

ORDINANCE 2023-34

AN ORDINANCE OF THE CITY OF MADEIRA BEACH FLORIDA PROVIDING FOR BALLOT TITLE, BALLOT QUESTION AND TEXT FOR PROPOSED REFERENDUM QUESTION TO BE PLACED ON MARCH 19, 2024 ELECTION BALLOT; PROVIDING FOR AN AMENDMENT TO THE CHARTER CHANGING THE QUALIFYING PERIOD TO THE FIRST FULL WEEK IN DECEMBER INSTEAD OF THE FIRST TWO FULL WEEKS IN DECEMBER; PROVIDING FOR THE ELECTION DATE; PROVIDING FOR COORDINATION WITH THE PINELLAS COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, the **BOARD OF COMMISSIONERS** has considered and reviewed the proposed Charter amendment, received public comment through at least two (2) public hearings on the proposed referendum ballot question; and

WHEREAS, the **BOARD OF COMMISSIONERS** has determined that it is in the best interest of the residents of the City to allow voters the opportunity to vote at referendum on whether to amend the Charter, through adoption of this Ordinance and the submittal of this Charter amendment to the citizens for voter approval pursuant to §166.031, Florida Statutes; and

WHEREAS, the **BOARD OF COMMISSIONERS** has determined that the adoption of this Ordinance is in the best interest of the residents of the City of Madeira Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AS FOLLOWS:

Section 1. BALLOT QUESTION. The following measure shall be placed on the General Election ballot for March 19, 2024 to be voted upon by the qualified electors of the City of Madeira Beach, Florida and this amendment shall become effective immediately upon approval by a majority of the electors voting on this referendum question:

**City of Madeira Beach
No. 1 Charter Amendment**

Amend qualifying period to the first full week in December.

This charter amendment would amend Section 3.3(A) of the Charter to change the Candidate Qualifying Period to the first full week in December instead of the first two full weeks in December. Should the Charter be amended?

Yes
No

Explanation:

Amended Charter text (underline and ~~strikethrough~~):

Section 3.3 – Nomination of Board of Commissioners.

(A) *Filing.* Every person who shall desire to become a candidate for nomination under the provisions of this Charter to the office of Mayor and District-Commissioner, shall qualify to become such candidate by filing with the City Clerk during the candidate qualifying period held during the first full week in December, excluding weekends, beginning at Noon on Monday, the first day of the qualifying period and ending at Noon on Friday, the last day of the qualifying period. Under no circumstances shall the City Clerk accept any nomination petitions or filing fees after the close of the filing period as stated herein. Every person's application is to have his/her name printed upon the ballot as a candidate for nomination to the office for which he/she aspires, in which application, he/she shall declare from the district he/she is a candidate or so declare if he/she is a candidate for Mayor. All applications shall be accompanied by an affidavit the candidate is an elector and a resident of the City of Madeira Beach, Florida, for one (1) year immediately prior to the date of said application and has been a resident of said district for which he/she declares himself/herself to be a candidate for a period of six (6) months prior to the date of said application. With said application shall be filed a petition which shall indicate prominently the district from which the Petitioner is a candidate, or if he/she be a candidate for Mayor.

Section 2. ELECTION DATE. The following measures shall be placed on the election ballot for March 19, 2024 to be voted upon by the qualified electors of the City of Madeira Beach, Florida and this amendment shall become effective for the candidate qualifying period beginning in December 2024 for the March 2025 Municipal Election.

Section 3. COORDINATION WITH PINELLAS COUNTY SUPERVISOR OF ELECTIONS. The City Clerk of the City of Madeira Beach, Florida is hereby authorized to take and to coordinate all actions necessary with the Pinellas County Supervisor of Elections in order to ensure that the proposed Amendment to the Charter set forth herein, is properly placed on the Referendum Ballot to be held at the Election to be held on March 19, 2024 in Madeira Beach, Florida. This Referendum shall be conducted according to the requirements of law governing Referendum Elections in the State of Florida for Municipal Charter Amendments.

Section 4. EFFECTIVE DATE.

(a) This Ballot Question Ordinance **placing the charter amendment as referendum on the ballot** shall become effective immediately upon passage by the Board of Commissioners and shall be placed on the ballot for a vote of the electorate.

(b) The **charter amendment shall only become effective for the candidate qualifying period beginning in December 2024 upon approval by a majority of the electors voting on the ballot question** in the March 19, 2024 election and shall be incorporated into and become a

part of the Charter. If a majority of those voting vote “no” to such Amendment, the Amendment to the Charter shall not be adopted and that Amendment to the Charter and its provisions as proposed in this Ordinance, shall be of no force or effect.

Section 5. REPEAL OF ORDINANCES IN CONFLICT. Any portion of any ordinance in conflict with the Charter, to the extent of such conflict, is hereby repealed and compliance is required with the Charter as may be amended by the voters.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, THIS _____ day of _____, 2023.

James “Jim” Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____