

INTRODUCED BY:
Mayor Pruette, Vice Mayor Tucker,
Councilors Arthur, Jolly and Pardee



ORDINANCE NO. 2011-24

A BILL TO BE ENTITLED

**AN ORDINANCE CALLING FOR A REFERENDUM TO AMEND
SECTION 2.02 ELECTION AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the city council of the City of Neptune Beach proposes to amend the charter and call for a referendum to decide new election dates,

WHEREAS, it is desirable to change the charter to allow for a more efficient election process, to save the city the cost of having a runoff election and to allow for better absentee ballot process;

WHEREAS, it is desirable to put this issue before the voters of Neptune Beach at the January 31st, 2012 election.

BE IT ORDAINED BY THE CITY COUNCIL OF NEPTUNE BEACH, FLORIDA:

SECTION 1. An election is hereby called for January 31st, 2012, to hold a referendum to amend Section 2.02 of the Charter of the City of Neptune Beach to read as follows:

Section 2.02 Election and terms.

(a) *Composition, terms.*

(1) The city council shall consist of five (5) electors of the City of Neptune Beach, who have qualifications as defined in the Charter, elected at large. The seats shall be known as seats 1 to 5, respectively, and they shall hold office for the terms respectively as hereinafter stated: Seats 1 (mayor-councilor), 2, and 3 shall be elected for four-year terms; in the 1993 primary and general municipal elections and every four years thereafter. Seats 4 and 5 shall be elected for four-year terms in the 1991 primary and general municipal elections and every four years thereafter.

(2) The terms of the mayor and councilors are limited to eight (8) consecutive years, effective with the 1989 election of the mayor and councilors. A councilor moving from a city council seat to mayor-councilor seat 1 effective with the 1989 election may serve a total of 16 consecutive years. The maximum number of years that a councilor can serve is eight years consecutively.

(b) Primary elections: when more than two (2) candidates are running for the same elective office, the primary election shall be held only for the municipal offices that have more than two candidates running for the same seat. Such primary election ~~will be held on the Tuesday 10 weeks prior to the general election~~ shall be set according to section 100.061 Florida Statutes.

If at the primary election, a candidate receives a majority of all votes cast, he/she shall be declared elected of office and his or her name shall not be placed on the ballot in the general election.

(c) In the event that a candidate does not receive a majority of all the votes cast in the primary election, then the names of the candidates placing first and second shall be placed on the ballot in the general election.

(d) General election: When two (2) candidates are running for the same elective office the general election shall be ~~held on the first Tuesday after the first Monday in November of each even numbered year.~~ set according to section 100.031 Florida Statutes unless otherwise changed by the City Council.

(e) A special election may be called by the city council in accordance with section 3.05(c) of the Charter. The city council shall fix the exact date a special election or any associated runoff will be held.

(f) Each seat up for election on the city council shall become vacant at seven o'clock P.M. on the first Tuesday in December of the same year of the election for that seat.

SECTION 2. Effective Date, Nature and Conduct of Election.

Before this Ordinance shall become operative and effective, it shall first be submitted to a referendum vote of the qualified electors of the City of Neptune Beach, participating in a general election to be held in said city on the 31st day of January , 2012. Notice of said election shall be given by the City Clerk by publishing the same at least twice in a newspaper published in Duval County, Florida. The first publication shall be made in the fifth week prior to the week in which the referendum is to be held, and the second publication shall be in the third week prior to the week in which the referendum is to be held (FS 100.342). Said notice shall be in substantially the following form:

NOTICE IS HEREBY GIVEN that an election will be held in the City of Neptune Beach on the 31st day of January, A. D. 2012, for the approval or disapproval of Ordinance No. 2011-24 of the city providing for election date changes, public notice changes and canvassing board changes.

All persons qualified to vote in the last general election of the city, or who may have since become qualified and registered shall be qualified to vote at said referendum election.

Dated the _____ day of _____, A. D. 2012.

SECTION 3. Conduct of the Election.

It shall be the duty of the city council of the City of Neptune Beach constituted on the date of this Ordinance becoming a law to provide for the holding of the said referendum election. Said election shall be held as nearly as may be provided by the terms of this Ordinance and the general laws of Florida governing elections.

SECTION 4. Form of Ballot.

The form of the ballot to be used at said election shall be as follows:

CHARTER ELECTION BALLOT

That Sec 2.02 Election and terms, of the charter are amended to read as follows:

Ballot summary: Amending Section 2.02 of the Charter providing that primary elections shall be set according to section 100.061 of Florida Statutes and the general election shall be set according to section 100.031 of Florida Statutes.

Ballot question: Shall the above charter amendments be adopted?

YES

NO

SECTION 5. Canvass of Result and Effect.

The county canvassing board shall canvass the result of said referendum election and shall file a certificate of such result with the Secretary of State.

SECTION 6. Effective Date. This Ordinance shall become effective immediately upon its passage by the City Council.

VOTE RESULTS OF FIRST READING:

Mayor Harriet Pruette	Yes
Vice Mayor Kara Tucker	Yes
Councilor Richard Arthur	Yes
Councilor John Jolly	Yes
Councilor Eric Pardee	Yes

Passed on First Reading this 7th day of November.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee

Passed on Second and Final Reading this day of

Harriet Pruette
Mayor

ATTEST:

Lisa Volpe, CMC
City Clerk

Approved as to form and contents

Patrick Krechowski, City Attorney