ORDINANCE 31 - 26

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AMENDING ORDINANCE 9-26, WHICH PROVIDED FOR A REFERENDUM TO CONSIDER THE ADOPTION OF AMENDMENTS TO SECTION 4.06, "MAYOR; MAYOR PRO TEM," OF THE CITY OF CAPE CORAL, FLORIDA, CHARTER CONCERNING THE ELECTION OF A COUNCIL MEMBER TO SERVE AS MAYOR PRO TEM, BY AMENDING THE REFERENDUM BALLOT TITLE; PROVIDING FOR PUBLICATION OF A NOTICE OF THE REFERENDUM ELECTION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Council adopted Ordinance 9-26 on March 26, 2026, providing for a referendum to consider the adoption of amendments to Section 4.06, "Mayor; Mayor Pro Tem," of the City of Cape Coral, Florida Charter concerning the election of a Council member to serve as Mayor Pro Tem, and providing for publication of a notice of the primary referendum election; and

WHEREAS, the Mayor and City Council have determined that Ordinance 9-26 is to be amended to reduce the number of words for the referendum ballot title.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

SECTION 1. A primary referendum election is hereby ordered to be held in the City of Cape Coral, Florida on August 18, 2026, to consider the adoption of an amendment to the Charter for the City of Cape Coral.

SECTION 2. The polls will be open at the voting places on the date of such election and as otherwise determined by the Lee County Supervisor of Elections. All qualified electors residing within the City shall be entitled and permitted to vote at such election as hereinafter provided. The places of voting for the election are set by the Lee County Supervisor of Elections. The inspectors and clerks for said election shall be appointed as provided by general law.

SECTION 3. The ballots to be used in said election shall contain the description to be voted on, and shall be in substantially the following form:

OFFICIAL BALLOT
CITY OF CAPE CORAL, FLORIDA
ELECTION AUGUST 18, 2026

REFERENDUM

City Charter Amendment Relating to the Election of the Mayor Pro Tem.

This proposal amends the Cape Coral City Charter to clarify that the election of the Mayor Pro Tem shall be by the majority vote of the City Council to be held at the first regular council meeting following each City General Election.

Shall the above-described amendment to the Charter be adopted?

_____ YES _____ NO

SECTION 4. Provision shall be made for instruction to the voters all as provided by general law.

SECTION 5. Adequate provision shall be made for absentee voting. The ballots to be used in said election for absentee voters shall be in substantially the form set out above.

SECTION 6. The Lee County Supervisor of Elections is hereby requested to hold the election in accordance with the election laws of the State of Florida.

SECTION 7. The appropriate election officials, shall canvass the ballots and certify same to Lee County Supervisor of Elections and, in turn, shall certify the election results to the Mayor and City Council of the City of Cape Coral, Florida. The City Council shall, in turn, canvass the votes and

declare the results thereof and such returns shall be recorded in the minutes of the City Council at the first meeting after such certification. If a majority of the votes cast at such election support a referendum issue, such issue shall be approved, and shall be effective immediately.

SECTION 8. The City Clerk is hereby authorized and directed to place a notice of this referendum election in a newspaper of general circulation published in Lee County. The publication shall be made at least thirty (30) days prior to the referendum and shall be made at least twice, once in the fifth week and once in the third week prior to the week in which the referendum is to be held. The notice of referendum shall be in substantially the following form:

CITY OF CAPE CORAL
NOTICE OF ELECTION
AUGUST 18, 2026

NOTICE IS HEREBY GIVEN THAT AN ELECTION will be held on the 18th day of August, 2026, in the City of Cape Coral, Florida, for the purpose of determining whether or not the voters support an amendment to the Charter for the City of Cape Coral.

The polls will open at the voting places on the date of said election at 7:00 a.m. until 7:00 p.m. on the same day. All qualified electors residing within the city shall be entitled, qualified and permitted to vote at such election.

SECTION 9. The full text of the proposed Charter amendment is set forth in the attached Exhibit A.

SECTION 10. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 11. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA AT THEIR REGULAR SESSION THIS _____ DAY OF _____, 2026.

_____
JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER	_____	LASTRA	_____
STEINKE	_____	KILRAINE	_____
LEHMANN	_____	LONG	_____
DONNELL	_____	KADUK	_____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2026.

_____
KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:

_____
ALEKSANDR BOKSNER
CITY ATTORNEY
ord/Amend Ordinance 9-26 Referendum Ballot Title

EXHIBIT A

§ 4.06. - Mayor; mayor pro tem.

…

(a) The Mayor shall be the chief elected officer of the city, preside at all council meetings, be responsible for the orderly conduct of business, have the same powers as a council member, sign all documents as required by the City Council and shall have the power to veto line items in the City budget, provided that such veto is exercised in writing to the City Clerk, with immediate notification to the other members of the City Council at least fourteen (14) days prior to the date of the Final Public Hearing on the budget. The City Council may override such veto with a two-thirds vote of its members as provided in Section 4.16(d).

(b) A council member shall be elected by the majority vote of the Council to serve as Mayor Pro Tem. Such election shall be held at the first regular Council meeting following each City General Election, except that in the years in which there is no City General Election, such election shall take place at the first regular City Council meeting on or after the anniversary of the previous City General Election. The Mayor Pro Tem shall be responsible for the orderly conduct of business in the Mayor's absence, shall not have the power to veto and shall serve for a period of one year.