer such additional powers and duties as are necessary for the proper and orderly calling, holding, conduct, and regulations of elections in the city, which additional rules and regulations and additional powers and duties shall be valid as if specifically provided herein, provided that such ordinances or the provisions thereof do not conflict with the provisions of law. (Laws of Fla., Ch. 79-573, §§ 21 and 24; Laws of Fla., Ch. 88-497, § 2)

Section 20. That it is hereby proposed that Section 10.3 of the Revised Charter of the City of Tampa, Florida 1975 as amended, is amended to read as follows:

Section 10.03. – Discrimination Prohibited.

Neither the city, nor any of its officers or employees, shall engage in any practice or enter into any contract by legislation which that will result in discrimination against any person or group of persons because of race, sex, religion, national origin, sexual orientation, color, pregnancy, age, marital status, familial status, disability, gender identification, genetic information, ethnicity, or any other basis as prohibited by law or ordinances.

The city shall implement a comprehensive harassment, antidiscrimination, implicit bias and cultural competency training program for all city employees at an interval and manner as established by ordinance.

Section 21. That it is hereby proposed that Section 10.07 of the Revised Charter of the City of Tampa, Florida, 1975, as amended, is amended to read as follows:

Section 10.07. – Initiative and Referendum.

The qualified voters of the city shall have power to propose ordinances to the council or to require reconsideration of any adopted ordinance by petition signed by the electors of the city equal in number to nor less than 10 percent of the electors of the city qualified to vote at the last general municipal election; the form and content of such petition shall provide for under the provisions relating to recall of officers as provided herein. If the council fails to adopt an ordinance so proposed or to repeal as ordinance so reconsidered, the qualified voters shall approve or reject such ordinance at a city election provide that such powers shall not extend to the budget or capital improvements program, zoning, the comprehensive plan, or any emergency ordinance, or ordinance relating to the appropriation of money, levy of taxes or salaries of city officers or employees. The procedure to be followed for citizen initiative and referendum will be provided by ordinance in accordance with F.S. § 166.031 (as it may be amended from time-to- time), which ordinance shall be initially enacted within six months of the passage of (this amendment to) the charter and once passed shall not be amended more frequently than once every two years and only within a time frame of ninety (90) days after a general election.
Section 22. That it is hereby proposed that a new Section 10.10 of the Revised Charter of the City of Tampa, Florida, 1975, as amended, be amended to add this new provision to read as follows:

Section 10.10 – Charter Review.

Commencing in 2027, and every ten years thereafter, there shall be established by ordinance a Charter Review Advisory Commission (CRC) composed of nine (9) members: seven (7) members appointed by the city council, and two (2) members appointed by the mayor. It shall also have two (2) alternates appointed, one by the city council and one by the mayor. However, the city council may by ordinance, have the power to call for the establishment of a CRC more often in the event it so chooses. No members of the CRC shall be elected officials or city employees. Each member of the CRC shall be a city resident and elector. Vacancies on the CRC shall be filed within thirty (30) days in the same manner as the original appointment. An independent person shall be engaged by the city council to facilitate the charter review process. Necessary funding shall be provided to ensure full transparency and citizen participation in the charter review process. The CRC may adopt other rules for its operation and proceedings, as it deems desirable, within the direction given to it by the city. The members of the CRC shall receive no compensation.

Section 23. That it is hereby proposed that a new Section 10.11 of the Revised Charter of the City of Tampa, Florida, 1975, as amended, be amended to add this new provision to read as follows:

Section 10.11. – Charter Amendment.

(a) The city council may propose amendments by ordinance to this charter. Upon adoption of the initiating ordinance, and unless provided for otherwise in this charter, the city council shall submit the proposed amendments to a vote of the electors at the general election held within the city, or at a special election called for such purpose.

(b) Initiation by Petition. The electors of the city may propose amendments to the charter by petition. Each petition proposing amendments to this charter shall be commenced in the same manner as an ordinance proposed by initiative in Article X, Section 10.7 of this charter.

Section 24. That this ordinance shall be posted and published as provided by law, and, except for the Sections specified in Exhibit A to this ordinance which shall become effective immediately upon this ordinance becoming law, shall become effective and operative when and only if they are approved by a majority vote of the electors of the City of Tampa, Florida voting on the questions of approval or disapproval of the same in and at the election to be held in Tampa, Florida on the 5th day of March, 2019. The form of the ballot in the referendum shall be as contained in Exhibit A to this ordinance.
Section 25. If a majority of the electors of the City of Tampa, Florida actually voting on the questions (contained in Exhibit A) in such referendum shall vote for approval of the proposed amendments, then the remainder of this ordinance, in addition to this Section 25, shall become effective and operative for those amendment that were approved, upon the certification of the election results by the Elections Officer of the City of Tampa, Florida. If a majority of such electors actually voting on such questions at such referendum then this ordinance shall be effective only for those questions that were approved by the voters, and the remainder of the questions shall not become effective and shall be of no further force and effect.

Section 26. The Elections Officer of the City of Tampa, Florida shall place the questions contained in Exhibit A to this Ordinance on the ballot for the March 5, 2019, election to be held in Tampa, Florida.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON AUG 23 2018.

ATTEST:

CITY CLERK

FRANK REDDICK, CHAIRMAN

APPROVED BY ME ON AUG 27 2018

BOB BUCKHORN, MAYOR

PREPARED AND APPROVED AS TO LEGAL SUFFICIENCY BY:

E/S

SALVATORE TERRITO, CITY ATTORNEY
Exhibit A

The form of the ballot in the referendum shall be as follows:

1. Shall the amendment to the Revised Charter of the City of Tampa, Florida 1975, as amended, allow the removal of all references to gender, correct typographical errors, remove redundancies, clarify ambiguities, include statutory references when appropriate, and remove obsolete provisions.

YES – FOR THE PROPOSED AMENDMENT

NO - AGAINST THE PROPOSED AMENDMENT

2. Shall the amendment to the Revised Charter of the City of Tampa, Florida 1975, as amended, provide for amending Article II, Section 2.01, to require the Hillsborough County City County Planning Commission prior to November 1 of the year immediately preceding each city election to use the latest published official census figures to perform the calculations necessary to make the city’s electoral districts as equal in populations as required by the U.S. Constitution.

YES – FOR THE PROPOSED AMENDMENT

NO - AGAINST THE PROPOSED AMENDMENT

3. Shall the amendment to the Revised Charter of the City of Tampa, Florida 1975, as amended, provide for amending Article II, Section 2.04, to allow each city council member to employ one full-time equivalent legislative aid, to employ additional staff if approved by at least five members of the city council, if the funds are in the city council budget to employ such employ(s), and the additional cost is approved by the mayor.

YES – FOR THE PROPOSED AMENDMENT

NO - AGAINST THE PROPOSED AMENDMENT
4. Shall the amendment to the Revised Charter of the City of Tampa, Florida 1975, as amended, provide for amending Article II, Section 2.09, provide that all proposed ordinances of the city be posted on the city’s website no fewer than seven (7) days prior to adoption.

YES – FOR THE PROPOSED AMENDMENT

NO – AGAINST THE PROPOSED AMENDMENT

5. Shall the amendment to the Revised Charter of the City of Tampa, Florida 1975, as amended, provide for amending Article III, Section 3.01 to provide that the duties of the city clerk shall also include the care and custody of all documents and artifacts of the city, and any duties required by city ordinance. Candidates to fill vacancies in this office must be submitted to the city council within 90 days of the vacancy.

YES – FOR THE PROPOSED AMENDMENT

NO – AGAINST THE PROPOSED AMENDMENT

6. Shall the amendment to the Revised Charter of the City of Tampa, Florida 1975, as amended, provide for amending Article IV, Section 4.01, clarifying that the civil service requirements for appointment and compensation for city employees do not apply to officers, directors, managers, and supervisors (not covered by civil service).

YES – FOR THE PROPOSED AMENDMENT

NO – AGAINST THE PROPOSED AMENDMENT

7. Shall the amendment to the Revised Charter of the City of Tampa, Florida 1975, as amended, provide for amending Article IV, Section 4.01, to clarify that the Mayor’s absence from the geographical boundaries of the city does not make the city council chairman the acting mayor until the mayor returns to the city, and to add that the mayor’s inability to serve does make the city council chairman the acting mayor.

YES – FOR THE PROPOSED AMENDMENT

NO – AGAINST THE PROPOSED AMENDMENT
8. Shall the amendment to the Revised Charter of the City of Tampa, Florida 1975, as amended, provide for amending Article V, Section 5.01, permitting the mayor, with a two-thirds vote of the city council, to establish, create, combine or abolish departments or boards, exception for the following departments and boards: legal, revenue and finance, internal audit, police, fire rescue, the civil service, city employees retirement fund, and fire fighters and police officers pension fund.

Yes – FOR THE PROPOSED AMENDMENT

NO – AGAINST THE PROPOSED AMENDMENT

9. Shall the amendment to the Revised Charter of the City of Tampa, Florida 1975, as amended, provide for amending Article V, Section 5.03, providing that the duties of the officers and employees of the city are under the direction of the mayor, city council shall not exercise such authority with the exception of the provisions of Section 5.01 of the Charter, that permit the establishment, creation, combination, or abolition of departments and their duties.

YES – FOR THE PROPOSED AMENDMENT

NO – AGAINST THE PROPOSED AMENDMENT

10. Shall the amendment to the Revised Charter of the City of Tampa, Florida 1975, as amended, provide for amending Article VI, Section 6.01, identifying which officers, boards and elected officials shall govern the city, and to allow the city council to waive the residency requirements of department heads for one year, with two more consecutive extensions, if done so by no fewer than a vote of five members of the city council.

YES – FOR THE PROPOSED AMENDMENT

NO – AGAINST THE PROPOSED AMENDMENT

11. Shall the amendment to the Revised Charter of the City of Tampa, Florida 1975, as amended, providing for amending Article VI, Section 6.03. to increase the time the mayor has to submit an appointment to the city council for approval from thirty days to ninety days.

YES – FOR THE PROPOSED AMENDMENT

NO – AGAINST THE PROPOSED AMENDMENT
12. Shall the amendment to the Revised Charter of the City of Tampa, Florida 1975, as amended, provide for amending Article VII, Section 7.08, to clarify that funds may be diverted from their original intent if the funds are used as provided in the document that authorized them.

YES – FOR THE PROPOSED AMENDMENT

NO – AGAINST THE PROPOSED AMENDMENT

13. Shall the amendment to the Revised Charter of the City of Tampa, Florida 1975, as amended, provide for amending Article VII, Section 7.10, to allow the city to invest in any funds permitted under Section 215.47, Fla. Stat., with the exception of mortgage backed securities.

YES – FOR THE PROPOSED AMENDMENT

NO – AGAINST THE PROPOSED AMENDMENT

14. Shall the amendment to the Revised Charter of the City of Tampa, Florida 1975, as amended, provide for amending Article IX, Section 9.01 to allow standing boards to be created by ordinance, and ad hoc committees to be created by resolution upon the recommendation or with the approval of the mayor.

YES – FOR THE PROPOSED AMENDMENT

NO – AGAINST THE PROPOSED AMENDMENT

15. Shall the amendment to the Revised Charter of the City of Tampa, Florida 1975, as amended, provide for amending Article X, Section 10.01, to add the statutory provision that spell out the election process for the election of the mayor and the city council of the city, including, but not limited to, qualifications, election dates, the manner to fill vacancies, and the date to take office.

YES – FOR THE PROPOSED AMENDMENT

NO – AGAINST THE PROPOSED AMENDMENT

16. Shall the amendment to the Revised Charter of the City of Tampa, Florida 1975, as amended, provide for amending Article X, Section 10.03, prohibiting discrimination (in addition to those already in the charter) based upon sexual orientation, pregnancy, age, marital
status, familial status, disability, gender identification, genetic information, ethnicity, and any others prohibited by law, and to provide training for all city employees to address these items.

YES – FOR THE PROPOSED AMENDMENT

NO – AGAINST THE PROPOSED AMENDMENT

17. Shall the amendment to the Revised Charter of the City of Tampa, Florida 1975, as amended, provide for adding Article X, Section 10.7, to require a Charter Review Commission every ten years beginning in 2027, requiring a nine member charter review commission (city council chooses seven and the mayor chooses two), and two alternatives, prohibiting elected officials or city employees from serving on the commission, having an independent facilitator, and providing for adequate funding.

YES – FOR THE PROPOSED AMENDMENT

NO – AGAINST THE PROPOSED AMENDMENT

18. Shall the amendment to the Revised Charter of the City of Tampa, Florida 1975, as amended, provide for Article X, Section 10.11, to provide for the city council to propose amendments to the city charter by ordinance, and approve by referendum at the next general election held in the city, and to allow an initiative by a petition by 10% of the electors in the last general municipal election.

YES – FOR THE PROPOSED AMENDMENT

NO – AGAINST THE PROPOSED AMENDMENT
STATE OF FLORIDA,  
COUNTY OF HILLSBOROUGH.

Before the undersigned authority personally appeared JOHN N.  
HARRISON, IV, who on oath says that he is Publisher of THE FREE  
PRESS, a weekly newspaper published at Tampa, in Hillsborough  
County, Florida, that the attached copy of advertising being a true copy  
in the matter of

Ordinances approved on 1st Reading – August 23, 2018 at 9:30 a.m.

File No. REZ18-35  
File No. AB2-18-10  
File No. AB2-18-17  
File No. AB2-18-18  
File No. E2018-47  
File No. E2018-8 CH 26  
File No. E2018-24

was published in said newspaper in the issue of August 4, 2018.

Affiant further says that the said THE FREE PRESS is a newspaper  
published at Tampa, in said Hillsborough County, and that the said  
newspaper has heretofore been continuously published in said  
Hillsborough County, Florida, each week and has been entered as a  
second-class mail matter at the post office in Tampa, in said Hillsborough  
County, Florida for a period of one year next preceding the first  
publication of the attached copy of advertisement; and affiant further  
says that he has neither paid nor promised any person, firm or  
corporation any discount, rebate, commission or refund for the purpose  
of securing this advertisement for publication in the said newspaper.

This 4th day of August, 2018.

__________________________
who is personally known to me  
SWORN TO and subscribed before me

This 4th day of August, 2018.

__________________________
Mark Terry
NOTICE OF PUBLIC HEARING

ON AUGUST 23, 2018 AT 9:30 A.M., IN THE CITY COUNCIL CHAMBERS, CITY HALL, 315 E. KENNEDY BLVD., THIRD FLOOR, TAMPA, FLORIDA, A PUBLIC HEARING WILL BE HELD BY THE TAMPA CITY COUNCIL TO CONSIDER THE FOLLOWING ORDINANCES FOR ENACTMENT:

File No. REZ18-35
An ordinance rezoning property in the general vicinity of 3040 West Cypress Street, in the City of Tampa, Florida, and more particularly described in Section 1, from zoning class designations: PD (planned development, office, business/professional, retail, church, hospital) to PD (planned development, medical office, business/professional office, daycare, retail sales, specialty goods, school, pharmacy, personal services, place of religious assembly); providing an effective date.

File No. ASB2-18-10
An ordinance approving a Special Use Permit (S-2) for alcoholic beverage sales - bar/kungr (consumption on premises only) and making lawful the sale of beverages regardless of alcoholic content - beer, wine and liquor - on that certain lot, plot or tract of land located at 6210 N. Florida Avenue, Tampa, Florida, as more particularly described in Section 3; that all ordinances or parts of ordinances in conflict are repealed; repealing Ordinance No. 2013-105; providing an effective date.

File No. ASB2-18-17
An ordinance approving a Special Use Permit (S-2) for alcoholic beverage sales - small venue (consumption on premises only) and making lawful the sale of beverages regardless of alcoholic content - beer, wine and liquor - on that certain lot, plot or tract of land located at 16209 Tampa Palms Boulevard, Tampa, Florida, as more particularly described in Section 3; that all ordinances or parts of ordinances in conflict are repealed; repealing Ordinance No. 2017-76; providing an effective date.

File No. ASB2-18-18
An ordinance approving a Special Use Permit (S-2) for alcoholic beverage sales - restaurant (consumption on premises only) and making lawful the sale of beverages regardless of alcoholic content - beer, wine and liquor - on that certain lot, plot or tract of land located at 4426 W. Gandy Boulevard, Tampa, Florida, as more particularly described in Section 3; that all ordinances or parts of ordinances in conflict are repealed; repealing Ordinance No. 2002-07; providing an effective date.

File No. E2018-47
An Ordinance of the City of Tampa, Florida, imposing an Abatement upon the acceptance and/or processing of applications for Comprehensive Plan Amendments seeking to establish Future Land Use Designations on submerged lands for a period of 190 days; repealing all ordinances or parts of ordinances in conflict therewith; providing for severability; providing an effective date.

File No. E2018-8 CH 26
An Ordinance of the City of Tampa, Florida, relating to backflow prevention, making revisions to City of Tampa Code of Ordinances, Chapter 26 (Utilities), amending Section 26-84, same-backflow prevention device installation; amending Section 26-86, same-backflow prevention device non-compliance of installation, testing or repair.

File No. E2018-24
An ordinance relating to the Government of the City of Tampa, Florida; submitting to the electors of the City of Tampa, Florida, proposed amendments and additions to the Revised Charter of the City of Tampa, Florida 1975, as amended; regarding all Charter sections to remove gender designations, correct typographical errors, remove redundancies, and remove obsolete provisions; and to amend Charter Sections 2.01 “City Council - Composition - Districts”; Section 2.04 “Staff”; Section 2.09 “Procedure”; Section 3.01 “City Clerk”; Section 4.01 “Mayor”; Section 5.01 “Departments”; Section 5.03 “Additional Duties”; Section 6.01 “Officers”; Section 6.02 “Term”; Section 6.03 “Appointment”; Section 6.06 “Oaths”; Section 6.06 “Salaries”; Section 7.05 “Millage”; Section 7.06 “Revision Of Funds”; Section 7.10 “Investment Of Funds”; Section 9.01 “Boards”; Section 10.01 “Miscellaneous - Sections And Vacancies”; Section 10.03 “Discrimination Prohibited”; Section 10.07 “Initiative And Referendum”; and Section 10.10 “Charter Review” and Section 10.11 “Charter Amendment”; providing “or a referendum”; providing an effective date.

SAID ORDINANCES MAY BE INSPECTED AT THE OFFICE OF THE CITY CLERK, CITY HALL, 3RD FLOOR, TAMPA, FL. DURING REGULAR BUSINESS HOURS, 8:00 A.M. TO 5:00 P.M., MONDAY THROUGH FRIDAY.

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION OF THE CITY COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, MAY NEED TO HIRE A COURT REPORTER TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE. WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND SECTION 286.26, FLORIDA STATUTES, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THISMEETING SHOULD CONTACT THE CITY CLERK’S OFFICE AT LEAST FORTY-EIGHT (48) HOURS PRIOR TO THE DATE OF THE MEETING.

INTERESTED PARTIES MAY APPEAR AND BE HEARD AT SAID HEARING.

SHIRLEY FOX-KNOWLES, CMC

CITY CLERK