

ORDINANCE NO. 15-2072

AN ORDINANCE OF THE CITY OF LONGWOOD, FLORIDA, PROPOSING AN AMENDMENT TO THE CHARTER OF THE CITY OF LONGWOOD, FLORIDA, CONCERNING ARTICLE III, SECTION 3.01(d) TO CHANGE THE TERM OF CITY COMMISSION OFFICE FROM THREE YEARS TO FOUR YEARS AND AMENDING SUCH PROVISION TO ESTABLISH TERM LIMITS FOR CITY COMMISSIONERS; PROVIDING THAT SAID PROPOSED CHARTER AMENDMENT BE SUBMITTED TO THE VOTERS FOR REFERENDUM AT ELECTION HELD ON TUESDAY, MARCH 15, 2016; PROVIDING THAT IF APPROVED, SUCH AMENDMENT SHALL BE INCORPORATED INTO THE CITY CHARTER; PROVIDING FOR REPEAL AND REPLACEMENT OF ORDINANCE NO. 15-2064; PROVIDING FOR CODIFICATION/INTENT, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, Section 166.031, Florida Statutes, provides for the adoption of an ordinance submitting amendments to the City of Longwood's Charter to the electors of the City for approval;

WHEREAS, the City Commission desires place the proposed amendment of Section 3.01(d) of the City Charter as specified in this Ordinance on the ballot for voter consideration and potential approval; and

WHEREAS, on July 20, 2015, the City Commission previously adopted Ordinance No. 15-2064 to set a referendum on the proposed amendment to Section 3.01(d) of the City Charter as specified in this Ordinance for referendum on November 3, 2015; however, the City Commission desires to reschedule said referendum from November 3, 2015 to March 15, 2016 to coincide with County-wide elections in order to save expenses; and

WHEREAS, the City of Longwood proposes the following amendment to the Charter of the City of Longwood be submitted to the voters of the City of Longwood at the election held on Tuesday, March 15, 2016.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LONGWOOD, FLORIDA, AS FOLLOWS:

SECTION 1. Amendment #1. The following amendment to the Charter of the City of Longwood is submitted to the qualified electors of the City of Longwood and upon approval by the qualified electors, Section 3.01(d) of the City Charter shall be amended to read as follows:

(d) Election, ~~and~~ term of office and term limits. Persons elected to the City Commission prior to the 2018 general election for districts three (3) and five (5) shall serve three year terms of office. Commencing in the year 2018, general elections for City Commissioners shall be held in even-numbered years and should to the extent practicable occur to coincide with county-wide elections. Commencing with the general election of 2018, City Commissioners shall be elected for a term of ~~three (3)~~ four (4) years. Four year terms of office for districts three (3) and five (5) shall commence in 2018 following the election for such districts. Four year terms of office for districts one (1), two (2) and four (4) shall commence in 2020 following the election for such districts. A person appointed or elected to fill a vacant office on the City Commission shall be bound to the term of office of such person's predecessor. A partial term of office being served by a person upon appointment or election to fill a vacant office on the City Commission shall not count towards the term limits of this subsection (d). Upon the effectiveness of four year terms of office under this subsection (d), no person shall serve or be eligible to serve more than three (3) four year terms of office on the City Commission. Beginning in 1993, elections will be held for Commissioners from districts, one (1), two (2), and four (4). Election of commissioners for districts three (3) and five (5) will be held in 1994. No election will be held in 1995; thereafter the same pattern will follow upon expiration of terms.

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SECTION 2. Amendment #1 Ballot Question. The ballot title and summary of the charter amendment referenced in Section 1 herein, followed by the words “yes” and “no” shall be set forth as follows on the ballot at the election held on Tuesday, March 15, 2016, for consideration by the qualified electors of the City of Longwood, Florida:

PROPOSED CHARTER AMENDMENT

QUESTION #1

CHARTER AMENDMENT –FOUR YEAR TERMS AND TERM LIMITS

Shall Section 3.01(d) of the City Charter be amended to change the terms of office for City Commissioners from 3 years to 4 years commencing in the year 2018 and to establish term limits restricting persons from serving more than three (3) four year terms of office on the City Commission commencing in 2018?

YES _____

NO _____

SECTION 3. Referendum. The forgoing proposed amendment to the Charter of the City of Longwood above and its accompanying ballot question contained herein shall be individually placed on the City ballot and submitted to the qualified voters of the City of Longwood at the election held on Tuesday, March 15, 2016. The qualified voters shall have an opportunity to vote on the proposed amendment to the Charter. Thereafter, the Charter of the City of Longwood, Florida shall be amended pursuant to the proposed amendment if such amendment receives “yes” or affirmative vote from the majority of the votes cast. The City Clerk of the City of Longwood is hereby authorized and directed to advertise the referendum election authorized herein in accordance with the applicable provisions of the City Charter, City Code, Florida Statutes, Florida Administrative Code, and federal law. In the event it becomes necessary, as determined by the City Commission, to make modifications to the ballot question contained within Section 2 after adoption of this Ordinance, the City Commission may make such modification by Resolution. In the event it becomes necessary, as determined by the City Commission, to reschedule the referendum on the proposed amendment to the Charter set forth herein, the City Commission may make such modification by Resolution.

SECTION 4. Repeal and Replace. Ordinance No. 15-2064 is hereby repealed and replaced in its entirety by this Ordinance.

SECTION 5. Codification/Intent. It is the intention of the City Commission of the City of Longwood that the Charter Amendment proposed in Section 1 of this Ordinance shall become and be made a part of the Charter of the City of Longwood, Florida, if adopted by the qualified electors of the City of Longwood. Articles, sections, and subsections of the Charter may be renumbered or relettered for editorial and codification purposes (including for consistency with other charter amendments adopted) and such renumbering and relettering shall not constitute nor be considered substantive changes to the charter amendment as adopted.

SECTION 6. Severability. The provisions of this Ordinance are declared to be separable and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 7. Conflicts. In the event of a conflict or conflicts between this Ordinance and other ordinances, this Ordinance shall control to the extent such conflict exists.

SECTION 8. Effective Date of this Ordinance. This Ordinance shall become effective immediately upon its passage and adoption.

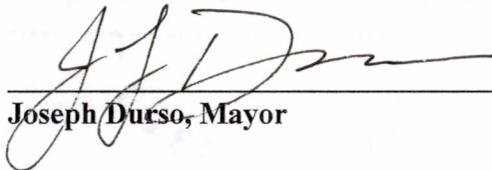
SECTION 9. Effective Date of Proposed Charter Amendment. The proposed Charter Amendment set forth herein shall take effect if and upon certification of an affirmative majority vote of the qualified electors of the City of Longwood in favor of such at the Tuesday, March 15, 2016 referendum election.

FIRST READING: September 10, 2015

SECOND READING: September 21, 2015

PASSED AND ADOPTED THIS 21st DAY OF September, A.D., 2015.

CITY OF LONGWOOD, FLORIDA



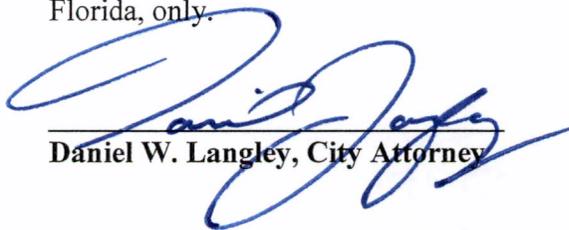
Joseph Durso, Mayor

ATTEST:



Michelle Longo, City Clerk

Approved as to form and legality for the use and reliance of the City of Longwood, Florida, only.



Daniel W. Langley, City Attorney

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