

ORDINANCE NUMBER 2011-08

AN ORDINANCE OF THE CITY OF BUSHNELL, FLORIDA, AUTHORIZING THE SUMTER COUNTY SUPERVISOR OF ELECTIONS TO QUALIFY CANDIDATES SEEKING ELECTION TO THE CITY COUNCIL, CANDIDATES SEEKING TO BE ELECTED MAYOR OF THE CITY, AND CANDIDATES SEEKING TO BE ELECTED TO THE OFFICE OF CITY CLERK; PROVIDING FOR A CHANGE IN THE DATE CITY ELECTIONS WILL BE HELD; PROVIDING FOR THE SUMTER COUNTY SUPERVISOR OF ELECTIONS TO HOLD AND CONDUCT CITY ELECTIONS; PROVIDING FOR THE SUMTER COUNTY CANVASSING BOARD TO CANVASS ELECTION RESULTS; SHORTING AND CURTAILING THE TERM OF OFFICE OF CERTAIN CITY COUNCIL MEMBERS; SHORTING THE TERM OF OFFICE OF THE CITY CLERK; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 101.75(2) and (3), Florida Statutes, provide that

- (2) The date of the municipal election shall be set by the municipality by ordinance.
- (3) Notwithstanding any provision of local law or municipal charter, the governing body of a municipality may, by ordinance, move the date of any municipal election to a date concurrent with any statewide or countywide election. The dates for qualifying for the election moved by the passage of such ordinance shall be specifically provided for in the ordinance and shall run for no less than 14 days. The term of office for any elected municipal official shall commence as provided by the relevant municipal charter or ordinance.

WHEREAS, Section 100.3605(2), Florida Statutes, provides that:

- (2) The governing body of a municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes.

WHEREAS, the City Council of the City of Bushnell, Florida, after careful consideration and review, have determined that it is in the best interest of the citizens of the City of Bushnell to change the date and manner that candidates seeking election to a City Office are qualified and to also change the date that City elections are held; and

WHEREAS, the City Council of the City of Bushnell, Florida, after careful consideration and review, have determined that it is in the best interest of the citizens of the City of Bushnell to change the method of publicly canvassing the absentee electors' ballots and the results of City elections by authorizing the Sumter County Canvassing Board to perform such canvassing; and

WHEREAS, the City Council of the City of Bushnell, Florida, after careful consideration and review, have determined that it is in the best interest of the citizens of the City of Bushnell to shorten and curtail the current term of office of certain City Council Members and the term of office of the City Clerk as is necessitated by the change in the date of City elections and to provide for the orderly transition of office resulting from such date change.

NOW THEREFORE, BE IT ORDAINED AND ESTABLISHED BY THE CITY COUNCIL OF THE CITY OF BUSHNELL, FLORIDA, THAT THE CHARTER OF THE CITY IS HEREBY AMENDED, MODIFIED, AND DEEMED TO COMPLY WITH, AND CONFORM TO, THE PROVISIONS HEREINAFTER SET FORTH IN THIS ORDINANCE.

SECTION 1. The City Council hereby authorizes the Sumter County Supervisor of Elections to oversee and provide for the qualifying of candidates seeking election to the City Council, candidates seeking election as Mayor of the City, and candidates seeking election as the City Clerk. All candidates seeking election to the City Council, as Mayor, and as the City Clerk, shall apply to the Sumter County Supervisor of Elections who shall determine if such candidates are qualified to run for a City Office. The time for qualifying to seek a City Office shall be the same as for the qualifying of Sumter County elected officials.

SECTION 2. The City Council hereby authorizes and directs that the elections of the City of Bushnell's elected City Officials, voting on referendums, and amendments to the City's Charter shall be held at the same times and dates as statewide general elections.

SECTION 3. The Sumter County Supervisor of Elections is authorized to provide for and conduct the City of Bushnell's elections of City Officials, voting on referendums, and City Charter amendments submitted to a vote of the electors of the City of Bushnell.

SECTION 4. The Sumter County Canvassing Board is authorized to canvass the absentee electors' ballots and votes cast in City elections held after the effective date of this Ordinance.

SECTION 5. The current term of office for City Council Seat Number Two, presently held by Council Member Billy K. Williams, shall terminate at 11:59 p.m. on December 31, 2012. The Council Member in Seat Number Two at that time, however,

shall continue in office until his or her successor shall have qualified, been elected, and taken the Oath of Office prescribed by the City's Charter. The election for City Council Member Seat Two shall be held at the same times and dates as the statewide general election held in November of 2012. The term of office of the City Council Member elected to Seat Number Two in the November, 2012, election shall be for a term of four (4) years commencing on January 1, 2013, and such term of office shall continue to be a four (4) year term of office thereafter until such term of office is amended, modified, or changed.

SECTION 6. The current term of office for City Council Seat Number Four, presently held by Council Member Dale Swain, shall terminate at 11:59 p.m. on December 31, 2012. The Council Member in Seat Number Four at that time, however, shall continue in office until his or her successor shall have qualified, been elected, and taken the Oath of Office prescribed by the City's Charter. The election for City Council Member Seat Four shall be held at the same times and dates as the statewide general election held in November of 2012. The term of office of the City Council Member elected to Seat Number Four, in the November, 2012, election, shall be for a term of four (4) years commencing on January 1, 2013, and such term of office shall continue to be a four (4) year term of office thereafter until such term of office is amended, modified, or changed.

SECTION 7. The current term of office for the City Clerk, presently held by Joy Coleman, shall terminate at 11:59 p.m. on December 31, 2012. The person holding the office of City Clerk at that time, however, shall continue in office until his or her successor shall have qualified, been elected, and taken the Oath of Office prescribed by the City's Charter. The election of the City Clerk shall be held at the same times and dates as the statewide general election held in November of 2012. The term of office of the City Clerk elected in the November, 2012, election shall be for a term of four (4) years commencing on January 1, 2013, and such term of office shall continue to be a four (4) year term of office thereafter until such term of office is amended, modified, or changed.

SECTION 8. The Supervisor of Elections and County Canvassing Board shall retain the authorities granted and authorized in this Ordinance in all City elections held after the effective date of this Ordinance, unless and until the City Council enacts a subsequent ordinance transferring such responsibility back to the City of Bushnell. Any such ordinance transferring the authorities and responsibilities set forth herein back to the City must be enacted and provided to the Sumter County Supervisor of Elections and the Sumter County Canvassing Board at least one year prior to the next statewide general election after the effective date of the ordinance transferring the responsibilities back to the City.

SECTION 9. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 10. The Charter of the City of Bushnell, Florida, pertaining to qualifying as a candidate for election to a City Office, the times and dates that City elections are to be held, canvassing of the absentee ballots and election results, and term of office inconsistent with, or contrary to, the provisions set forth in this Ordinance are hereby amended, revised, and modified to comply with and conform to the provisions set forth herein.

SECTION 11. If any section, subsection, sentence, clause, phrase of this ordinance, or any particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases shall not be affected thereby.

SECTION 12. This ordinance shall take effect immediately upon its final adoption by the City Council.

THE PROPOSED Ordinance was read at the regularly scheduled meeting of the Bushnell City Council held on June 6, 2011. Upon motion made by Council member Maddox, and seconded by Council member Norman-Tadlock, it was moved that the ordinance be published in a newspaper of general circulation in the City of Bushnell, Sumter County, Florida, in accordance with the requirements of Florida Statutes, and that the ordinance again be presented to the City Council for a second reading and a public hearing at a regular or special meeting of the City Council, such meeting to be held not sooner than ten (10) days from the date of publication. Upon the matter being submitted to a vote, the results were as follows:

Mayor/Councilman W. C. Spaude	<u>YEA</u>
Councilman Warren Maddox	<u>YEA</u>
Councilwoman Carrie Norman-Tadlock	<u>YEA</u>
Councilman Billy K. Williams	<u>YEA</u>
Councilman Dale Swain	<u>N/P</u>

THIS ORDINANCE having been passed on the first reading, it was moved by Council member Swain that the ordinance be passed and ordained on second reading pursuant to notice of public hearing published on the 23rd day of June, 2011, in the Sumter County Times. This Motion was seconded by Vice-Mayor Maddox and upon

being submitted to a vote, the results were as follows:

Mayor/Councilman W. C. Spaude	<u>YEA</u>
Councilman Warren Maddox	<u>YEA</u>
Councilwoman Carrie Norman-Tadlock	<u>YEA</u>
Councilman Billy K. Williams	<u>YEA</u>
Councilman Dale Swain	<u>YEA</u>

THIS ORDINANCE was passed upon second and final readings pursuant to the vote herein recorded.

That upon being finally passed and becoming an ordinance of the City of Bushnell, Florida, the ordinance so adopted, or a certified copy thereof, shall be provided to the Sumter County Supervisor of Elections, the Sumter County Canvassing Board, and filed with the Clerk of the Circuit Court in Sumter County, Florida, the Chief Administrative Office of Sumter County, and with the Department of State, State of Florida.

Approved by me this 5th day of July, 2011.

W. C. Spaude
W. C. SPAUDE
Mayor - Councilman

ATTEST:

JOY COLEMAN
City Clerk