

**ORDINANCE NO. O-17-52**

**AN ORDINANCE OF THE CITY OF WINTER HAVEN, FLORIDA RELATING TO THE CHARTER OF THE CITY OF WINTER HAVEN, FLORIDA; PROPOSING AN AMENDMENT TO SECTION 8 OF THE CHARTER OF THE CITY OF WINTER HAVEN, FLORIDA TO IMPOSE A TERM LIMIT OF TWELVE (12) CONSECUTIVE YEARS OF SERVICE IN THE LAST TWELVE (12) YEAR PERIOD AS A COMMISSIONER; PROVIDING UPON FINAL PASSAGE FOR THE PROPOSED AMENDMENT TO BE PLACED ON THE BALLOT AT THE NEXT CITY ELECTION FOR A VOTE OF THE ELECTORS OF THE CITY OF WINTER HAVEN, FLORIDA IN REFERENDUM; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Municipal Home Rule Powers Act, § 166.031(1) of the Florida Statutes (2016), authorizes the governing body of a municipality to submit to the electors of the municipality a proposed amendment to the municipality's charter; and

**WHEREAS**, the City Commission of the City of Winter Haven, Florida finds it in the best interest of the City of Winter Haven to propose to the electors an amendment to the Charter of the City of Winter Haven to impose a term limit for the number of consecutive years that a person may serve as a Commissioner of the City; **NOW, THEREFORE**,

**BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER HAVEN, FLORIDA:**

**Section 1: Proposed Amendment Approved and Referendum Election Called**

(a) The City Commission of the City of Winter Haven, pursuant to § 166.031 of the Florida Statutes (2016), hereby proposes and approves an amendment to Chapter 73-660, Laws of Florida, more commonly known as the Charter of the City of Winter Haven ("City Charter"), the text of which appears herein in Section 2. Changes to the City Charter proposed by the City Commission to the electors of the City are reflected herein by showing additions with underlined type and deletions with ~~striketrough type~~.

(b) The City Commission hereby calls a referendum election on the question of approval or rejection of the proposed amendment at the general municipal election scheduled for **November 7, 2017**. The City Clerk is directed to develop and publish appropriate notices of referendum election as may be required by the Florida Elections Code, the City of Winter Haven Code of Ordinances, and § 100.342 of the Florida Statutes (2016). The Polk County Supervisor of Elections is requested to coordinate all matters of the referendum election with the City Clerk, including the numbering of this proposed amendment on the general municipal election ballot.

**Section 2: Amendment to Section 8 of the City Charter**

The ballot title, summary and text of a proposed amendment to Section 8 of the City Charter is set forth as follows:

Ballot Title and Summary:

**IMPOSING TERM LIMITS FOR COMMISSIONERS OF 12 CONSECUTIVE YEARS IN THE LAST 12 YEAR PERIOD**

Limits terms by prohibiting incumbents who have held the office of commissioner for twelve (12) years in the last twelve (12) year period from appearing on the ballot for re-election. Terms of office beginning before amendment approval are not counted. Former commissioners may appear again on the ballot after an intervening period of two (2) years.

Shall the above described amendment be adopted?

YES \_\_\_\_\_  
NO \_\_\_\_\_

Text of Charter Amendment:

**Sec. 8. - City commission.**

(a) The city commission shall consist of five (5) electors of the city, to be elected at large, who shall hold office for a term of four (4) years, or until their successors are appointed or elected and qualified in accordance with the provisions of the charter of said city, unless a vacancy occurs by death, resignation, or removal in accordance with the terms of this charter.

(b) No commissioner may qualify for re-election if, by the end of the commissioner's current term, the commissioner will have served, or but for resignation would have served, as a commissioner for twelve (12) consecutive years in the last twelve (12) year period. The limit on consecutive years of service imposed by this subsection shall not prevent a former commissioner from qualifying for election if two (2) years have elapsed between the end of the former commissioner's last term and the date the former commissioner would take office if elected.

**Section 3: Severability**

It is declared to be the intent of the City Commission of the City of Winter Haven, Florida that, if any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by a 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 portions thereof.

**Section 4: Codification**

It is the intention of the City Commission that, if approved by a majority of the electors of the City of Winter Haven voting in a referendum election, Section 2 of this ordinance shall be made a part of the Charter of the City of Winter Haven; and the provisions of Section 2 of this ordinance may be renumbered or relettered and the word *ordinance* may be changed to *section*, *article*, or such other appropriate word or phrase in order to accomplish the City Commission's intentions.

**Section 5: Repeal of Laws in Conflict**

All local laws and ordinances and resolutions in conflict with any provision of this ordinance are hereby repealed to the extent of any conflict.

**Section 6: Effective Date of Amendment; Effect of Prior Service**

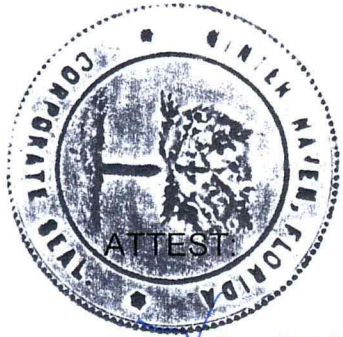
(a) If approved by a majority of the electors of the City of Winter Haven voting in a referendum election, the text of the amendment proposed in Section 2 of this Ordinance shall take effect on January 1, 2018.

(b) If the text of the amendment proposed in Section 2 of this Ordinance is approved by a majority of the electors of the City of Winter Haven voting in a referendum election, no service in a term of office which commenced prior to the effective date of this amendment will be counted against the limit imposed by the proposed amendment to the City Charter.

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INTRODUCED on first reading this 14th day of August, 2017.

PASSED on second reading this 28th day of August, 2017.



CITY OF WINTER HAVEN, FLORIDA

  
MAYOR-COMMISSIONER

  
CITY CLERK

Approved as to form:

  
CITY ATTORNEY