



## **AGENDA**

### **CHARTER REVIEW COMMISSION**

August 22, 2025      09:00 AM      Conference Room 220A  
City Hall, 1015 Cultural Park Boulevard, Cape Coral, FL 33990

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#### **1. CALL TO ORDER**

- a. Chair Leon

#### **2. PLEDGE OF ALLEGIANCE**

- a. Chair Leon

#### **3. ROLL CALL**

- a. Members Amaker, Apking, Cautero, Estes, Leon, McGrail, Sund, Alternates: King, and Moore.

#### **4. CHANGES TO AGENDA / ADOPTION OF AGENDA**

#### **5. APPROVAL OF MINUTES**

- a. Meeting Minutes – June 12, 2025

#### **6. PUBLIC INPUT**

A maximum of 30 minutes is set for input of citizens on matters concerning the analysis for the City of Cape Coral Charter Review; 3 minutes per individual

#### **7. BUSINESS**

- a. Article VII. Financial Procedures

- b. Article VIII. Elections
- c. Article IX. Initiative and Referendum
- d. Article X. General Provisions

**8. COMMISSIONER COMMENTS**

**9. TIME AND PLACE OF FUTURE MEETING**

- a. Tuesday, September 9, 2025, at 9:00 a.m. in Conference Room 220A

**10. MOTION TO ADJOURN**

In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons needing a special accommodation to participate in this proceeding should contact the Office of the City Clerk whose office is located at City Hall, 1015 Cultural Park Boulevard, Florida; telephone number is 1-239-574-0411, at least forty-eight (48) hours prior to the meeting for assistance. If hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8700 (v) for assistance.

If a person decides to appeal any decision made by the Board/Commission/Committee with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.



**Meeting Type** Charter Review Commission  
**Meeting Date** August 22, 2025

## **Agenda Request Form**

### **City of Cape Coral**

**Title:**

Meeting Minutes – June 12, 2025

**Summary:**

**Requested Action:** Approve or Deny

**Additional Information:**

Meeting Minutes for review and approval are attached.

**Prepared By:**

Sheri Rhine, Recording Secretary, 1-239-574-0473

## MINUTES OF THE CHARTER REVIEW COMMISSION

THURSDAY, JULY 10, 2025

CONFERENCE ROOM 220A

5:00 P.M.

Chair Leon called the meeting to order at 5:02 p.m.

PLEDGE OF ALLEGIANCE – Chair Leon

ROLL CALL: Amaker, Apking, Cautero, Estes, Leon, McGrail, Sund, and Alternate King were present. Alternate Moore was excused.

ALSO PRESENT: Bill Steinke, Council Liaison  
Mark Mason, Assistant City Manager  
Joshua Fredrickson, Assistant City Attorney

### CHANGES TO AGENDA/ADOPTION OF AGENDA

***Commissioner McGrail moved, seconded by Commissioner Estes, to adopt the Agenda, as presented. Voice Poll: All “ayes.” Motion carried.***

### APPROVAL OF MINUTES

Meeting Minutes – June 12, 2025

***Commissioner Amaker moved, seconded by Commissioner McGrail, to approve the minutes from the meeting of June 12, 2025, as presented. Voice Poll: All “ayes.” Motion carried.***

### PUBLIC INPUT

No Speakers.

### BUSINESS

#### Proposed Meeting Schedule – Remainder of 2025

Chair Leon opened the floor to discuss the Proposed Meeting Schedule.

Discussion held regarding:

- Upcoming meeting dates
- Commissioner's availability

Chair Leon asked for a motion to be on the table that will approve the Friday, August

22<sup>nd</sup>, Tuesday, September 9<sup>th</sup>, and the Thursday, October 9<sup>th</sup> meetings.

***Commissioner McGrail moved, seconded by Commissioner Sund, to approve the Friday, August 22, 2025, Tuesday, September 9, 2025, and Thursday, October 9, 2025 meeting dates. Voice Poll: All “ayes.” Motion carried.***

#### **Article IV. Government – Section 4.09 – 4.21**

##### **Section 4.09 General powers and duties – No comments**

##### **Section 4.10 Prohibitions**

Commissioner Estes asked if they wanted to replace Council with Councilmembers under (b) for clarification.

Assistant City Attorney Frederickson responded it could be either the Council as a whole or individual Councilmembers.

Commissioner Estes stated he thinks the intent there is Councilmembers individually.

Assistant City Attorney Frederickson responded it could also be the Council as a whole in a public meeting inquiring of the City Manager.

Commissioner Estes commented Council or Councilmembers, Council or members thereof or however you want.

Commissioner Sund asked if this was for 4.10 (b).

Commissioner Estes responded in the affirmative and stated it could go either way.

Commissioner Sund stated he thought it was saying there is a red line between the Legislative Body making administrative hiring decisions that falls solely to the manager and the City Manager.

Commissioner Estes commented this is just expressing their views, they should be able to talk individually with the City Manager to find out what is going on and what is coming up at the meetings.

Commissioner McGrail stated historically that has been done because everyone views the City Manager as working for Council.

Commissioner Estes explained when he hears Council he thinks of the body and when he hears Councilmember he thinks of the individual and stated he reads this section as the body and if we want to include the Councilmember can also talk to the City Manager.

Commissioner Sund commented he agreed with the reading and asked the City Attorney's Office if there was an issue of individual Councilmembers being rebuffed from the ability to meet.

Assistant City Attorney Frederickson responded he was not familiar with that.

Council Liaison Steinke commented he looked at it like a scrivener's error and did not think we would want to bring something like that before the voters to change it.

Assistant City Attorney Frederickson commented it could be interpreted either way and he thought we want it to be interpreted either way.

Council Liaison Steinke stated we do it in our one-on-one meetings with the City Manager and there has never been an issue with talking to the City Manager by yourself. He stated the point is that Councilmembers or Council as a whole does not give direction to one of the Staff members.

Chair Leon commented historically there has not been any issues.

Commissioner McGrail stated historically City Managers have always respected that they work for Council and all the former Councilmembers here have never been declined a one-on-one from the City Manager's Office.

Commissioner Estes commented if it is not a problem then it is not a problem.

#### **Section 4.11 Vacancies; forfeiture of office; filling of vacancies**

Commissioner Estes asked the Assistant City Attorney if this was a City policy, if you are called for jury duty is it an automatic excused absence.

Assistant City Attorney Frederickson responded he did not know of a specific policy and would have to investigate it.

Commissioner Cautionero asked if Commissioner Estes was asking for employees or the Council.

Commissioner Estes responded Councilmembers.

Commissioner McGrail provided an example of the process used when he was a Councilmember and called for jury duty.

Commissioner Amaker asked if Councilmembers volunteer for the committees they sit on outside the regular Council meetings.

Council Liaison Steinke responded the committee assignments are done at the November

meeting and provided an example of the MPO in which five seats are assigned, and the remaining three Councilmembers are the alternates.

Commissioner Amaker stated she was wondering on the balance of time and what happens if they do not go to the meetings and the alternate is filling in.

Council Liaison Steinke responded this addresses only the regular meetings not the Committee of the Whole or any of the Committee meetings and stated if you are dealing with compensation then you might want to include responsibility as well.

Commissioner Amaker commented there is no stipulation for them to be at the COW meetings, but we are not on that part.

Chair Leon stated we are at that part, and this is a great conversation.

Commissioner Amaker asked what happens if they do not attend the meetings they volunteer to go to.

Chair Leon commented on the following:

- Include COW, special and regular meetings
- Changing language to meetings held by City Council instead of regular meetings
- Not including volunteer boards
- Process for excused or unexcused absence

Council Liaison Steinke provided an example where City Council as a whole did not allow him to participate remotely.

Chair Leon asked if he was given an excused absence.

Council Liaison Steinke responded he did not know, and it was the only one he missed.

Commissioner Sund asked the process for an excusal and if it would take a majority vote of the body to decline.

Chair Leon responded it is like what happened here, the Recording Secretary or City Clerk would say the person was looking for an excused absence and if nobody disagrees then they would move forward. He stated he did not think there has ever been a motion other than if it becomes an unexcused absence.

Commissioner McGrail asked Council Liaison Steinke if they are finding Councilmembers not attending the Committee of the Whole meetings or are they attended like a regular Council meeting.

Council Liaison Steinke responded they are attended like regular Council meetings and commented if someone wanted to alleviate some of their responsibilities, they could use

this, and you could not come to work for a month and only miss two regular meetings.

Alternate Commissioner King asked Council Liaison Steinke if he had any ideas on how to address the attendance issue to improve it.

Council Liaison Steinke responded the responsibilities have grown due to the size a breadth of our City and did not think a person attending several groups should be paid the same as someone attending just the regular meetings.

Vice Chair Apking provided the following example: you take a base salary of \$60,000 as an appointed Councilperson and then take the responsibility to serve on the MPO, that would be \$1,000 in addition; as you go along with the different committees you are compensated additionally based on the participation on those committees.

Commissioner Estes stated we cannot call it a stipend.

Commissioner McGrail agreed with having representation on the boards and committees was important and stated he had no problem with having compensation increase for signing up for the boards and committees as long as the people vote on any compensation.

Chair Leon asked Council Liaison Steinke if he thought Council would be interested in changing three consecutive regular to three consecutive Council meetings.

Council Liaison Steinke responded he thought there would be a majority approval and stated if there is a full Council meeting called you are expected to attend unless it was an excused absence.

Commissioner Amaker asked if a reason must be provided for an absence.

Council Liaison Steinke responded in the negative and stated he thought most wanted everyone to understand there is a valid reason for them not being there.

Chair Leon commented this conversation is coming up because of the change of times and provided history on the reduction of regular meetings.

Commissioner Cautero commented on the different types of Council meetings and provided his thoughts on compensating for non-profit and governmental organizations.

Commissioner Amaker stated she was speaking about putting something forth about additional meetings, but she was not speaking about changing the current verbiage.

Chair Leon provided the reason he suggested deleting the word regular and having it read meetings of Council.



Commissioner Estes stated he would support compensation for additional compensation for attending regional governmental meetings.

Commissioner Cautero asked Commissioner Estes if he supported additional compensation for governmental organizations.

Commissioner Estes responded in the affirmative stating attending a regional governmental meeting where the City has a seat that is filled by a member of Council is no different from them attending the Council meeting.

Commissioner Cautero commented he appreciated Commissioner Estes' point, but his thought was appointments would balance out and nobody would get shutout from a committee.

Commissioner Estes stated maybe he would not be on any committees and just wanted to go to Council meetings.

Commissioner Cautero commented being in the process for over thirty years nobody gets shutout from being on a committee as Council Liaison Steinke said being voluntold.

Commissioner Estes stated you cannot make them attend.

Commissioner Cautero responded yes you can.

Chair Leon commented you cannot make them attend but you can appoint them.

Commissioner Estes stated if I said I am not going over the bridge.

Commissioner Cautero responded then you should not be an elected official.

Commissioner Estes stated but I am I got elected.

Commissioner Cautero commented I cannot make you go, then the voters will decide.

Commissioner Estes responded then that is four years without representation.

Council Liaison Steinke stated it would be easier if there were eight responsibilities so each person would get one and the reason the November meeting is the length it is was due to going through the responsibilities and making sure each was assigned.

Commissioner Cautero stated his comments were limited to the governmental organizations and somebody was going to get picked and that is completely different than whether they attend.

Chair Leon commented he wanted them to come to the Kiwanis board meeting and tell

them he should get paid more.

Commissioner McGrail stated he believed 4.11 subsection 4 needed to be expanded to say Council called or Council approved meetings as opposed to regular meetings so if you miss three of those you are not doing your job.

Commissioner Estes commented just delete regular.

Commissioner McGrail stated cut out regular, but it should be clarified to say Council called meetings which can be called by the Mayor, but usually with Council approval.

Commissioner Cautero commented it depended on the meeting.

Council Liaison Steinke commented you could call it noticed meetings.

Commissioner McGrail commented he would leave it to the City Attorney and clarified it was meetings that the entire Council should attend to conduct City business.

Assistant City Attorney Frederickson responded he would be happy to do that if it is the direction of the Commission.

Commissioner Sund commented he is not opposed to the language but is concerned with adding the meetings which allows in a short time Council to remove an elected member and then having the privilege of appointing that elected officials' replacement.

Chair Leon stated we could extend the three to five consecutive meetings, but thought three was sufficient.

Commissioner McGrail commented he thought the three was fine.

Chair Leon commented even in the worst of times we have seen nothing to that extent.

Commissioner McGrail stated he did not see it being an issue leaving at the three consecutive meetings.

Chair Leon commented the meeting must be noticed.

Commissioner Sund stated it must be noticed.

Commissioner Estes asked the length of time for the notice.

Chair Leon responded he thought it was twelve hours unless it was an emergency.

Assistant City Attorney Frederickson stated he thought it was twelve in the Charter.

Commissioner Sund commented this must be considered based on his prior comment where an elected official can be removed.

Chair Leon stated if the Councilmember knows they are going to be out, during their reports they would request to be excused.

Commissioner McGrail asked what would happen for an extended absence due to illness.

Commissioner Estes responded it would be up to Council.

Chair Leon provided an example when this happened and stated it would be up to Council when they would not excuse them anymore because people deserve a representative.

Vice Chair Apking asked how a pregnancy should be addressed.

Chair Leon responded she would ask to be excused.

Council Liaison Steinke commented about remote participation being accepted.

Chair Leon commented in 4.11 section b(4) replacing regular with verbiage provided by the City Attorney's Office.

Assistant City Attorney Frederickson responded he would be happy to do that.

***Commission surveyed in favor of the City Attorney's Office providing the verbiage for 4.11(b)(4).***

Commissioner Sund stated he understood the cost burden of special elections but wanted to discuss election advantages of appointed members as an incumbent.

Commissioner Estes responded he agreed but not if the cost of the special elections was half a million dollars.

Commissioner McGrail provided the process used in the past to fill vacancies and stated it was preferable to him as a taxpayer than a special election in which it would be lucky to get fifteen to twenty percent turnout.

Commissioner Sund commented it was already discussed to go to single member districts which would adjust the cost significantly and would like to add this to the list for future discussion.

Commissioner Amaker commented the language is convoluted and could be cleaned up.

Assistant City Attorney Frederickson stated he was not here in 2007.

Commissioner Amaker stated it could have been written clearer.

Council Liaison Steinke suggested the verbiage should be in chronological order of how things are done.

Commissioner Estes stated maybe the City Attorney's Office could just clean up the language.

Chair Leon requested confirmation that cleaning up the language and bringing it forward to Council was what the Commission wanted.

Commissioner Sund stated cleaning up language is low on his priority list. If the Commission finds value in cleaning up the language then it may be worth the time.

Chair Leon commented we do not want to forget this.

Commissioner Sund stated we can add this to the list.

Chair Leon asked if there were any objections to it being added to the list and asked Assistant City Attorney Frederickson if he understood. There were no objections.

Assistant City Attorney Frederickson confirmed it was just reworking the language.

Council Liaison Steinke asked for confirmation to clean up the language but keep the process the same.

Commissioner Sund responded at this time we will clean up the language to make it read and flow logically and then if single member districts could cause a domino effect and this would be revisited.

Council Liaison Steinke commented he was supportive of the rationale to deal with functional before grammatical issues and this was a grammatical issue at this time.

Commissioner Estes asked for an estimated cost for a single member district from the City Clerk.

Chair Leon responded that would be through the Elections Office.

Commissioner Estes stated they would contact the Registrar.

Assistant City Manager Mason asked about which district and how many precincts.

Commissioner Sund responded he thought we would pick our largest district with the most precincts and have a cap number of what it would cost.

Vice Chair Apking commented it would probably be District 2.

#### **Section 4.12 Judge of qualifications**

Commissioner Sund asked if the current language gave Council the power to remove a council member for a violation, what that vehicle was, and what the vote requirements were for removal.

Alternate Commissioner King asked Commissioner Sund if he was saying if the Council can vote to bring a Councilmember on that they should be able to vote to get them off.

Commissioner Sund responded it is more the question of if someone is not qualified to hold office, traditionally the legislative body maintains the authority to determine if the person is qualified for the office.

Council Liaison Steinke stated he did not believe the Council has the power to subpoena witnesses.

Assistant City Attorney Frederickson responded 4.12 provides Council the power to investigate their members and determine if they lack any qualifications to forfeit their office.

Council Liaison Steinke asked what would happen if Council requested a lease from a landlord and they did not provide it.

Assistant City Attorney Frederickson responded we would have to go to court to sort it out.

Council Liaison Steinke asked how Council would compel someone to provide the subpoenaed documents.

Assistant City Attorney Frederickson responded 4.12 could be more fleshed out but he believed it provides the City and City Council to investigate the qualifications of a member.

Commissioner McGrail commented there have been three Council members removed from office by the Governor, and he believed the current language is sufficient.

Commissioner Estes stated it is like subpoena and contempt authority of Congress; legislative body is limited but it is there.

Commissioner Sund commented it was important to note this is limited exclusively to qualifications for office outlined in 4.05 a, b, c, and d and if the language is sufficient then he was happy with that.

Assistant City Attorney Frederickson stated while the header does say judge of

qualifications, the body states qualifications and grounds for forfeiture which are in 11(b) one through four that the Council would be permitted to investigate.

Commissioner Sund asked if vote totals have been outlined in either of those.

Assistant City Attorney Frederickson responded it could be a majority vote.

Commissioner Sund asked for confirmation that a simple majority vote can remove a member.

Assistant City Attorney Frederickson responded because the Charter does not speak to a higher requirement.

Commissioner McGrail commented that it has never been used in thirty-six years to maliciously remove someone.

Commissioner Sund commented the grounds for forfeiture are laid out. He expressed his concerns with the ability where a simple majority to remove and then that body finds the replacement.

Chair Leon asked what Commissioner Sund was looking for.

Commissioner Sund responded a super majority.

Discussion held regarding what constituted a Council supermajority.

Chair Leon asked Commissioner Sund if in 4.12 he wanted to add the language to have a supermajority instead of a simple majority.

Commissioner Sund commented he was looking to see where that would get placed.

Chair Leon responded the Attorneys would figure that out.

Commissioner Estes stated a supermajority of six.

Commissioner Sund commented somewhere where decisions made by Council by a supermajority vote and then can proceed on.

Chair Leon asked if there were any objections to moving this forward and stated none were raised.

#### **Section 4.13 City clerk**

Commissioner Estes commented about making the City Clerk appointed by the Council.

Commissioner Sund stated he was in favor of this position being the responsibility of the elected officials.

Chair Leon asked if anyone else had any input.

Commissioner McGrail commented a motion and vote would need to be taken.

Council Liaison Steinke commented the hiring person is also involved in connecting that person with other departments and he did not know how many people would want eight bosses.

Commissioner Apking stated you had to differentiate between administrative and legislative; the Council is legislative, and the City Manager is administrative and intertwining these would create a mess.

Council Liaison Steinke commented his role was to provide perspective on items and would not want to manage that person due to the complexity of the job.

Commissioner McGrail stated historically it has worked well with the City Clerk being under the City Manager.

Commissioner Cautero agreed that the City Clerk should remain reporting to the City Manager and commented on issues with public records requests.

Discussion held regarding public records requests.

Commissioner Estes commented the primary job of the City Clerk is to see that the decisions of Council are adequately reflected.

Chair Leon stated he was in favor of providing this to Council and seeing their discussion about it.

***Commission surveyed in favor of not pursuing this item.***

#### **Section 4.14 Investigations – No comments**

#### **Section 4.15 Independent audit**

Commissioner Sund asked if the audit paid for and initiated on behalf of Council limit or affect additional audits the City undergoes to stay compliant with statutory led initiatives.

Assistant City Manager Mason responded it is a requirement by Statue and does not affect internal or federal audits.

Council Liaison Steinke commented the Council has the authority to request additional

audits.

#### **Section 4.16 Procedure**

Alternate Commissioner King asked if notice was provided more than the twelve hours listed.

Vice Chair Apking responded in the affirmative.

Alternate Commissioner King asked where the twelve hours came from.

Chair Leon responded he thought it was the State minimum.

Assistant City Attorney Frederickson stated his research indicated that less than twenty-four hours' notice would not be permitted even though it has not been explicitly stated and his office thought with the limited number of amendments this should not be addressed at this time.

Commissioner Estes commented as a practical matter you could not call the meeting and have the meeting on the same day.

Chair Leon stated he thought the twelve hours was for a special meeting to be called if they disagree with actions by the City Manager and Fire Chief in an emergency.

Commissioner Cautero asked if there were procedures that allow emergency meetings to be called when a hurricane is coming.

Chair Leon responded he thought it still had to be twelve hours, but there are ordinances that allow the City Manager or the Emergency Director to call a state of emergency and then the Council must reaffirm it later.

Assistant City Attorney Frederickson stated he believed that was correct.

Council Liaison Steinke commented meetings could be called when you would not expect them.

Chair Leon asked if six members are present would it require a five-member majority for the vote.

Assistant City Attorney Frederickson responded you need an affirmative vote of four or more.

Chair Leon asked for confirmation with a quorum of five, you must have four or more votes.



Assistant City Attorney Frederickson responded in the affirmative.

Commissioner Estes provided examples of voting situations for Council and commented on providing Council the option of allowing simultaneous electronic voting.

Vice Chair Apking stated the voting is rotated and they can vote however they want.

Chair Leon asked if the Charter would stop Council from doing simultaneous electronic voting.

Assistant City Attorney Frederickson responded he did not see anything in the Charter that prevents from utilizing new technologies.

Commissioner Estes asked if Council could do simultaneous electronic voting.

Assistant City Attorney Frederickson responded in the affirmative.

Commissioner McGrail stated he agreed with Commissioner Estes.

Council Liaison Steinke asked if there was anything in case law about predetermined abstentions, adjusting quorum, and majority vote.

Chair Leon asked if the Commission wanted to look at and project to Council putting the three instead of four for a majority of five.

Commissioner Sund responded he was not in favor of letting a minority of the total body make decisions.

Chair Leon commented anyone who abstains still can speak on the subject and provide their opinion.

Commissioner Estes asked if something should be added to the Charter having an abstaining Councilmember leave the dais.

Council Liaison Steinke responded that was contrary to Statute.

Assistant City Attorney Frederickson stated unless you meet the statutory criteria and must declare a conflict of interest, you must vote and be on the record.

Commissioner Estes asked but what if you have a conflict of interest.

Assistant City Attorney Frederickson responded you are still allowed to participate.

Commissioner Estes asked if you are still allowed on the dais.

Assistant City Attorney Frederickson responded you just cannot vote.

Commissioner Estes asked if we cannot prohibit them from being on the dais.

Assistant City Attorney Frederickson responded that goes to our sunshine laws and the state history of attempting transparency.

Commissioner Amaker asked if he was asking for an additional sentence discussing abstaining.

Chair Leon responded he was asking if this body wanted to remove the four and putting in three.

Commissioner Sund commented the veto is a function of a chief executive and not being in favor of the mayor as a legislative chair having this capability and would like it stricken in 4.16(d) but if we are going to have it, he was fine with giving the Council the ability to override that. He continued the Charter is full of examples where the mayor is considered an executive and others where the mayor is the legislative chair and wanted to put it on the record in relations to 4.16(d).

Chair Leon stated he thought this was added for when there was an issue with the budget the mayor could step in and have line-item vetoes.

Commissioner McGrail provided an example when a mayor had tried to use the line-item veto, and the Council denied him.

Discussion held regarding the use of the line-item veto.

Commissioner Cautero asked if it was possible to change the Charter to state the mayor is the chief executive without changing the form of government to a strong mayor.

Assistant City Attorney Frederickson responded the Charter does not define chief executive of the City and did not see a conflict with changing the name if the Council manager system remains in place.

Commissioner Cautero asked Commissioner Sund if he was uncomfortable with this because he wanted to see a different form of government.

Commissioner Sund responded the issue with the veto is it gives the mayor essentially more authority than the vote of five of their fellow Council members.

Commissioner Cautero asked if the reasoning was because they each have an equal vote.

Commissioner Sund responded in the affirmative and stated with a strong mayor system

he would be fine with the veto and override process because the mayor would be the chief executive and would not sit on the Council.

Commissioner Cautiono asked if he would approve having the mayor's position become a Council president and not vote and then still having the ability to veto the budget.

Commissioner Sund responded his concern was the amount of power held by the City Manager with no direct accountability to the residents and provided potential issues that could arise in the current structure.

Commissioner McGrail commented the people approved the line-item veto, it has been used twice and been overturned both times.

Commissioner Sund stated he wanted it in the record what he thinks is an inconsistency in the Charter.

#### **Section 4.17 Action requiring an ordinance or resolution**

Commissioner Sund commented state legislature requires a sixty percent vote to levy taxes and even though our percentage is close to that wanted to see if this body wanted to do that.

Assistant City Manager Mason asked when that passed.

Commissioner Sund responded it was a constitutional amendment the voters approved.

Assistant City Attorney Frederickson stated it was for the State Legislature.

Commissioner Sund asked the limitation is placed on the state legislature and should the same limitation be placed on the municipal body.

Chair Leon stated the State will make it on us eventually.

Council Liaison Steinke commented what happens at one level does not necessarily work well at another level.

#### **Section 4.18 Adoption requirements for ordinances and resolutions – No comments**

#### **Section 4.19 Emergency ordinances**

Commissioner Sund asked if there were any statutes that put a time limit on extended state of emergencies.

Assistant City Attorney Frederickson responded he would investigate it.

Chair Leon commented he did not remember why it passed and stated they would come back to it.

**Section 4.20 Codes of technical regulations – No comments**

**Section 4.21 Authentication; codification – No comments**

**Article VII. Financial Procedures**

**Article VIII. Elections**

Chair Leon noted for the next meeting agenda covering the rest of the Charter. There were no objections.

**Commissioner Comments**

Discussion held regarding next meeting date.

***Vice Chair Apking moved, seconded by Commissioner Amaker, to cancel the July 18, 2025, Charter Review Commission meeting. Voice Poll: All “ayes.” Motion carried.***

Commissioner Cautero asked if anyone wanted to schedule a meeting for the middle of August.

Commissioner Estes commented two people would not be attending the August 22<sup>nd</sup> meeting.

Discussion held regarding:

- Scheduling a meeting prior to the August 22, 2025 meeting
- Agenda for upcoming meetings

Commissioner McGrail asked if a formal vote was required to add for 4.08(c).

Chair Leon responded one will be required in the future when we make the decision what to bring forward to Council.

Commissioner McGrail commented he thought section c should be separate from any pay package.

Chair Leon stated he agreed with Commissioner McGrail and thought it would be the easiest vote with moving it forward to Council and whether Council decides to put it on the ballot is up to them.

Commissioner Cautero requested a list of unresolved items.

Chair Leon requested Recording Secretary Rhine provide a list of items that they had decided to move forward.

Recording Secretary Rhine responded in the affirmative.

### **Time and Place of Future Meeting**

The Charter Review Commission Meeting scheduled for Friday, July 18, 2025, at 9:00 a.m. in Public Works Operations Center was canceled.

The next Charter Review Commission Meeting was scheduled for Friday, August 22, 2025, in Conference Room 220A, at 9:00 a.m.

### **Motion to Adjourn**

There being no further business, the meeting adjourned at 6:59 p.m.

Submitted by,

Sheri Rhine  
Recording Secretary



**Meeting Type** Charter Review Commission  
**Meeting Date** August 22, 2025

## **Agenda Request Form**

### **City of Cape Coral**

**Title:**

Article VII. Financial Procedures

**Summary:**

**Requested Action:** Informational Only

**Additional Information:**

**Prepared By:**

Sheri Rhine, Recording Secretary, 1-239-574-0473

## ARTICLE VII. - FINANCIAL PROCEDURES

*Footnotes:*

--- (1) ---

**Cross reference**— *Expenditure of funds, §§ 2-12 et seq.*

## § 7.01. - Fiscal year.

The fiscal year of the city shall begin on the first day of October and end on the last day of September unless otherwise dictated by state statutes.

## § 7.02. - Submission of budget and budget justification.

On or before the first regular meeting in August of each year, the manager shall submit to the council a budget for the ensuing fiscal year and an accompanying message.

## § 7.03. - Budget justification.

The city manager's justification shall explain the budget both in fiscal terms and in terms of the work program. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the city's debt position and include such other material as the city manager and/or Council directs.

## § 7.04. - Budget.

(a) The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the city manager and/or Council directs. In organizing the budget the city manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity and object. It shall begin with a clear general summary of its contents; shall detail estimated income, indicating the proposed property tax levy and all proposed expenditures including debt service for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;

- (2) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practical, and the proposed method of financing each such capital expenditure; and
- (3) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the city and the proposed method of its disposition. Subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

(b) The total of proposed expenditures shall not exceed the total of estimated income.

§ 7.05. - Capital program.

- (a) *Submission to council.* The city manager shall prepare and submit to the council a five-year capital program by the first regular meeting in August of each year.
- (b) *Contents.* The capital program shall include:
  - (1) A clear general summary of its contents;
  - (2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for each improvement included;
  - (3) Cost estimates, method of financing and recommended time schedules for each such improvement; and
  - (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above may be revised and extended with regard to capital improvements still pending or in process of construction or acquisition.

§ 7.06. - Council action on budget.

Action on the City budget shall be in accordance with State Law.

§ 7.07. - Council action on capital program.

The City shall adopt and review annually a Capital Improvements Program.

§ 7.08. - Public records.

Copies of the budget and capital program as adopted shall be public records and shall be made available to the public at suitable places in the city.

§ 7.09. - Amendments after adoption.



- (a) *Supplemental appropriations.* If during the fiscal year the city manager certifies or the council determines that there are available for appropriation revenues in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of such excess after advertising thereof as provided above.
- (b) *Emergency appropriations.* To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of section 4.19. To the extent that there is no available unappropriated revenue to meet such appropriations, the council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
- (c) *Reduction of appropriations.* If at any time during the fiscal year it appears probable that the revenues available will be insufficient to meet the amount appropriated, the council shall then take such further action as necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.
- (d) *Transfer of appropriations.* At any time during the fiscal year the city manager or the council may transfer, within a department part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the city manager, the council may by resolution transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.
- (e) *Limitations; effective date.* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

§ 7.10. - Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

§ 7.11. - Administration of budget.

- (a) *Work programs and allotments.* At such time as the city manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The city manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. The city manager may revise such allotments during the year if the city manager deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to section 7.09.
- (b) *Payments and obligations prohibited.* No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the city manager or the city manager's designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and the city manager shall also be liable to the city for any amount so paid. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease provided for payments beyond the end of the fiscal year, provided that such action is made or authorized by ordinance.



**Meeting Type** Charter Review Commission  
**Meeting Date** August 22, 2025

## **Agenda Request Form**

### **City of Cape Coral**

**Title:**

Article VIII. Elections

**Summary:**

**Requested Action:** Informational Only

**Additional Information:**

**Prepared By:**

Sheri Rhine, Recording Secretary, 1-239-574-0743

## ARTICLE VIII. - ELECTIONS

## § 8.01. - City elections.

Except as otherwise provided by this Charter, the Florida Election Code shall apply to City elections.

## § 8.02. - Council districts; adjustment of districts.

- (a) *Number of districts.* There shall be seven (7) city council districts.
- (b) *Districting commission.* The council shall appoint seven (7) qualified electors, determined from the registration for the last statewide general election, who shall comprise the districting commission. The electors chosen shall not be City employees.
- (c) *Report; specifications.* Within six (6) months after the completion and receipt of the federal census and at least each ten (10) years thereafter. The districting commission shall file with the City Clerk a report containing a recommended plan for adjustment of the council district boundaries to comply with these specifications:
  - (1) Insofar as practicable, each district shall be formed of compact, contiguous territory, and its boundary lines shall follow the centerlines of streets or canals.
  - (2) Each district shall contain, as nearly as possible equal population.

The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the clerk the report shall be treated as an ordinance introduced by a council member.

- (d) *Procedure.* The procedure for the council's consideration of the report shall be the same as for other ordinances, provided that if a summary of the ordinance is published, it must include both the map and the description of the recommended districts.
- (e) *Failure to enact ordinance.* The council shall act on the proposed ordinance at least one hundred and twenty (120) days before the next primary city election. If the council fails to do so by such date, all council members to be nominated at such election shall be nominated at large, and the districting commission shall reconvene and adjust the district boundaries in accordance with the specifications, requirements and procedures earlier provided in this section, except that the ordinance shall be enacted at least one hundred and twenty (120) days before the next primary city election following such election at large.
- (f) *Effect of enactment.* The new council districts and boundaries, as of the date of enactment, shall supersede previous council districts and boundaries for all the purposes of the next regular city election, including nominations. The new districts and boundaries shall supersede previous

districts and boundaries for all other purposes as of the date on which all council members elected at that regular city election take office.

(Ord. 125-02, 12-9-2002, Approved by referendum vote on April 8, 2003)



**Meeting Type** Charter Review Commission  
**Meeting Date** August 22, 2025

## **Agenda Request Form**

### **City of Cape Coral**

**Title:**

Article IX. Initiative and Referendum

**Summary:**

**Requested Action:** Informational Only

**Additional Information:**

**Prepared By:**

Sheri Rhine, Recording Secretary, 1-239-574-0473

## ARTICLE IX. - INITIATIVE AND REFERENDUM

## § 9.01. - General authority.

- (a) *Initiative.* The qualified electors of the city shall have the power to propose ordinances to the council as hereinafter provided in section 9.03 et seq, and if the council fails to adopt the ordinance so proposed, with or without any change in substance, then the same shall be submitted to the electors to adopt or reject at a city election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.
- (b) *Referendum.* The qualified electors of the city shall have the power to require reconsideration by the council of any adopted ordinance as hereinafter provided in section 9.03 et seq, and if the council fails to repeal an ordinance so reconsidered, then the same shall be submitted to the electors to approve or reject it at a city election, provided that such power shall not extend to the budget or capital programs or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.

## § 9.02. - Commencement of proceedings; petitioners' committee; affidavit.

Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the city clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the affidavit of the petitioners' committee is filed the clerk shall issue the appropriate petition blanks to the petitioners' committee.

## § 9.03. - Petitions.

- (a) *Number of signatures.* Initiative and referendum petitions must be signed by qualified electors of the city equal in number to at least fifteen (15) percent of the total number of qualified electors registered to vote at the last regular city election.
- (b) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- (c)

*Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

- (d) *Time for filing referendum petitions.* Referendum petitions must be filed within sixty (60) days after adoption by the council of the ordinance sought to be reconsidered.
- (e) *Time limitations.* Petitions for an initiative or a referendum shall become null and void if not filed with the city clerk within ninety (90) days after the city clerk has received the petitioners' affidavit and issued the appropriate petition blanks to the petitioner committee.

§ 9.04. - Procedure after filing.

- (a) *Certificate of clerk; amendment.* Within twenty (20) days after the petition is filed, the city clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail. A petition certified insufficient for lack of required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within two (2) days after receiving the copy of the certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of section 9.03, and within five (5) days after it is filed the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by certified mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request council review under subsection (b) of this section within the time required, the clerk shall promptly present the clerk's certificate to the council and the certificate shall then be a final determination as to the sufficiency of the petition.
- (b) *Council reviews.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within three (3) days after receiving the copy of such certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the council's determination shall then be a final determination as to the sufficiency of the petition.
- (c)



*Court review; new petition.* A final determination as to the sufficiency of a petition shall be subject to circuit court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

§ 9.05. - Referendum petitions; suspension of effect of ordinance.

When a referendum petition is filed with the city clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (a) There is a final determination of insufficiency of the petition, or
- (b) The petitioners' committee withdraws the petition, or
- (c) The council repeals the ordinance, or
- (d) Sixty (60) days have elapsed after a vote of the city on the ordinance.

§ 9.06. - Action on petitions.

- (a) *Action by council.* When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided in section 4.18 or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the electors of the city.
- (b) *Submission to electors.* The vote of the city on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than one (1) year from the date of the final council vote thereon. If no regular city election is to be held within the period prescribed in this subsection, the council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.
- (c) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the thirtieth (30th) day preceding the day scheduled for a vote of the city by filing with the city clerk a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

§ 9.07. - Results of election.

- (a) *Initiative*. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification by the City Council of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (b) *Referendum*. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification by the City Council of the election results.



**Meeting Type** Charter Review Commission  
**Meeting Date** August 22, 2025

## **Agenda Request Form**

### **City of Cape Coral**

**Title:**

Article X. General Provisions

**Summary:**

**Requested Action:** Informational Only

**Additional Information:**

**Prepared By:**

Sheri Rhine, Recording Secretary, 1-239-574-0743

## ARTICLE X. - GENERAL PROVISIONS

## § 10.01. - Code of ethics for city officers and employees.

The conduct of City officers and employees shall comply with State and local law.

## § 10.02. - Prohibitions.

(a) *Activities prohibited.*

- (1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of such individual's, race, color, religion, sex, sexual orientation, national origin, age, handicap, marital status, political opinions or affiliations, and/or any other class protected under federal, state or local law. (Ord. 25-15, 6-15-15; approved by referendum vote on November 3, 2015)
- (2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.
- (3) No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with that person's test, appointment, proposed appointment, promotion or proposed promotion.

- (b) *Penalties.* Any person who alone or with others willfully violates any of the provisions of paragraphs (1) through (3) shall be ineligible for a period of five (5) years thereafter to hold any city office or position and, if an officer or employee of the city, shall forfeit that office or position.

## § 10.03. - Charter amendment.

Amendments to the City Charter may be proposed by any method authorized by law, including but not limited to petition of electors or by ordinance.

Further, beginning in 2016 and at least every six (6) years thereafter, City Council shall appoint a Charter Commission consisting of seven (7) regular members and two (2) alternate members to make Charter amendment recommendations to City Council. When substituting for an absent member, an alternate member may vote and participate in all discussions of the Charter Commission in the same manner and to the same extent as the regular members of the Charter Commission. When not substituting for an absent member, an alternate member shall not vote on any matter before the Charter Commission, but may

participate in all discussions of the Charter Commission in the same manner and to the same extent as the regular members of the Charter Commission. (Ord. 26-15, 6-15-15; approved by referendum vote on November 3, 2015)

#### § 10.04. - Severability.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

#### § 10.05. - Geographical districts.

The boundaries of the seven (7) geographical districts in the City of Cape Coral, Florida, as revised, are described as follows:

- (1) **Southeast District (1): Commencing** at the centerline intersection of Veteran's Memorial Parkway and Del Prado Boulevard; Thence northerly along the centerline of Del Prado Boulevard to an intersection with the westerly prolongation of the centerline of Honolulu Canal to the **Point of Beginning** of this description; Thence easterly along the prolongation of the centerline of Honolulu Canal to the centerline intersection of Meade Canal; Thence southerly along the centerline of Meade Canal to the centerline intersection of Chantry Canal; Thence easterly along the centerline of Chantry Canal to easterly city limits of the City of Cape Coral, Florida, being a point on the west bank of the Caloosahatchee River; Thence southerly, and southeasterly along the easterly city limits of the City of Cape Coral, Florida and the west of the Caloosahatchee River to the centerline of Bimini Canal; Thence northerly along the centerline of Bimini Canal to the centerline of San Carlos Canal; Thence northerly along the centerline of San Carlos Canal to the centerline of Cape Coral Parkway, Thence easterly along the centerline of Cape Coral Parkway to the centerline of SE 1<sup>st</sup> Place; Thence northerly along the centerline of SE 1<sup>st</sup> Place to the centerline of SE 47<sup>th</sup> Terrace; Thence easterly along the centerline of SE 47<sup>th</sup> Terrace to an intersection with the southerly prolongation of the centerline of Rubicon Canal; Thence northerly along the southerly prolongation of the centerline of Rubicon Canal to the south end of the Rubicon Canal; Thence northerly along the centerline of the Rubicon Canal to an intersection with the southerly prolongation of the centerline of Montevideo Canal; Thence northerly along the southerly prolongation of the centerline of Montevideo Canal to the centerline intersection of Country Club Boulevard; Thence northeast along the centerline of Country Club Boulevard to the centerline intersection of Viscaya Parkway; Thence easterly along the centerline of Viscaya Parkway to

the centerline of Del Prado Boulevard; Thence southerly along the centerline of Del Prado Boulevard to the westerly prolongation of the center line of Honolulu Canal and the **Point of Beginning**.

- (2) **Southwest District (2): Beginning** at the centerline intersection of Veteran's Memorial Parkway and Chiquita Boulevard South; Thence easterly along the centerline of Veteran's Memorial Parkway to the centerline of Aries Canal; Thence southerly along the centerline of Aries Canal to the centerline of Shaughnessey Canal; Thence westerly along the centerline of Shaughnessey Canal to the centerline of Tahita Canal; Thence southerly along the centerline of Tahita Canal to the centerline of Barkentine Canal; Thence westerly along the centerline of Barkentine Canal to the centerline of Enterprise Canal; Thence southerly along the centerline of Enterprise Canal to the centerline of Saunook Canal; Thence westerly along the centerline of Saunook Canal to the northwest corner of Lot 13, Block 3221, Unit 66 Cape Coral Subdivision; Thence south along westerly line of Lot 13 to the centerline of SW 39<sup>th</sup> Terrace; Thence easterly along the centerline of SW 39<sup>th</sup> Terrace to the centerline of SW 11<sup>th</sup> Place; Thence southerly along the centerline SW 11<sup>th</sup> Place to the centerline of Mohawk Parkway; Thence easterly along the centerline of Mohawk Parkway to the centerline of SW 11<sup>th</sup> Avenue; Thence southerly along the centerline of SW 11<sup>th</sup> Avenue to the extension of the northwest corner of Lot 4, Block 3346, Unit 65 Cape Coral Subdivision; Thence southwesterly along the northerly line of Lot 4 to the centerline intersection of Vaquero Canal and Rogue Canal; Thence southerly along the centerline of Rogue Canal, Finisterre Lake and Sitzmark Canal to the centerline of SW 44<sup>th</sup> Street; Thence westerly along the centerline of SW 44<sup>th</sup> Street to the centerline of SW 11<sup>th</sup> Avenue; Thence southerly along the centerline of SW 11<sup>th</sup> Avenue to the intersection the centerline of SW 47<sup>th</sup> Terrace; Thence westerly along the centerline of SW 47<sup>th</sup> Terrace to the Centerline of SW 11<sup>th</sup> Court; Thence southerly along the centerline of SW 11<sup>th</sup> Court to the centerline intersection of Cape Coral Parkway; Thence easterly along the centerline of Cape Coral Parkway West to the centerline of San Carlos Canal; Thence southerly along the centerline of San Carlos Canal and Bimini Canal to an intersection with the west bank of the Caloosahatchee River and the southeasterly city limits of the City of Cape Coral, Florida; Thence southerly, westerly and Northerly along the city limits of the City of Cape Coral, Florida to the intersection with the northerly line of the Section 31, Township 44 South, Range 23 East, Thence easterly along northerly line of the Section 31, Township 44 South, Range 23 East and the northerly line of Section 32, Township 44 South, Range 23 East to the centerline intersection of Miracle Parkway; Thence easterly along the centerline of Miracle Parkway to the southerly extension of the centerline of Sandoval Boulevard; Thence northerly along said centerline extension to the intersection of Veteran's Memorial Parkway; Thence easterly along the center line of Veteran's Memorial Parkway to the intersection of Surfside Boulevard; Thence northerly along the centerline of Surfside Boulevard centerline intersection of SW 22<sup>nd</sup> Terrace; Thence easterly along the centerline of SW 22<sup>nd</sup> Terrace to the centerline

intersection of SW 20<sup>th</sup> Avenue; thence southerly along the centerline of SW 20<sup>th</sup> Avenue to the centerline intersection of Veteran's Memorial Parkway; Thence easterly along the centerline of Veteran's Memorial Parkway to Chiquita Boulevard South and the **Point of Beginning**.

- (3) **East Central District (3): Beginning** at the centerline of Pine Island Road SW at the intersection with the centerline of Cultural Park Boulevard; thence Northeasterly along the centerline of Pine Island Road SW to the intersection with the Easterly limits of the City of Cape Coral; thence Southerly, Easterly and Westerly along the Easterly line of the limits of the City of Cape Coral to the intersection with the Caloosahatchee River; Thence southerly to the intersection with the centerline of the Chantrey Canal; Thence westerly along said centerline to an intersection with the centerline of Meade Canal; Thence northerly along said centerline to an intersection with the centerline of Honolulu Canal; Thence westerly along said centerline to an intersection with the centerline of Del Prado Boulevard South; Thence northerly along said centerline to an intersection with the centerline of Viscaya Parkway; Thence westerly along the centerline of Viscaya Parkway to the intersection with the centerline of Country Club Boulevard; Thence southwesterly along the centerline of Country Club Boulevard to an intersection with the centerline of Montevideo Canal; Thence southeasterly along said centerline to an intersection with the centerline of Rubican Canal; Thence southerly along said centerline to an intersection with the centerline of Magnolia Canal; Thence westerly to an intersection with an extension of S.E. 10<sup>th</sup> Avenue; Thence southerly along said extension and the centerline of S.E. 10<sup>th</sup> Avenue to an intersection with the centerline of S.E. 28<sup>th</sup> Terrace; Thence westerly along said centerline to the intersection with the centerline of Country Club Boulevard; Thence northerly along said centerline to the intersection with the centerline of Archer Parkway; Thence along said centerline to the intersection with the centerline of Academy Boulevard; Thence along said centerline to the intersection with the centerline of S.E. 28<sup>th</sup> Terrace; Thence along said centerline to the intersection with the centerline of S.E. 6<sup>th</sup> Avenue; Thence northerly along said centerline and its extension of S.E. 6<sup>th</sup> Avenue to the intersection with the centerline of South Retunda Canal; Thence along said centerline to the intersection with the centerline of San Carlos Canal; Thence northerly along said centerline to the intersection with the centerline of Damao Canal; Thence westerly along said centerline to the intersection with the centerline of S.E. Santa Barbara Place; Thence northerly along said centerline to the intersection with the centerline of S.E. 20<sup>th</sup> Street; Thence westerly along said centerline to the intersection with the centerline of Santa Barbara Boulevard; Thence northerly along said centerline to the intersection with the centerline of S.E. 10<sup>th</sup> Terrace; Thence easterly along said centerline to the intersection with the centerline of S.E. 4<sup>th</sup> Avenue; Thence northerly along said centerline to the intersection with the centerline of S.E. 10<sup>th</sup> Lane; Thence easterly along said centerline to the intersection with the centerline of S.E. 4<sup>th</sup> Place; Thence northerly along said centerline to the intersection with the centerline of S.E.

9<sup>th</sup> Street; Thence easterly along said centerline to the intersection with the centerline of S.E. 5<sup>th</sup> Avenue; Thence northerly along said centerline to the intersection with the centerline of S.E. 8<sup>th</sup> Terrace; Thence easterly along said centerline to the intersection with the centerline of S.E. 6<sup>th</sup> Court; Thence northerly along said centerline to the intersection with the centerline of S.E. 8<sup>th</sup> Street; Thence easterly along said centerline to the intersection with the centerline of Cultural Park Boulevard; Thence northerly along said centerline to the intersection with the centerline of Pine Island Road SW and the **Point of Beginning**.

- (4) **Southeast Central District (4): Beginning** at the centerline intersection of Cape Coral Parkway West and Skyline Boulevard; Thence westerly along the centerline of Cape Coral Parkway West to the centerline of SW 11<sup>th</sup> Court; Thence northerly along the centerline of SW 11<sup>th</sup> Court to the centerline of SW 47<sup>th</sup> Terrace; Thence easterly along the centerline of SW 47<sup>th</sup> Terrace to the centerline of SW 11<sup>th</sup> Avenue; Thence northerly along the centerline of SW 11<sup>th</sup> Avenue to the centerline intersection SW 44<sup>th</sup> Street; Thence easterly along the centerline of SW 44<sup>th</sup> Street and its extension to the centerline of Sitzmark Canal; Thence northerly along the centerline of Sitzmark Canal, Finisterre Lake and Rogue Canal to the centerline intersection of Rogue Canal and Vaquero Canal; Thence northwesterly to the northeast corner of Lot 4, Block 3346, Unit 65 Cape Coral Subdivision; Thence northwesterly along said north line and its extension to the centerline of SW 11<sup>th</sup> Avenue; Thence northerly along the centerline of SW 11<sup>th</sup> Avenue to the centerline of Mohawk Parkway; Thence westerly along the centerline of Mohawk Parkway to the centerline of SW 11<sup>th</sup> Place; Thence northerly along the centerline of SW 11<sup>th</sup> Place to the centerline of SW 39<sup>th</sup> Terrace; Thence westerly along the centerline of SW 39<sup>th</sup> Terrace to the extension of the west line of Lot 13, Block 3221, Unit 66 Cape Coral Subdivision; Thence north along said property line and its extension to the centerline of Saunook Canal; Thence easterly along the centerline of Saunook Canal to the centerline intersection Enterprise Canal; Thence northerly along the centerline of Enterprise Canal to the centerline of Barkentine Canal; Thence easterly along the centerline of Barkentine Canal to the centerline of Tahita Canal; Thence northerly along the centerline of Tahita Canal to the centerline of Shaughnessey Canal; Thence easterly along the centerline of Shaughnessey Canal to the centerline of Aries Canal; Thence northerly along the centerline of Aries Canal to the centerline intersection of Veteran's Memorial Parkway; Thence easterly along the centerline of Veteran's Memorial Parkway to the centerline of Skyline Boulevard; Thence northerly along the centerline of Skyline Boulevard to the centerline of SW 22<sup>nd</sup> Terrace; Thence easterly along the centerline of SW 22<sup>nd</sup> Terrace to the centerline of SW 7<sup>th</sup> Place; Thence northerly along the centerline of SW 7<sup>th</sup> Place to the centerline of SW 22<sup>nd</sup> Street; Thence easterly along the centerline of SW 22<sup>nd</sup> Street to the centerline of Challenger Canal; Thence southerly along the centerline of Challenger Canal to an intersection with the centerline of Bolero Canal; Thence easterly along the centerline of Bolero Canal to an intersection with the centerline of Corsaire Canal; Thence southerly along the centerline of



Corsaire Canal to an intersection with the centerline of Caper Canal; Thence easterly along the easterly prolongation of the centerline of Caper Canal to an intersection with the centerline of SE Santa Barbara Boulevard; Thence northerly along the centerline of Santa Barbara Boulevard to the centerline of SE 20<sup>th</sup> Street; Thence easterly along the centerline of SE 20<sup>th</sup> Street to the centerline of SE Santa Barbara Place; Thence southerly along the prolongation centerline of Santa Barbara Place to the centerline of Damao Canal; Thence easterly along the centerline of Damao Canal to the intersection centerline of San Carlos Canal; Thence southerly along the centerline of San Carlos Canal to the centerline intersection of Mast Canal and South Retunda Canal; Thence easterly along the centerline of South Retunda Canal to an intersection with the northerly prolongation of the centerline SE 6<sup>th</sup> Avenue; Thence southerly along the centerline of SE 6<sup>th</sup> Avenue to the centerline of SE 28<sup>th</sup> Terrace; Thence easterly along the centerline of SE 28<sup>th</sup> Terrace to the centerline of Academy Boulevard; Thence northerly along the centerline of Academy Boulevard to the centerline of Archer Parkway; Thence easterly along the centerline of Archer Parkway to the centerline of Country Club; Thence southerly along the centerline of Country Club to the centerline of SE 28<sup>th</sup> Terrace; Thence easterly along the centerline of SE 28<sup>th</sup> Terrace to the centerline of SE 10<sup>th</sup> Avenue; Thence northerly along the prolongation centerline of SE 10<sup>th</sup> Avenue to the centerline of Magnolia Canal; Thence easterly along the centerline of Magnolia Canal to the centerline of Rubicon Canal; Thence southerly along the centerline of Rubicon Canal to the centerline intersection of SE 47<sup>th</sup> Terrace; Thence westerly along the centerline of SE 47<sup>th</sup> Terrace to the centerline of SE 1<sup>st</sup> Place; Thence southwesterly along the centerline SE 1<sup>st</sup> Place to the centerline of Cape Coral Parkway West; Thence westerly along the centerline of Cape Coral Parkway East and Cape Coral Parkway West to an intersection with the centerline of Skyline Boulevard and the **Point of Beginning**.

- (5) **West Central District (5): Beginning** at the centerline intersection of Pine Island Road and Chiquita Boulevard South; Thence northerly along the centerline of Chiquita Boulevard South to the centerline of Embers Parkway; Thence easterly along the centerline of Embers Parkway to the centerline of Nelson Road North; Thence northerly along the centerline of Nelson Road North to the centerline of Tropicana Parkway West; Thence easterly along the centerline of Tropicana Parkway West to the centerline of Santa Barbara Boulevard North; Thence southerly along the centerline of Santa Barbara Boulevard North to an intersection with the centerline of Northeast Pine Island Road; Thence northeasterly along the centerline of Northeast Pine Island Road to the centerline of Cultural Park Boulevard North; Thence southeasterly along the centerline of Cultural Park Boulevard North and Cultural Park Boulevard South to the centerline of SE 8<sup>th</sup> Street; Thence westerly along the centerline of SE 8<sup>th</sup> Street to the centerline of SE 6<sup>th</sup> Court; Thence southerly along the centerline of SE 6<sup>th</sup> Court to the centerline of SE 8<sup>th</sup> Terrace; Thence westerly along the centerline of SE 8<sup>th</sup> Terrace to the centerline of SE 5<sup>th</sup> Avenue; Thence southerly along the centerline of SE 5<sup>th</sup>

Avenue to the centerline of SE 9<sup>th</sup> Street; Thence westerly along the centerline of SE 9<sup>th</sup> Street to the centerline of SE 4<sup>th</sup> Place; Thence southerly along the centerline of SE 4<sup>th</sup> Place to the centerline of SE 10<sup>th</sup> Lane; Thence westerly along the centerline of SE 10<sup>th</sup> Lane to the centerline of SE 4<sup>th</sup> Avenue; Thence southerly along the centerline of SE 4<sup>th</sup> Avenue to the centerline of SE 10<sup>th</sup> Terrace; Thence westerly along the centerline of SE 10<sup>th</sup> Terrace to the centerline of Santa Barbara Boulevard; Thence southerly along the centerline of Santa Barbara Boulevard to an intersection with the Easterly extension of the centerline of Caper Canal; Thence easterly along the easterly extension of the centerline of Caper Canal to the centerline of Corsaire Canal; Thence northerly along the centerline of Corsaire Canal to an intersection with the centerline of Bolero Canal; Thence westerly along the centerline of Bolero Canal to an intersection with the centerline of Challenger Canal; Thence northerly along the centerline of Challenger Canal to the centerline of SW 22<sup>nd</sup> Street; Thence westerly along the centerline of SW 22<sup>nd</sup> Street to the centerline of SW 7<sup>th</sup> Place; Thence southerly along the centerline of SW 7<sup>th</sup> Place to the centerline of SW 22<sup>nd</sup> Terrace; Thence westerly along the centerline of SW 22<sup>nd</sup> Terrace to the centerline of Skyline Boulevard; Thence southerly along the centerline of Skyline Boulevard to the centerline of Veteran's Memorial Parkway; Thence westerly along the centerline of Veteran's Memorial Parkway to the centerline of SW 20<sup>th</sup> Avenue; Thence northerly along the centerline of SW 20<sup>th</sup> Avenue to the centerline of SW 22<sup>nd</sup> Terrace; Thence westerly along the centerline of SW 22<sup>nd</sup> Terrace to the centerline of Surfside Boulevard; Thence southerly along the centerline of Surfside Boulevard to the easterly extension of the centerline of Miracle Parkway; Thence westerly along the easterly extension of the centerline of Miracle Parkway to an intersection with the westerly city limits of the City of Cape Coral; Thence northerly and easterly along the westerly city limits of the City of Cape Coral to the centerline of Southwest Pine Island Road; Thence easterly along the centerline of Southwest Pine Island Road to the centerline of Chiquita Boulevard South and the **Point of Beginning**.

- (6) **Northwest District (6): Beginning** at the centerline intersection of Southwest Pine Island Road and Chiquita Boulevard South; Thence westerly along the centerline of Southwest Pine Island Road to the intersection with the easterly city limits of Cape Coral; Thence southerly, westerly and northerly to the intersection of Southwest Pine Island Road and the extension of Matlacha Isles Canal; Thence northerly, westerly, and easterly along said city limits to a point of intersection with Burnt Store Road; Thence continue along said city limits southerly and easterly along said Burnt Store Road and fractional lands to a point of intersection with an extension of Nelson Road North; Thence departing said city limits, continue southerly along said extension line and centerline of Nelson Road North to an intersection with the centerline of Frontier Canal; Thence easterly along the centerline of Frontier Canal to an intersection with the centerline of Santa Barbara Boulevard North; Thence southerly along said centerline to an intersection with the centerline of Tropicana Parkway West; Thence westerly along said

centerline to an intersection with the centerline of Nelson Road North; Thence southerly along said centerline to an intersection with the centerline of Embers Parkway; Thence westerly along said centerline to an intersection with the centerline of Chiquita Boulevard South; Thence southerly along said centerline to an intersection with the centerline of Southwest Pine Island Road also being the **Point of Beginning**.

- (7) **Northeast District (7): Beginning** at the centerline intersection of Southwest Pine Island Road and Santa Barbara Boulevard North; Thence northerly along the centerline of Santa Barbara Boulevard North to the centerline intersection with Frontier Canal; Thence westerly to an intersection with the centerline of Nelson Road North; Thence northerly along the centerline of Nelson Road North and the extension of said centerline with the north city limits of Cape Coral; Thence easterly, northerly, southerly, and westerly along said city limits to the intersection of Commerce Creek Boulevard and Northeast Pine Island Road; Thence southwesterly along the centerline of Northeast Pine Island Road to the centerline intersection of Santa Barbara Boulevard and the **Point of Beginning**.

(Ord. 2-2002, adopted January 28, 2002 amended the Council Districts; Ord. 19-22, § 2(Exh. B), adopted March 2, 2022 amended the Council Districts)

§ 10.06. - Municipal annexations or contractions.

The boundaries of the City may be adjusted through Annexation or Contraction of Corporate limits in accordance with Florida Law.