

ORDINANCE NO. 2829-10

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, SUBMITTING TO THE ELECTORS OF WINTER PARK A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY AT THE REGULAR CITY ELECTION TO BE HELD MARCH 8, 2011; PROVIDING BALLOT TITLE, SUMMARY AND TEXT FOR THE PROPOSED CHARTER AMENDMENT; PROVIDING FOR THE CALL OF A REFERENDUM ELECTION; PROVIDING FOR DIRECTION TO THE CITY CLERK; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, EFFECTIVE DATE OF ORDINANCE AND AN EFFECTIVE DATE FOR THE APPROVED AMENDMENT.

WHEREAS, Section 1.03(a) of the Charter for the City of Winter Park provides that a proposed amendment may be submitted to the electors of the City of Winter Park by action of the City Commission; and

WHEREAS, after deliberation and consideration, the City Commission finds that it is in the best interest of the public health, safety and welfare of the citizens of Winter Park to propose certain revisions to the Winter Park City Charter in accordance with the provisions of Section 1.03(a) of the Winter Park Charter permitting revision and amendment and pursuant to Section 166.031, Florida Statutes; and

WHEREAS, the City Commission finds that the proposed referendum ballot questions should be submitted to the City electorate for its consideration and final approval or disapproval; and

WHEREAS, Section 166.031, Florida Statutes, provides that the governing body of a municipality may, by ordinance, submit to the electors of said municipality proposed amendments to its charter, which amendments may be to any part or all of the City Charter, except that part describing the boundaries of such municipality; and

WHEREAS, the City Commission finds it to be in the best interest of its citizens to submit said proposed Charter amendment to the voters at the City election to be held on March 8, 2011.

NOW, THEREFORE, be it enacted by the City Commission of the City of Winter Park, Florida, as follows:

Section 1. Referendum Election. The City Commission of the City of Winter Park, pursuant to Section 166.031, Florida Statutes and Section 1.03(a) of the Winter Park City Charter, hereby proposes and approves an amendment to the Charter of the City of Winter Park, which proposed amendment and the complete text thereof, as amended, is set forth below. The text of the amendment reflects the proposed changes by showing additions with underlining and deletions with ~~strikethrough~~ type. The Supervisor of Elections of Orange County is hereby requested to coordinate all matters of said referendum election with the City Clerk. The proposed Charter amendment shall be submitted to the voters at an election to be held on March 8, 2011.

Section 2. Amendment to City Charter. The ballot title, question and proposed Charter amendment is set forth as follows:

Ballot Title and Question:

AMENDING CITY CHARTER REGARDING ELECTIONS AND TERMS OF OFFICE FOR THE MAYOR AND CITY COMMISSION

Shall the Charter be amended to provide City elections shall be held every other year, by providing four year terms for the Commissioners and Mayor; with a transition whereby elections for four year terms shall commence in 2014 for Commissioner seats 1 and 2, in 2016 for Commissioner seats 3 and 4, and in 2018 for the Mayor; and amending term limits for the Mayor and City Commissioners to three consecutive full terms of office.

Yes _____
No _____

Text of City Charter Amendment:

Section 2.04. Term of Office.

(a) *Term.* The term of office of any person or persons elected commissioner or mayor at any general election held in the city shall be ~~three (3)~~ four (4) years, except as hereinafter provided, and all terms of office shall commence and begin on the date of the first city commission meeting following certificate certification of the election results. In order to provide an orderly transition to

all members of the commission serving four (4) year terms, seats 1 and 2 will be elected to three (3) year terms at the election to be held in 2011, and thereafter, beginning with the election to be held in 2014, the commissioners elected to seats 1 and 2 will serve four (4) year terms. The person elected as mayor at the election in 2012 and 2015 will serve a three (3) year term and thereafter, beginning with the election in 2018, the person elected as mayor will serve a four (4) year term. The persons elected to seats 3 and 4 at the 2013 election will serve three (3) year terms, and, beginning with the election to be held in 2016, seats 3 and 4 will thereafter be elected to serve four (4) year terms in office.

(b) *Term limits.* Consecutive terms of any Member of the City Commission and the mayor shall be limited to ~~four~~ three (3) consecutive full terms in office regardless of year elected, either as Mayor or Commissioner or any combination thereof. The time served by a person appointed, or elected to fill a vacancy on the City Commission shall not constitute a full term of office. The time served by a City Commissioner or Mayor who resigns or otherwise vacates office shall constitute a full term in office regardless of the time served.

Section 3.04. Elections; primaries.

(a) *Primaries.* If more than two persons qualify as candidates for the office of city commissioner for any designated seat of the city commission to be filled or for the office of mayor, there shall be a primary election which shall be held on the second Tuesday in February, and city elections will be held every two (2) years beginning with the election to be held in 2016 for the election of commissioners for seats 3 and 4 and the mayor. If any candidate in the primary election receives a majority of the votes cast for a designated seat, such candidate shall be declared elected without the necessity of being voted upon in the general city election and shall assume office at the same time and in the same manner as those elected in a general city election. If no candidate receives a majority of votes cast for a designated seat, the two (2) persons receiving the highest number of votes cast shall be declared candidates for each of such designated seats and shall be voted upon at the general city election.

(b) *(no changes to this subsection)*

(c) *General city election.* Candidates for the office of city commissioner and for mayor shall be elected on the second Tuesday in March, and, beginning with the election in 2016, municipal elections shall be held every two (2) years such that the election in 2016 for seats 3 and 4, will be followed by the next election

occurring in 2018 for the mayor and seats 1 and 2, and continuing in the same manner thereafter on a two (2) year election cycle. unless previously elected as above provided.

(d) *(no changes to this subsection)*

(e) *(no changes to this subsection)*

Section 3. Instructions to City Clerk. The City Clerk is hereby directed to insure that all advertising, translation and notice requirements are complied with and to coordinate all activities necessary to conduct the referendum election called for in Section 1 of this Ordinance with the Supervisor of Elections for Orange County, and to place the above-described questions on the ballot for a referendum election to be held on March 8, 2011, or as otherwise worded in an enabling resolution of the City Commission as may be needed to conform to the requirements of the Florida Election Code or to better state the proposals submitted to the electors of the City of Winter Park.

Section 4. Ballot Form. The proposed amendment, the ballot title and the wording of the substance of the proposed amendment to the Charter, as contained in this Ordinance, shall appear on the ballot in the form of the question as set forth in Section 2 of this Ordinance.

Section 5. Conflicts. All ordinances and Charter provisions or parts of ordinances and Charter provisions in conflict herewith are hereby repealed.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof or hereto.

Section 7. Codification. It is the intention of the City Commission of the City of Winter Park, Florida, and it is hereby ordained that the provisions of this Ordinance approved by the electors shall become and be made a part of the Code of Ordinances of the City of Winter Park, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; that the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 8. Effective Date of Ordinance. This Ordinance shall take effect immediately upon its final passage and adoption.

Section 9. Effective Date of Charter Amendments. The revised charter provision proposed for approval in this Ordinance shall become effective upon approval at a referendum election of the electors of the City of Winter Park, Florida in accordance with Section 166.031, Florida Statutes and Section 1.03 of the City Charter providing for Charter amendments. If the electors reject the amendment, the rejected amendment shall not take effect. The City Clerk is hereby directed, upon adoption of the revised Charter, to promptly file the revised Charter with the State of Florida, Department of State, as required by Section 166.031, Florida Statutes.

PASSED AND ADOPTED this 22ND day of November, 2010,
by the City Commission of the City of Winter Park, Florida.

Kenneth W. Bradley
Mayor Kenneth W. Bradley

Attest: Cynthia Bonham
City Clerk Cynthia Bonham