ORDINANCE NO. 2025-25

AN ORDINANCE RELATING TO THE CHARTER OF THE CITY OF BARTOW, FLORIDA; PROPOSING FOUR AMENDMENTS TO THE CHARTER OF THE CITY OF BARTOW; SPECIFICALLY TO MODIFY SECTION 2.02 RELATING TO THE TERMS OF OFFICE OF CITY COMMISSIONERS; TO MODIFY SECTION 2.03 RELATING TO THE TIMING OF ELECTIONS; TO MODIFY SECTION 2.05 RELATING TO THE SELECTION OF A MAYOR; AND TO MODIFY SECTION 4.06 RELATING TO THE SCHEDULE OF CITY ELECTIONS; PROVIDING THAT UPON FINAL PASSAGE OF THE ORDINANCE FOR THE PROPOSED AMENDMENTS TO BE PLACED ON THE BALLOT AT THE NEXT CITY ELECTION FOR A VOTE OF THE ELECTORS OF THE CITY OF BARTOW; PROVIDING FOR AN EFFECTIVE DATE UPON FINAL PASSAGE.

WHEREAS, in 2009, electors of the City of Bartow, Florida adopted the *Charter of the City of Bartow*, and the same has been amended from time to time as needed, and most recently pursuant to the convening of the Charter Review Committee resulting in proposed changes as documented in Ordinance 2022-21; and

WHEREAS, Section 5.01 of the *Charter of the City of Bartow* permits amendment of the *Charter of the City of Bartow* by the method established in general law, and

WHEREAS, Subsection 166.031(1) of the Florida Statutes states "***The governing body of a municipality may, by ordinance, or the electors of a municipality may, by petition signed by 10 percent of the registered electors as of the last preceding municipal general election, submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter except that part describing the boundaries of such municipality. The governing body of the municipality shall place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election held within the municipality.....***"; and

WHEREAS, the City of Bartow's municipal elections have historically, and by the terms of its current *Charter*, been held on the first Tuesday in April of each year. This timing is similar to that of many other medium to smaller sized cities in Polk County; and

WHEREAS, in 2025, with the election of Melony Bell as the new Supervisor of Elections for Polk

County, several discussions and workshops have been conducted related to the possibility of moving the elections for those municipalities current slated for the April election calendar to the month of November in odd-numbered years. The primarily rationales behind this potential change center upon the potential cost-savings relating to holding the elections during a time when many other cities are also holding elections, and the potential for larger voter turnout to encourage greater participation in local elections; and

WHEREAS, if the electors of the City of Bartow were to approve moving the election cycle to the November elections of odd-numbered years, that would also necessitate a change in the terms of office of the City Commissioners from an odd-numbered term (currently 3 years) to an even numbered term and staggered such that the terms of office would align with the new election cycle, if approved; and

WHEREAS, the City Commission of the City of Bartow finds it in the best interests of its citizens to initiate an ordinance proposing an amendment to the *Charter of the City of Bartow* to provide for more efficient elections, encourage greater voter turnout, and align terms of office with many of our neighboring cities to accomplish these goals;

NOW THEREFORE, be it enacted by the people of the City of Bartow:

SECTION 1: This Ordinance proposes charter amendments and ballot questions to be proposed to the people of the City of Bartow in referendum for approval. The operative section or sections of this Ordinance, if approved by the people of the City of Bartow in referendum, shall become effective in accordance with Section 7 herein.

SECTION 2: This Ordinance contains four single-subject proposals to amend the *Charter of the City of Bartow.* Each is divided into the proposed amendment to the city's charter using <u>underlined</u> text for language additions and ~~strikethrough~~ text for language deletions. Each proposal to amend also contains ballot title and a ballot summary of the amendment consisting of an explanatory statement not exceeding 75 words in length, as required by § 101.161(1) of the Florida Statutes (2025).

SECTION 3: Amendment Number 1:

Section 2.02 of the *Charter of the City of Bartow* shall be amended to read as follows:

Sec. 2.02. – Composition, number, term, qualifications.

The city commission shall consist of five electors of the city, elected at large. A commissioner shall hold office for a term of ~~three~~ four years to begin with the first commission meeting in ~~May~~ January following the regular municipal election. Only qualified electors of the city with a minimum of eighteen consecutive months of prior residence in the city as of the qualifying deadline that meet such other requirements as may be established by ordinance shall be eligible to be members of the city commission. Each seat on the commission shall be numbered, one through five. Candidates for seats two, three and five must reside in districts of the city, such districts to be established by ordinance. Each commissioner shall serve until his or her successor is duly elected and inducted.

Ballot Title for Amendment Number 1:

Terms of Office for City Commissioners

Ballot Summary for Amendment Number 1:

Revises the term of office for a city commissioner from three years to four years in order to align terms with an election cycle in November of odd-numbered years. Revises the timing of formally taking office from May to January.

Shall the above Charter Amendment be adopted?

YES _____

NO _____

SECTION 4: Amendment Number 2:

Section 2.03 of the *Charter of the City of Bartow* shall be amended to read as follows:

Sec. 2.03. – Election of commissioners.

The regular election of city commissioners shall be held on the first ~~Tuesday in April~~ Tuesday following the first Monday of November of each odd-numbered year commencing in the year 2027, in the manner provided for in Article IV of this Charter. If a run-off election is required by Article IV of this Charter, the run-off election shall be held on the first Tuesday of the following ~~May~~ December. No election shall be required to be held for an open seat if only one eligible elector duly qualifies for that seat's candidacy during the applicable qualifying period.

Ballot Title for Amendment Number 2:

Election Dates for City Commissioners

Ballot Summary for Amendment Number 2:

Revises the dates for city elections from every April, to November of odd-numbered years starting in 2027.

Shall the above Charter Amendment be adopted?

YES _____

NO _____

SECTION 4: Amendment Number 3:

Section 2.05 of the *Charter of the City of Bartow* shall be amended to read as follows:

Sec. 2.05. – Mayor.

(a) *Selection.* At its first meeting in ~~May~~ January of each year, the city commission shall elect from its membership a mayor and vice-mayor. The mayor and vice-mayor shall serve at the pleasure of the commission.

Ballot Title for Amendment Number 3:

Timing of Selection of Mayor

Ballot Summary for Amendment Number 3:

Revises the timing of the annual selection of a Mayor and Vice-Mayor to align with the change of election dates to November of odd-numbered years. Aligns the selection of Mayor and Vice-Mayor with the updated 4-year terms of office with the formal taking of office to occur in January.

Shall the above Charter Amendment be adopted?

YES _____

NO _____

SECTION 6: Amendment Number 4:

Section 4.06 of the *Charter of the City of Bartow* shall be amended to read as follows:

Sec. 4.06. – Schedule.

(a) *Regular.* The regular election of city commissioners shall be held on the first ~~Tuesday in April~~

Tuesday following the first Monday of November of each odd-numbered year commencing in the year 2027. At all elections the candidate receiving a majority of the votes cast for the seat voted upon shall be elected. In the event that more than two candidates run for any particular seat and the candidate receiving the highest votes does not receive a majority of the votes cast, then in such event the two candidates receiving the highest number of votes cast will have a run-off election to determine the winner by a majority of the run-off votes cast. The run-off election shall be held on the first Tuesday of the following ~~May~~ December. In any election between two candidates for a seat, if there is a tie vote for the winner the tie shall be resolved by drawing lots.

Ballot Title for Amendment Number 4:

Schedule of Elections

Ballot Summary for Amendment Number 4:

Revises the schedule of elections from the April cycle to the November cycle in odd-numbered years. Updates the provisions for any necessary run-off election to be moved from May to December.

Shall the above Charter Amendment be adopted?

YES _____

NO _____

SECTION 7: After final passage of this Ordinance, each of the proposed amendments shall be placed on the ballot for a vote of the electors at the next general election held within the City of Bartow. The City Manager, City Clerk, and City Attorney are instructed to take all administrative actions necessary to ensure the same. In accordance with § 166.031(2) of the Florida Statutes (2025), each of the provisions of this Ordnance amending the City Charter in Sections 3, 4, 5 and 6 shall only take effect upon adoption and approval of the amendment by a majority of the electors voting in referendum. The effective date of each section of this ordinance containing an approved amendment to the City's Charter shall be the date of the referendum election where such approval was given.

INTRODUCED AND PASSED on first reading at the Regular meeting of the City of Bartow City Commission held this 15th day of December, 2025.

PASSED AND ADOPTED on second reading at the Regular meeting of the City of Bartow City Commission held this 5th day of January, 2026.

ATTEST:

City Clerk

CITY OF BARTOW:

Mayor

Approved as to correctness and form:

City Attorney

Approved as to substance:

City Manager

CITY OF BARTOW, FLORIDA

TO:	Honorable Mayor and City Commissioners
THROUGH:	Mike Herr, City Manager
FROM:	Sean R. Parker, City Attorney
DATE:	January 5, 2026
SUBJECT:	**Consideration and Approval of Ordinance 2025-25 – Charter Update Ordinance of 2025**

SUMMARY

Shortly after new Supervisor of Elections, Melony Bell, was elected and took office, the topic of municipal elections became a discussion among the SOE office and many municipalities that currently have elections in April. The general gist of the conversation is the possibility of moving those with April election cycles to the November cycles in odd-numbered years, to algin with several other Polk municipalities on the more traditional "election day." Some of the rationale is centered on cost efficiency of having one major municipal election cycle every other year, as opposed to having one every year. The other big rationale is the hope for improved voter turnout. Historically, turnout for April elections is very low. The hope of moving more elections to November is to increase awareness and hopefully have higher turnout.

BACKGROUND

The Supervisor and her staff have held conversations, luncheons, workshops, etc. to provide data and information to the various "April" municipalities. Bartow enjoyed a visit from Supervisor Bell back in October of 2025. She indicated her thoughts regarding the pros and cons of the two cycles. While she is not mandating any particular schedule, she does see great benefit of moving to the November cycle. However, she said the ultimate decisions are up to each local government.

Bartow has traditionally held elections in April, and that is currently codified in the City's Charter. If a change is to be made, it will require amending the City Charter – which leads to the consideration of this proposed ordinance. The ordinance, if approved, would move the proposed Charter amendments forward to be considered by the voters of Bartow at the April 2026 election date.

STAFF ANALYSIS

In order to effect the necessary Charter changes related to this topic – there are 4 separate sections of the City's Charter that require a change. Those are spelled out in the ordinance and are all related to updating the election date to the November cycle. This impacts when new commissioners would formally take office (January as opposed to May) and when the commission would take up the question of Mayor and Vice-Mayor (January as opposed to May).

Most notably, the other issue at hand when considering a November of odd-numbered years election cycle, is the term of office for a commissioner. For a long time the City has had 3-year terms, which results in at least one seat being up for election every year. In order to move to a November of odd-numbered years cycle, it is necessary to move to an even numbered length of term, and 4 years makes the most sense.

A logical question becomes "what happens to the current commissioners and current 3-year terms?" The answer is fairly simple and is rooted in statute. Florida Statute §166.021 (2025) gives the commission the power to extend existing terms of office as might be necessary to effectuate any changes made to the Charter. If the Charter amendments were to be approved, the Commission would take up the question of extending terms at a later date and the extensions would look something like this:

Simpson and Tucker – Current Terms expire 5-3-2027 – Extend to January 2028
Pfeiffer – Current Term expires 5-1-2028 – Extend to January 2030
Ball and Longworth – Seats up for Election April 2026 – Extend to January 2030

One detail for consideration here is the date of taking office/reorganization meeting. Some cities take office immediately following the November election (December), while others wait until the first meeting in January. The suggestion here is to go with January which would leave the December window open for the potential need for a run-off election.

Also for consideration by the Commission is the question of whether or not to approve these proposed changes at all. You may recall that the Florida Legislature had a bill in 2025 that would have mandated that all municipal elections align with the November cycles in even-numbered years. That bill failed but there is talk of it coming back again. If that were approved, we would have to modify the Charter in response to it, and it would be the flip side of what is being proposed here in this ordinance.

Also of note is how other local municipalities are reacting to this topic. At last check, the City of Lake Alfred was moving forward with a proposed change to the November cycle. Many others have considered it and have either postponed the decision, continue to discuss it, or have rejected it outright in favor of staying with the April elections.

FISCAL IMPACT If the Commission stays with the April election cycle, there should be no significant fiscal impact insofar as we currently budget for and expend routine election expenses each year. If the Commission were to switch to the November cycle, there would definitely be savings through the combination of less frequent elections and consolidation with other cities and economies of scale by joining in with a larger election slate through the SOE.

RECOMMENDATION

City staff makes no specific recommendation in this instance. This is purely within the purview and discretion of the City Commission and staff will move forward with whatever decisions are made in this regard.

ATTACHMENTS

Ordinance 2025-25