

ORDINANCE NO. 2023-01

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA PROVIDING FOR THE AMENDMENT OF APALACHICOLA CODE OF ORDINANCES, PART II – CODE, CHAPTER 16 – ELECTIONS, SECTION 16-1, AND PART I, CHARTER, ARTICLE II, SECTION 9 CHANGING THE YEAR AND MONTH OF ELECTION FOR THE MAYOR AND CITY COMMISSIONERS FROM SEPTEMBER OF EACH ODD-NUMBERED YEAR TO NOVEMBER OF EACH EVEN-NUMBERED YEAR; PROVIDING FOR REDUCTION OF THE TERMS OF INCOMING MAYOR AND COMMISSIONERS IN THE NEXT TWO ELECTION CYCLES IN ORDER TO MAKE AN ORDERLY TRANSITION; PROVIDING FOR AMENDMENT OF SECTION 9 TO CONFORM WITH THESE CHANGES AND PROVIDING FOR MANNER OF ELECTION AND RUNOFF ELECTIONS; PROVIDING FOR THE REPEAL OF ANY ORDINANCE OR PARTS THEREFROM IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Apalachicola could realize savings by conducting its elections in November on even numbered years in order to coincide with the County, State and National election dates; and

WHEREAS, moving the City election date to coincide with County, State and National election dates by the year 2026 is anticipated to increase voter participation; and

WHEREAS, Section 16-1, Part II, Chapter 16 of the Apalachicola Code of Ordinances currently states that the biannual election of offices for the City shall be held on the third Tuesday after the third Monday in September of each odd-numbered year; and

WHEREAS, the City Commission deems it appropriate to change the month of the elections from September of odd-numbered years to November of even-numbered years in order to coincide with other County, State and National elections by 2026; and

NOTE: ~~Struck through~~ language is language proposed to be deleted, Underlined language is amended language, and *** represents sections that have been skipped and that remain unchanged.

WHEREAS, pursuant to Section 100.3605 and 166.021(4), Florida Statutes the governing body of a municipality may by ordinance change the dates for 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 Commission recognizes that a change in the terms of both Mayor and Commissioners will be necessary in order to effectuate the change of election date. This change will result in the reduction of the term of office from four (4) years to three (3) years and two months for the Mayor and Commissioners to be elected to office in the 2023 regular election and the Commissioners to be elected to office in the 2025 election. Candidates for these elections will qualify for and be elected to terms in office of three (3) years and two (2) months.

WHEREAS, amendment of the provisions of Part I, Charter, Article II, Section 9 entitled “Creation of Commission” is necessary to be consistent with date of election, manner of election, reduction in terms of office and to provide for runoff elections. Further this Section is amended to correct an error made during codification which included the erroneous reference to a District Map and election by District.

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

Section 1. Adoption of Representations:

The foregoing Whereas clauses are hereby ratified and confirmed as being true, and the same are hereby made part of this Ordinance.

Section 2. Amendment to Election Date and Terms of Office:

The City Commission hereby amends and restates in its entirety Part II, Chapter 16, Section 16-1 of the City Code of Ordinances as follows:

Sec. 16-1 Election date

The regular election of the City shall be held on the first Tuesday after the first Monday in November of each even-numbered year; except for the regular election of the City to be conducted in 2023, which shall be held on the first Tuesday after the first Monday in September 2023 and in which candidates shall be qualified for and elected to terms of three (3) years and two months through December 2026; and for the regular election of the City to be conducted in 2025 which shall be held on the first Tuesday after the first Monday in September 2025 and in which candidates shall be qualified for and elected to terms of three (3) years and two months through December 2028.

Section 3. Reduction of Terms of Office for Mayor and Commissioners in Upcoming Elections:

The terms of office for the Mayor and Commissioners to be elected in the 2023 election shall be three (3) years and two (2) months. The terms of office for the Commissioners to be elected in the 2025 election shall be three (3) years and two (2) months. The reduction in these terms of office being necessary to transition the City to the even year Local, State and Federal biennial election cycle by the year 2026.

Section 4. Amendment of Part I, Charter, Article II, Section 9 entitled “Creation of Commission”

Section 9. Creation of Commission.

A city Commission is created to consist of a Mayor-Commissioner and four (4) Commissioners, with one Commissioner to be qualified for and elected at Large to each available seat on the Ballot, each seat shall be the subject of its own race ~~from each of four districts as defined in the District Boundaries Map attached hereto,~~ and the Mayor to be elected from the City at Large. The

qualifications of the Mayor and Commissioners shall be as hereinafter described in this Charter. The terms of office shall be for four years (other than for those elected in the 2023 and 2025 regular elections which terms shall begin on the first Tuesday after the first Monday in October 2023 and 2025 respectively) and shall begin on the first Tuesday after the first Monday in ~~December~~ October of each even numbered year following the 2025 election. ~~The first election held under this Amendment shall be held on the first Tuesday after the first Monday in September, 1985, and at that time, Commissioners shall be elected from Districts 1 and 2. At the election held on the first Tuesday after the first Monday in September, 1987, the Mayor shall be selected by the voters at large and Commissioners shall be selected from Districts 3 and 4. To be eligible as a candidate for Commissioner from a district, a person must reside in the designated district, as defined by the district boundaries shown on the district boundary map. After the 1987 election, regular biennial elections shall fill the vacancies occurring at the expiration of the 4 year terms of the Commissioners and the Mayor. A first election shall be held in the City on the first Tuesday after the first Monday in September of every year in which municipal elections are to be held. If a candidate for election of an office shall receive a majority of the votes cast for all candidates for the office/commission seat, or if he/she shall have no opposition at the first election, he/she shall be declared elected to such office/commission seat. If no election occurs as hereinbefore provided, a second election (run off election) shall be held on the third Tuesday after the first Monday in September of such year for the purpose of having elected an officer for each and every elective office to be filled, provided that if the timing of that election is not such that it will allow for absentee ballots to be counted or sufficient time for early voting to be conducted, the City shall have the right and authority to extend the date of the runoff election to the next earliest date to enable the timely seating of elected officials, both absentee voting and early voting and provided~~

~~that for the year 2019, the runoff election is extended to and set as October 1, 2019 with September 21—September 28 being the early voting period and absentee ballots entitled to be requested from September 11, 2019 to September 21 which is the last date for requiring an absentee ballot from the Elections Department acting on behalf of the City, AND the last day that qualified voters shall have to have their absentee ballot returned to and received by the City Elections Office to be considered for this runoff election is October 1, 2019 by 7:00 P.M. E.D.T. as determined by the Franklin County Supervisor of Elections (Supervisor) when such runoff elections are administered by the Supervisor through agreement with the City or by the City Commission if the City administers its own election as provided herein; and further provided that there shall be printed upon the ballot, for the second election only, the names of the candidates for each office who shall have received in the first election the greatest and the next greatest or equal number of votes in the first election, and no other name shall be placed on the ballot by electors writing in such names or otherwise. The candidate who receives the greatest number of votes cast for each office shall be declared elected. In case of a tie, a special election shall be called within thirty (30) days for the purpose of determining the winner between any two (2) such candidates. The incumbent shall hold office until a successor is elected and qualified as herein provided. Travel allowances shall be as set by Ordinance.~~

Section 5. Conflict:

All ordinances or Code provisions in conflict herewith are hereby repealed.

Section 6. Severability. If any section, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 7. Effective Date. This Ordinance shall take effect immediately upon adoption by the City of Apalachicola, Florida.

PASSED FIRST READING ON: April 11, 2023

PASSED SECOND READING ON: May 2, 2023

CITY OF APALACHICOLA

BY: Brenda Ash
Brenda Ash, Mayor

ATTEST:

Deborah Guillotte
Deborah Guillotte
CITY CLERK