

ORDINANCE NO. 2021-11

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING THE CITY'S CHARTER WITHOUT REFERENDUM AS AUTHORIZED BY FLORIDA STATUTE TO ADJUST THE QUALIFYING DATES TO ACCOMMODATE THE SUPERVISOR OF ELECTIONS; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Greenacres is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, in accordance with Article IV, Section 4, of the City's Charter, the City's qualifying period is from noon on the first Tuesday in December until noon of the third Tuesday in December; and

WHEREAS, the City's next municipal election is scheduled to be held on March 8, 2022; and

WHEREAS, The Palm Beach County Supervisor of Elections ("Supervisor") has provided notice to all Palm Beach County municipalities whose elections are scheduled for March 8, 2022, that they will be required to move their candidate qualifying periods so that all municipal candidate names may be provided to the Supervisor on or before 95 days prior to the municipal election date; and

WHEREAS, subsections 166.021(4), Florida Statutes, and subsection 100.3605(2), Florida Statutes, allows a municipality to change the dates for qualifying by ordinance; and

WHEREAS, the City Council desires to adopt an ordinance setting the City's candidate qualifying period for municipal elections from noon on the first Tuesday in November through noon on the second Tuesday in November in the calendar year proceeding the municipal election; and

WHEREAS, the City Council believes that this ordinance is in the best interest of the City and serves a valid public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AS FOLLOWS:

SECTION 1. The foregoing recitals are hereby fully incorporated herein by reference as true and correct and as the legislative findings of the City Council.

SECTION 2.

The Charter of the City of Greenacres, Article IV, "Elections", Section 4, "Elections, Qualification of Candidates", is amended to read as follows (underlined language is being added; strikethrough language is being deleted):

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Section 4. – Elections, Qualification of Candidates.

Only an elector of the City may qualify as a candidate for elective City office. In order to qualify, he or she shall file with the City Clerk no earlier than noon on the first Tuesday in November ~~December~~; not later than noon on the second ~~third~~ Tuesday in November ~~December~~ a notice specifying the office to which he or she aspires and the voting district from which he or she is running. Candidates for the office of Mayor can be a resident of any district within the City. Voting for the office of Mayor shall be City-wide. No member of Council shall be eligible to qualify for a Council seat if that member has served three (3) consecutive four (4) year terms immediately prior to the term that member is seeking to run; however, such Councilmember is not prohibited from qualifying for the Mayor's office. The Mayor shall not be eligible to qualify for the Mayor's office if the Mayor has served three (3) consecutive four (4) year terms immediately prior to the term the Mayor is seeking to run; however, the Mayor is not prohibited from qualifying for a Council seat. The candidate shall submit a nonrefundable filing fee amounting to fifty dollars (\$50.00) plus the percentage of the annual salary for the election assessment to be deposited in the Elections Commission Trust Fund, in accordance with Chapter 99, Florida Statutes 99.092, for the office sought at the time of filing. Each candidate shall be a resident of the district seat to which he aspires.

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SECTION 3. Severability

The provisions of this Ordinance are declared to be severable 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, and 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 3. Repeal of Laws in Conflict

All Charter provisions or parts of Charter provisions and all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3. Codification

The sections of the ordinance may be made a part of the City's Charter and may be re-numbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "division", or any other appropriate word.

SECTION 4. Effective Date

This Ordinance shall be effective immediately upon adoption at second reading.

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Passed on the first reading this 2nd day of August 2021.

PASSED AND ADOPTED on the second reading this 16th day of August 2021.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
John Tharp, Deputy Mayor

Voted:
Peter Noble, Council Member, District II

Voted:
Judith Dugo, Council Member, District III

Voted:
Jonathan G. Pearce, Council Member, District IV

Voted:
Paula Bousquet, Council Member, District V

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney