

ORDINANCE 2014-017

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR AMENDMENT OF THE CITY CHARTER; AMENDING SECTIONS 3.01 AND 3.02 OF THE CITY CHARTER RELATING TO THE CITY COMMISSION COMPOSITION AND QUALIFICATIONS; AMENDING THE CHARTER TO ADD SECTION 3.17 RELATING TO CITY COMMISSION DISTRICTS AND REDISTRICTING; AMENDING SECTION 3.03 RELATING TO THE OFFICE OF MAYOR; AMENDING SECTION 8.01 RELATING TO CITY ELECTIONS; AMENDING SECTION 9.08 RELATING TO INITIATIVE AND REFERENDUM; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Charter of the City of Fruitland Park and Section 166.031, Florida Statutes, require a referendum by the electors of the City of Fruitland Park to effect a change to the City Charter; and

WHEREAS, the City Commission of the City of Fruitland Park, after considering the recommendations of the City's Charter Review Committee, has determined to submit certain proposed charter amendments for approval or disapproval by the electors.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA:

Section 1. Sections 3.01, 3.02, 3.03, 3.07, and 8.01 of the City Charter are amended to read as follows and the City Charter is hereby amended to add section 3.17 as follows:

Sec. 3.01. City commission: powers and composition.

There shall be a city commission with all legislative powers of the city vested therein consisting of five (5) members. There shall be five (5) city commission districts with one commission member elected by district by the voters in that district. Not more than one commission member shall reside in each district.

Sec. 3.02. Qualifications.

Each member of the city commission shall have been a resident of his or her respective district and a qualified elector of the city for a period of one year next preceding date of qualification. Each member of the city commission shall continue to be a resident of the respective district and an elector of the city during the term of office.

Sec. 3.03. Election and terms.

Each city commissioner shall be elected for a term of four years.

3.07. Mayor.

Beginning with the first (1st) regular city commission meeting after the November 2016 regular city election or as soon as possible thereafter, and continuing annually thereafter, the city commission shall elect from among its members a mayor. Election of the mayor shall be done at the first (1st) regular city commission meeting after each regular city election or as soon thereafter as can be accomplished. At the first commission meeting after each regular city election, the commission shall elect one (1) of its members as vice mayor. The mayor shall preside at meetings of the commission and shall be considered a member of the commission, he shall have voice in and a vote in the proceedings of the commission, but no veto power, shall be recognized as head of city

government for all ceremonial purposes, by the governor for purposes of military law, for service of process, execution of contracts, deeds and other documents and as the city official designated to represent the city in agreements with other governmental entities or certificates to other governmental entities. The mayor shall set forth the agenda for all meetings of the commission, name committees of the commission and appoint members of the city boards with approval of the commission. The mayor shall have no other administrative duties except as required to carry out the responsibilities herein. The vice mayor shall act as mayor during the absence or disability of the mayor.

Sec. 3.17. City Commission Districts and Redistricting.

(a) There shall be five (5) city commission districts. Each city commission district shall be formed from compact contiguous territory with the boundary lines following the centers of streets to the extent practicable. Due consideration shall be given to maintaining the geographical integrity of neighborhoods and developments within the individual districts. City commission district lines shall be constructed so as to comply with the constitutional principles of equal and effective representation required by applicable State and Federal guidelines. The city commission shall give due consideration to the multiple constitutional principles involved in the electoral process and shall give due regard for the opportunity of minority representation on the city commission as a part of the redistricting process in compliance with applicable State and Federal constitutional standards.

(b) An incumbent commissioner's seat number and/or group may change due to the realignment process occurring during districting. However, no incumbent commissioner shall have a term of office cut short by the adoption of a districting plan.

(c) The city commission shall initially adopt and thereafter modify city commission districts by the enactment of an ordinance under such processes, procedures, and redistricting committees and/or consultants the city commission may deem to be desirable. The city commission shall begin the initiation of a redistricting process for city commission districts within thirty (30) days after the receipt of the official Decennial Census data every ten (10) years so as to finalize the redistricting process one hundred fifty (150) days in advance of the first date to qualify for the next regular City election. In the event the redistricting process is not completed prior to said one hundred fifty (150) day advance period, the city commission shall accomplish the redistricting process as soon as is reasonably possible thereafter. The official Decennial Census data shall be the authoritative source for demographical data used in reconstituting city commission districts in compliance with applicable State and Federal standards.

Sec. 8.01. City elections.

(a) Regular Elections. The regular city election shall be held on the first Tuesday following the first Monday of November of each year.

(b) Qualified Voters. All citizens qualified by the Constitution and the laws of the State of Florida to vote in the city and who satisfy the requirements for registration prescribed by the laws of the State of Florida and this charter, shall be qualified voters of the city within the meaning of this charter.

(c) Non-partisan Elections. All nominations and elections for the offices of commissioners shall be conducted on a non-partisan basis without regard for or designation of political party affiliation of any nominee or any nomination, petition or ballot.

(d) Conduct of Elections. Except as otherwise provided by this charter, all regular and special elections of the city shall be conducted in accordance with an ordinance establishing such procedure.

Section 2. Form of Ballot. The form of ballot for the charter amendments provided in Section 1 above shall be as follows:

A. **Ballot Question Number 1: Voting Districts.** Currently, the commission consists of four members and the mayor, elected at large. The proposed amendments provide that each commissioner reside within and represent a district and be elected by such district's voters, that the mayor be elected by and from the commission annually beginning at the first commission meeting after the November 2016 election or as soon as possible thereafter, and provide procedures and guidelines for districts and redistricting.

Shall the above-described amendments be adopted?

Yes []

No []

Section 3. If Ballot Question #1 is approved concerning 'districting,' Section 9.08 of the City Charter entitled "Results of election" is amended to read as follows:

Sec. 9.08. Results of election.

(a) Initiative. If a city-wide majority of the qualified voters voting on a proposed initiative ordinance vote in its favor, and if a majority of the qualified voters in four (4) out of five (5) districts voting on such proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the commission. 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 voters voting on a referred ordinance vote against it, and if a majority of the qualified voters in four (4) out of five (5) districts voting on such referred ordinance vote against it, the ordinance shall be considered repealed upon certification of the election results.

Section 4. Form of Ballot. The form of ballot for the charter amendments provided in Section 3 above shall be as follows:

B. **Ballot Question Number 2: Results of election.** Currently, the Charter provides that a majority of voters of the City may adopt or repeal certain ordinances. If Ballot Question #1 is approved, the proposed amendment adds the requirement that such adoption or repeal must be approved by a majority of voters in four (4) out of five (5) districts.

Shall the above-described amendment be adopted?

Yes []

No []

Section 5. All ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 6. This Ordinance shall be effective upon passage on second and final reading; however, the proposed Charter amendments contained herein shall not be effective until adopted by a majority of the qualified voters of the City of Fruitland Park as certified by the Supervisor of Elections for Lake County, Florida, at which time the amendments shall be adopted.

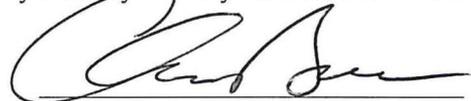
Section 7. Upon adoption of the Charter amendment contained herein, the City Clerk is directed to revise the City Charter to incorporate the amendment and to file the revised Charter with the Secretary of State for the State of Florida.

Section 8. If Ballot Question #1 relating to districting is passed, the city commission shall pass such ordinance or ordinances as are necessary to have districting in place at least 150 days in advance of the first date to qualify for the 2016 regular election of the city.

Section 9. The provisions of this ordinance are intended to be incorporated into the City Charter of the City of Fruitland Park, Florida, and the sections of this ordinance may be renumbered, relettered, and the word "ordinance" may be changed to "section," "article," or such other word or phrase in order to accomplish such intention.

Section 10. If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this ordinance.

PASSED AND ORDAINED this 31st day of July 2014, by the City Commission of the City of Fruitland Park, Florida.



Christopher J. Bell, City Mayor

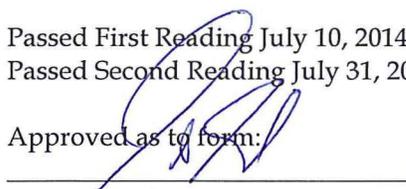
ATTEST:



Esther Coulson, City Clerk

Passed First Reading July 10, 2014
Passed Second Reading July 31, 2014

Approved as to form:



Scott A. Gerken, City Attorney