BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2451-2020

AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING THE STUART CITY CHARTER, PART 1, ARTICLE VII, TO AMEND SECTION 7.03, QUALIFICATION FOR OFFICE; SECTION 7.05, SCHEDULE; AND CHAPTER 14, ELECTIONS, ARTICLE II, CANDIDATES, AMENDING SECTION 14-25, COMMENCEMENT OF TERMS OF OFFICE OF ELECTED CANDIDATES OF THE CODE OF ORDINANCES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

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WHEREAS, the Stuart Charter Review Board made charter change recommendations and submitted a final report which was adopted by the City Commission and submitted to Referendum on August 18, 2020; and

WHEREAS, the Stuart Charter Review Board recommended that changes should be added to the qualifications for office of City Commissioner. The recommendation was that the term of each group shall be four years with a maximum of eight consecutive years regardless of which group; and

WHEREAS, as a result of the Stuart Charter Review Board's recommendation, the following Referendum Ballot Question was included on the August 18, 2020 ballot:

> **Shall the City Charter of the City Stuart, Florida be amended to provide that the City Commissioner terms shall be extended from two (2) year to four (4) year terms and restrict any single person from serving as a City Commissioner for more than twelve consecutive years?**
>
> **1,853 Yes, for Approval 50.63%**
>
> **1,807 No, for Rejection 49.37%**

WHEREAS, the matter was approved by the voters by .63 percent. Pursuant to Florida Statute Section 102.141(7), if the unofficial returns reflect that a candidate for any office

was defeated or eliminated by one-half of a percent or less of the votes cast, a recount shall be ordered. Based upon the results, a recount is not necessary; and

WHEREAS, as a result of the Stuart Charter Review Board's recommendation, the following Referendum Ballot Question was included on the August 18, 2020 ballot:

Shall the City Charter of the City Stuart, Florida be amended to provide that no City Commissioner shall actively collect funds for the purpose of seeking another elected office or actively run for another publicly elected position while serving as a Stuart City Commissioner?

2,719 Yes, for Approval	**74.82%**
915 No, for Rejection	**25.18%**

WHEREAS, the City Commission of the City hereby finds that it is in the interest of the public health, safety and welfare to authorize the changes to the Charter of the City of Stuart and adopt an ordinance consistent with the referendum.

NOW THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF STUART, FLORIDA:

SECTION 1: Pursuant to the results of the Public Referendum held on August 18, 2020, The City of Stuart Charter*, Part I, Article VII, Elections and Office Holding, Section 7.03, Qualification for Office* is hereby amended as set forth in Attachment "A".

SECTION 2: Pursuant to the results of the Public Referendum held on August 18, 2020, The City of Stuart Charter*, Part I, Article VII, Elections and Office Holding, Section 7.05, Schedule* is hereby amended as set forth in Attachment "B".

SECTION 3: Pursuant to the results of the Public Referendum held on August 18, 2020, the City of Stuart Code of Ordinances, *Chapter 14, Elections, Article II, Candidates, Section 14-25, Commencement of Terms of Office of Elected Candidates*, is hereby amended as set forth in Attachment "C" attached hereto and incorporated herein.

SECTION 4: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of

competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 5: All ordinances or parts of ordinances herewith are hereby repealed to the extent of such conflict.

SECTION 6: The provisions of this Ordinance shall be codified.

SECTION 7: This Ordinance shall take effect upon adoption.

Passed on First Reading the _____ day of September, 2020.

Commissioner_____offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner _____and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
MICHAEL J. MEIER, MAYOR				
EULA R. CLARKE, VICE MAYOR				
MERRITT MATHESON, COMMISSIONER				
MIKE MEIER, COMMISSIONER				
TROY MCDONALD, COMMISSIONER				

ADOPTED on Second and Final Reading this ____day of September, 2020.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
MICHAEL J. MEIER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL J. MORTELL
CITY ATTORNEY

EXHIBIT "A"

Sec. 7.03. - Qualification for office. (A) **Notice:** Candidates for office of city commissioner shall qualify by filing a written notice of candidacy with the city clerk at such time and in such manner as may be prescribed by ordinance.

(B) **Residency:** Any elector of the city who has maintained continuous residency within the City of Stuart for more than 12 months immediately preceding the election in which he or she seeks office shall be eligible as a candidate for the office of city commissioner. As used in this section, the term "residency" means the abode where the prospective candidate actually lives. Reasonable evidence that a prospective candidate actually lives in an abode in the city shall be required by the city clerk as a condition to qualifying. Once elected, the commissioner shall maintain continuous residency in the City to continue their service in office.

(C) **Term Limits:** No commissioner shall serve more than twelve (12) consecutive years. A break in service of a minimum of one (1) year shall constitute a new term for purposes of calculating the consecutive years served. This limitation shall begin at the next regular city commission meeting after election to office in the year 2022 in accordance with the schedule for regular municipal elections or runoff elections provided in Section 7.05(a).(D) **Qualifying for other public office:** An elected or appointed Stuart City Commissioner may not qualify as a candidate or actively raise funds for the purpose of seeking another state, district, county or municipal office while serving as commissioner. No commissioner may qualify as a candidate nor open a bank account to receive campaign contributions for another public office, whether state, district, county or municipal without resigning from the City Commission position he or she presently holds.

EXHIBIT "B"

Sec. 7.05. - Schedule.

(a) In years when there is a state primary election, that shall be the date upon which the regular municipal election shall be held. In years when there is no state primary election, the regular municipal election shall be held on the date when a state primary election would have occurred, had a state primary election been held, that is, calculated the same as provided by general law.

(b) A runoff election, when necessary, shall be held on the day designated to be the state general election day. In years when there is no state general election, the runoff election shall be held on the date when a state general election would have occurred, had a state general election been held, that is, calculated the same as provided by general law.

(c) Any matter which by the terms of this charter may be submitted to the electors of the city at any special election may be submitted and voted upon at a regular or runoff election.

(d) Election procedures.

1. At each annual regular municipal election the commissioners shall be elected from the city at large, by a majority vote of the electors, but the candidates shall be permitted to file for any group in which they prefer to run. Groups 2 and 4 shall be elected in odd-numbered years. Groups 1, 3 and 5 shall be elected in even-numbered years.

(a) This ordinance shall be effective for Groups 1, 3, and 5 for the election which will occur in August 2022. , Beginning with the election in August, 2022, commissioners in Groups 1, 3, and 5 shall serve four year terms which shall commence at the next regular city commission meeting after election to office and to terminate at the next regular city commission meeting after the next election held in accordance with the schedule for regular municipal elections or runoff elections provided in Section 7.05(a), as appropriate, and as applicable to Groups 1, 3, and 5.

(b) This ordinance shall be effective for Groups 2 and 4 for the election which will occur in August, 2021. The initial three (3) year term necessary to shift the elections to an even year cycle shall commence at the next regular city commission meeting after election to office in 2021 and shall terminate at the next regular city commission meeting after the next election held in accordance with the schedule for regular municipal elections or runoff elections provided in section 7.05(a) as appropriate in the year 2024. Beginning with the election in August, 2024, commissioners in Groups 2 and 4 shall serve four year terms which shall commence at the next regular city commission meeting after election to office and to terminate at the next regular city commission meeting after the next election held in accordance with the schedule for regular municipal elections or runoff elections provided in Section 7.05(a), as appropriate, and as applicable to Groups 2 and 4.

2. All candidates qualifying in any particular group shall run in that group in the regular election, and if one candidate in any one group receives a majority vote in that group, that candidate shall be elected to office. If any

one candidate does not receive a majority vote in the regular election for that group, the one receiving the highest vote and the one receiving the next highest vote shall have their names placed on the ballot for the runoff election in that group, and the candidate receiving the highest number of votes in the runoff election in that group shall be elected.

3. No candidate shall qualify in more than one group in any election.

4. In the event of a tie in any of the following situations:

(a) Where there are only two (2) candidates in a given group in the regular election;

(b) Where there are two (2) candidates in a given group in a runoff election;

(c) Between any candidate receiving the same number of votes as another candidate where the effect would be to prevent only two (2) candidates from occupying places in the runoff election; the same shall be decided by drawing a winner from a box containing the names of the appropriate candidates, said procedure shall be open to the public, and conducted by the city clerk not less than five (5) days subsequent to the meeting of the canvassing board as provided hereinafter;

(d) Unopposed candidates. In the event a candidate for the office of city commissioner is unopposed, such candidate shall be considered duly elected without the formality of presentation of his candidacy to the electorate and as otherwise permitted by law.

5. Special elections. Special municipal elections shall be held in the same manner as regular elections except that the city commission, by resolution, shall fix the date for holding such special elections.

6. Public notice. All elections held pursuant to this charter shall have at least thirty (30) days' notice of election or referendum by publication in a local newspaper. The publication shall be made at least twice, once in the fifth week and once in the third week prior to the week in which the election or referendum is to be held.

EXHIBIT "C"

Sec. 14-25. **- Commencement of terms of office of elected candidates.**

Candidates duly elected to the office of city commissioner shall assume their duties upon taking the oath of office administered at the first meeting of the city commission following their election.

Charter reference— Election dates and procedure for qualifying, § 7.05.