

TAB 11



City of Palmetto Agenda Item

Meeting Date

3/15/10

Presenter: Mark P. Barnebey

Department: City Attorney/City Clerk

Title:

Ordinance 2010-04 - Consideration of ordinance

Recently, the Legislature has enabled the Florida election code to modify the qualifying period for certain elections. The Supervisor of Election notified the City on February 18, 2010 that if the City wishes to continue qualifying the candidates for City election through the Office of the Supervisor of Elections, the City will need to amend its code to conform to the same qualifying period as other elections. The proposed Ordinance moves the qualifying period up earlier in the election cycle for City elections. The qualifying period would begin at noon on the 71st day prior to the primary election and would end not later than at noon on the 67th day prior to the primary election.

Budgeted Amount: \$0.00 **Budget Page No(s):** **Available Amount:** \$0.00 **Expenditure Amount:** \$0.00

Additional Budgetary Information:

Funding Source(s): **Sufficient Funds Available:** Yes No **Budget Amendment Required:** Yes No **Source:**

City Attorney Reviewed: Yes No N/A **Advisory Board Recommendation:** For Against N/A **Consistent With:** Yes No N/A

Potential Motion/Direction Requested: Motion to approve Ordinance 2010-04

Staff Contact: Allen R. Tusing

Attachments: Ordinance 2010-04

ORDINANCE 2010-04

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE PALMETTO CODE OF ORDINANCES; AMENDING THE QUALIFYING PERIOD FOR CITY ELECTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and,

WHEREAS, pursuant to the referenced provision of the Florida Constitution, a city may exercise any power for municipal purposes except as otherwise provided by law; and,

WHEREAS, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and,

WHEREAS, the Legislature has amended the Florida election code to modify the qualifying period for elections; and

WHEREAS, if the City wishes the Supervisor of Elections to continue to perform the qualifying for City elections, the city ordinance governing elections must be modified; and.

WHEREAS, the City Commission desires to continue to have the Supervisor of Elections perform the qualifying for the City elections; and

WHEREAS, consistent with the findings stated above, the City Commission has determined that adoption of this ordinance is in the best interest of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PALMETTO, FLORIDA, as follows:

Section 1. Findings of Fact. The above "WHEREAS" clauses are adopted herein as findings of fact.

A. Section 16-46 of the City of Palmetto Code of Ordinances is hereby amended to read in its entirety as follows:

Every candidate for mayor or commission member shall file a sworn statement and shall pay the filing fee to the office of the city clerk anytime after noon on the 71st day prior to the first state, county or special district primary election, but no later than noon on the 67th day prior to the first state, county or special district primary election. During years in which there are no state, county or special district elections, the qualifying period shall begin after noon on the 71st day prior to the election in which office is sought, and end at noon on the 67th day prior to the election in which office is sought. If the final day for qualification falls on a Saturday, Sunday or legal holiday, the qualification deadline shall be noon on the next day which is not a Saturday, Sunday or legal holiday.

B. All other subsections of the City of Palmetto Code of Ordinances shall remain in full force and effect and are not amended by this Ordinance.

Section 3. Repeal of Inconsistent Ordinance Provision. This Ordinance hereby repeals all ordinances, or parts thereof, in conflict herewith to the extent of such conflict.

Section 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other

provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. Effective Date. This Ordinance shall take effect as provided for by law and by City Charter, Section 14, upon execution by the Mayor or, if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes.

FIRST READING	March 15, 2010
PUBLICATION DATE	March 19, 2010
SECOND READING	April 5, 2010

PASSED AND DULY ADOPTED, BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, with a quorum present and voting, in regular session assembled, this 5th, day of April, 2010.

CITY OF PALMETTO, FLORIDA BY
AND THROUGH THE CITY
COMMISSION OF THE CITY OF
PALMETTO

By: _____
Shirley Groover-Bryant, Mayor

ATTEST:

By: _____
James R. Freeman, City Clerk