ORDINANCE NO: 2026-04

AN ORDINANCE OF THE CITY OF BARTOW, FLORIDA, RELATING TO ELECTIONS AND THE TERMS OF OFFICE OF CITY COMMISSIONERS; AMENDING SECTION 34-2 OF THE CODE OF ORDINANCES; ESTABLISHING DATES FOR THE QUALIFYING PERIOD FOR THE ELECTION OF CITY COMMISSIONERS; EXTENDING THE CURRENT TERMS OF OFFICE OF SITTING COMMISSIONERS TO CORRESPOND WITH RECENT AMENDMENTS TO THE CITY CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Fla. Stat. §166.021 (2025), the City of Bartow, Florida ("CITY") has the power to enact legislation concerning any subject matter upon with the State Legislature may act, except when expressly prohibited by law; and

WHEREAS, specifically pursuant to Fla. Stat. §166.021(4) (2025), the CITY may make updates to the selection of election dates and qualifying periods for candidates and for changes in terms of office necessitated by such changes in election dates; and

WHEREAS, pursuant to Fla. Stat. §100.365(2) (2025), the CITY may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes; and

WHEREAS, in April 2026, the electors of the City of Bartow approved 4 separate amendments to the City Charter related to the timing of elections for City Commissioner, the length of terms of office for City Commissioners, the timing of any necessary run-off elections and the annual section of a Mayor; and

WHEREAS, Section 34-2 of the Code of Ordinances sets forth the terms and conditions for qualifications for candidates for City Commission, and the timing of and deadlines for applications for office must be submitted to the City Clerk; and

WHEREAS, as a result of the recently approved amendments to the City Charter, it is necessary to make the appropriate amendments to the Code of Ordinances, and to extend the terms of office of the

currently sitting City Commissioners to align with the new schedule of elections which will now occur in the November election cycle during odd-numbered years;

NOW THEREFORE

BE IT ENACTED BY THE PEOPLE OF THE CITY OF BARTOW:

SECTION 1. This ordinance shall be commonly known as the "City Commissioner Term of Office and Qualifying Ordinance of 2026" and may be so cited.

SECTION 2. Chapter 34 of the Code of Ordinances shall be revised and modified, as set forth in Exhibit 'A' to this ordinance, a copy of which is attached hereto and incorporated herein, such copy consisting of one (1) numbered pages. In accordance with §166.041(2), Florida Statutes, added language to existing code provisions shall be underlined and deleted language from existing code provisions shall be ~~stricken through~~.

SECTION 3. Pursuant to the newly approved Charter amendments, and the authority of Fla. Stat. §166.021 (2025) and Fla. Stat. §100.365 (2025), the terms of office for the currently sitting City Commissioners are hereby extended to align with the newly approved election schedule, as follows:

Seat 1 (At Large) – Tanya Tucker – Term extended to January 3, 2028

Seat 2 (Central District) – Laura Simpson – Term extended to January 3, 2028

Seat 3 (North District) – Trish Pfeiffer – Term extended to January 7, 2030

Seat 4 (At Large) – Gary Ball – Term extended to January 7, 2030

Seat 5 (East District) – Leo E. Longworth – Term extended to January 7, 2030

SECTION 4. All existing ordinances of the City of Bartow in conflict with this ordinance are repealed to the extent necessary to give this ordinance full force and effect.

SECTION 5. If any provision or portion of this ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining portions, provisions, and regulations of this ordinance shall remain in full force and effect.

SECTION 6. Any scrivener's error created as a result of the passage of this ordinance may be

corrected by City of Bartow staff, without further legislative action, so long as the intent of this ordinance is preserved, by filing a revised copy thereof with the City Clerk's office with the terms "Staff Revised" and the revision version number in the style of the ordinance.

SECTION 7. It is the intent of the City Commission that the provisions of Exhibit 'A' to this ordinance shall be codified as and become and be made a part of the permanent Code of Ordinances of the City of Bartow. The provisions of Exhibit 'A' to this ordinance may be renumbered or relettered to accomplish such intention and the word "ordinance", or similar words, may be changed to "section," "article", or other appropriate word. Further, it is the intent of the City Commission that the implementing and instructional sections of this ordinance, Sections 1 through 8, shall not be codified. The Code codifier is granted liberal authority to codify the provisions of Exhibit 'A' to this ordinance, including the authority to modify cross-references as he or she may see fit to capture the intent of this ordinance.

SECTION 8. This ordinance shall take effect upon final passage.

INTRODUCED AND PASSED on first reading at the Regular meeting of the City of Bartow City Commission held this 18th day of May, 2026.

PASSED AND ADOPTED on second reading at the Regular meeting of the City of Bartow City Commission held this 1st day of June, 2026.

{Note: the remainder of this page is left intentionally blank, with a signature page to follow}

CITY OF BARTOW

Tanya Tucker, Mayor

ATTEST:

Jacqueline Poole, City Clerk

APPROVED AS TO FORM:

Sean R. Parker, City Attorney

APPROVED AS TO SUBSTANCE:

Mike Herr, City Manager

EXHIBIT "A"

Sec. 34-2. - Qualifications of candidates for city commission.

The qualification period for candidates for the city commission shall commence at 9:00 a.m. on Monday of the first full week of ~~February~~ September and shall end at 5:00 p.m. on Friday of that week. Every person who shall become a candidate for nomination in the regular election shall qualify to become such candidate by filing with the city clerk, during the qualification period, his or her application to have his or her name printed on the ballot as a candidate and stating the seat to which the applicant seeks election. The application shall be in a form adopted by resolution by the city commission. All applications shall be accompanied by an affidavit that the candidate is a qualified elector of the city; that he or she has been a resident of the city continuously for 18 months immediately preceding the date of commencement for the term of office for which he or she seeks election; that he or she will hold no public office except for that of notary public, an officer in the national guard, or an officer in the organized reserve of the armed forces of the United States, upon the commencement of the term of office for which he or she seeks election; that he or she has not become and is not a candidate as a nominee or representative of any political party, or any committee or convention representing or acting for any political party; and if the candidate is seeking election to seat 2, 3 or 5 on the city commission, that he or she resides in the required district of the city, as depicted on the following diagram A, city commissioner residence districts.

ITEM NO. 10.c

CITY OF BARTOW, FLORIDA

TO: Honorable Mayor and City Commissioners, City of Bartow City Commission

THROUGH: Mike Herr, City Manager

FROM: Sean R. Parker, City Attorney

DATE: May 14, 2026

SUBJECT: **City Commissioner Term of Office and Qualifying Ordinance of 2026**
Consider on First Reading and approve Second Reading the City Commissioner Term of Office and Qualifying Ordinance of 2026 (Ordinance 2026-04) to update terms of office and update Chapter 34 of the Code of Ordinances

SUMMARY AND BACKGROUND

As the Commission is aware, there were 4 proposed Charter amendments placed on the April 2026 ballot, all having to do with the mechanics of shifting the election cycles for City Commission seats to the November cycle in odd-numbered years. All of the proposed amendments were approved by the voters, including the move to November, creating 4-year terms instead of 3, and other mechanical items to align everything with the new cycle of elections. That approval now prompts the need to extend the terms of office for the current sitting Commissioners and make other administrative changes to align everything with the new cycle.

STAFF ANALYSIS

The proposed change to Chapter 34 of the Code is an update to the timing of qualification. Instead of a February qualification week, setting up an April election, we will now have a September qualifying week, setting up a November election cycle. The other significant update in this ordinance is the extension of the current terms of office for all 5 Commissioners, so that your current terms match up with the new election cycles. Since you will now have the installation of new Commissioners and selection of a Mayor in January, your terms will run through that first meeting in January of the given years. The updated terms are as follows:

Seat 1 (At Large) – Tanya Tucker – Term extended to January 3, 2028

Seat 2 (Central District) – Laura Simpson – Term extended to January 3, 2028

Seat 3 (North District) – Trish Pfeiffer – Term extended to January 7, 2030

Seat 4 (At Large) – Gary Ball – Term extended to January 7, 2030

Seat 5 (East District) – Leo E. Longworth – Term extended to January 7, 2030

This extension of terms is authorized in both Chapters 100, and 166 of the Florida Statutes, as further cited in the Ordinance.

FISCAL IMPACT

The City should enjoy savings through the combination of less frequent elections, and consolidation with other cities on the odd-numbered year, November cycle.

RECOMMENDATION

City Staff recommends the City Commission consider on First Reading and then approve on Second reading, after a proper public hearing, the changes proposed to Sections 34-2 of the Code of Ordinances, and the appropriate extensions of terms of office for all City Commissioners.

ATTACHMENTS

ORDINANCE NO: 2026-04

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With attachment