



INSTR # 2018192519
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 STACY M. BUTTERFIELD,

CLERK OF COURT POLK COUNTY
 RECORDING FEES \$27.00
 RECORDED BY JESSCAST

ORDINANCE 2018-01

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER OF POLK CITY, FLORIDA; PROVIDING THE RIGHT, DUTY, AND OBLIGATION FOR THE CITIZENS OF POLK CITY TO HOLD A REFERENDUM AS A REQUIRED CONDITION BEFORE BUYING OR SELLING A WATER OR WASTEWATER UTILITY; REQUIRING SIXTY PERCENT OF THOSE VOTING TO VOTE IN FAVOR OF BUYING OR SELLING SUCH A UTILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN ELECTION IN WHICH QUALIFIED ELECTORS OF THE CITY MAY VOTE FOR OR AGAINST THIS CHARTER AMENDMENT; PROVIDING FOR A BALLOT QUESTION; PROVIDING FOR PUBLIC NOTICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:

SECTION 1. SETTING OF CHARTER AMENDMENT REFERENDUM. The City Council hereby calls for and orders the holding of a binding referendum for the qualified electors of the Polk City at the next municipal election date scheduled for Polk City to decide whether a majority of the electors participating approve to amend the Charter. All of the qualified electors residing in Polk City shall be entitled and permitted to vote in such referendum.

SECTION 2. AMENDMENT TO §C-2 CREATING THE RIGHT, DUTY, AND OBLIGATION TO HOLD A REFERENDUM TO APPROVE ANY PROPOSED PURCHASE OR SALE OF A WATER OR WASTEWATER UTILITY PRIOR TO TRANSFER TO OR FROM THE CITY. Article I, § C-2 of the Polk City Charter is hereby amended to read as follows:

§ C-2. - City property; use; disposition.

- A. Any real estate owned by Polk City may be leased for a term of up to ten (10) years upon authorization of a majority vote of four (4) of the five (5) council commission members.
- B. Council Commission may extend a duly approved lease by a simple majority vote for terms up to five (5) years with multiple extensions.
- C. Any real estate owned by Polk City may be sold after a licensed real estate appraiser has provided a certified appraisal of said property value and the authorization of sale is approved by a majority vote of four (4) of five (5) council commission members. Use of the property by the new owner must comply with

all City, county or state ordinances, codes or statutes and said use of the property must be a material part of the sales contract.

- D. After May 1, 2018, no water or wastewater utility system either owned by the City or to be acquired by the City may be bought, purchased, sold, leased, traded, or given away by the City unless such purchase, transfer, sale, lease, trade, or gift is first approved by a vote of at least sixty percent (60%) of the voters of Polk City and the ballot proposal to purchase, acquire, sell, lease, trade, or donate the said utility discloses to the voters the price, the material contract terms and conditions of the purchase, acquisition, sale, lease, trade, or gift, and all material financial and contractual impact to the city and its residents and property owners.:

SECTION 3. PROPOSED BALLOT LANGUAGE. The questions to be submitted to the electors shall appear on the ballot as follows:

**CHARTER AMENDMENT #1
ARTICLE I, SECTION C-2**

**CITIZEN RIGHT TO TRUTH IN CITY
PURCHASES OR SALES OF WATER & SEWER UTILITIES**

Before the City may buy, sell, lease, trade or give away a water or wastewater utility system after May 1, 2018, shall the City Charter also require that a referendum be approved by at least sixty percent of voters through a ballot that discloses to voters the sale price, major contract terms, and all resulting major impacts to city residents?

Question – Shall the above-described amendment be adopted?

YES for Approval
NO against Approval

[61 words]

SECTION 4. PUBLIC NOTICE. The City Manager/City Clerk, or designee, is hereby authorized and directed to provide public notice of the election in accordance with law.

SECTION 5. SEVERABILITY. If any portion or portions of this Ordinance are declared to be invalid, the remaining portions shall have the same force and effect as though such invalid portion or portions had not been included.

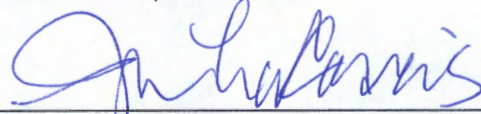
SECTION 6. CONFLICT. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effective in accordance with general law. The Charter amendments set forth in this Ordinance shall not take effect unless approved by a majority of the qualified electors of the City of Polk City voting in an election to be called and held for that purpose on the 3rd day of April, 2018.

PASSED ON FIRST READING this 16th day of January, 2018.

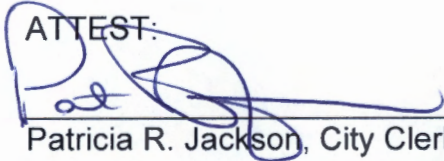
PASSED ON SECOND READING this 19th day of February, 2018.

POLK CITY, FLORIDA



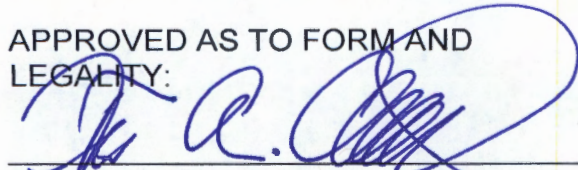
Joe LaCascia, Mayor

ATTEST:



Patricia R. Jackson, City Clerk

APPROVED AS TO FORM AND LEGALITY:



Thomas A. Cloud, Esquire
City Attorney

