

**ORDINANCE NO. 15-18**

**AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AMENDING CHAPTER 30 “ELECTIONS” OF THE CITY’S CODE OF ORDINANCES TO ADD SECTION 30-9, “REQUIREMENTS FOR QUALIFICATION AS CANDIDATE FOR CITY COMMISSIONER” REQUIRING ONE YEAR CITY RESIDENCY; PROVIDING LEGISLATIVE FINDINGS; INTENT AND PURPOSE; SEVERABILITY; AN EFFECTIVE DATE; AND PUBLICATION ACCORDING TO LAW.**

**WHEREAS**, Article III, Section 3 of the City of Eustis Charter titled “Qualifications of Candidates” currently provides that candidates qualifying for election to one of the seats on the City Commission shall have been an elector of the city and a resident of the city for two (2) years immediately preceding the application; and,

**WHEREAS**, Florida law recognizes one (1) year residency requirements have a reasonable relationship to a legitimate governmental interest and do not infringe on constitutional rights; and

**WHEREAS**, the City Commission of the City of Eustis finds a one (1) year residency requirement would assure that the candidate will be a bona fide resident of the city the candidate seeks to represent, and that the candidate would have resided in the City long enough to know the issues confronting the City, and to be known by the City voters; and,

**WHEREAS**, the City Commission of the City of Eustis finds it is in the best interest of the citizens of the City and promotes the general welfare of the City to modify Chapter 30 of the City of Eustis Code of Ordinances titled “Elections” to add Section 30-9 titled “Requirements for Qualification as Candidate for City Commissioner.” Section 30-9 provides for a one (1) year residency requirement applicable to individuals who qualify as candidates for election to the City Commission, whether in a regular or special election called to fill a vacancy, or by appointment, in the event the residency requirement in Article III, Section 3 of the City of Eustis Charter is held unconstitutional or invalid.

**WHEREAS**, Section 30-9, Requirements for Qualification as Candidate for City Commissioner, shall only take effect if the residency requirement in Article III, Section 3 is deemed invalid or unconstitutional by a court of competent jurisdiction.

**NOW, THEREFORE, THE COMMISSION OF THE CITY OF EUSTIS HEREBY ORDAINS:**

**Section 1. Legislative Findings**

That the above recitals are true and correct and are incorporated herein by reference.

**Section 2.**     **Intent and Purpose**

The intent and purpose of this Ordinance is to provide for a one (1) year bona fide residency requirement for qualified candidates for election or appointment to the City Commission in the event the residency requirement in Article III, Section 3 of the City of Eustis Charter is held unconstitutional or invalid.

**Section 3.**     **Addition of Section 30-9 to the City of Eustis Code of Ordinances**

Section 30-9 of the City of Eustis Code of Ordinances is hereby added in its entirety as follows:

**Sec. 30-9.     Requirements for Qualification as Candidate for City Commissioner**

Candidates qualifying for election or for appointment to fill a vacancy as City Commissioner shall have been a bona fide resident of the City of Eustis for at least one (1) year prior to the date of qualifying for election or for appointment to fill a vacancy. For qualifying purposes, residents of areas that are annexed into the limits of the City of Eustis within one (1) year as of the election qualifying period or appointment shall be considered residents of the City of Eustis and shall be eligible to be a candidate for City Commissioner if they have been a bona fide resident of either the City of Eustis or the annexed area for one (1) year as of the date of qualifying.

**Section 4.**     **Conflict**

All Ordinances or parts of Ordinances in conflict herewith are repealed upon the effective date of this Ordinance.

**Section 5.**     **Severability**

Should any section, subsection, phrase, sentence, clause, provision, or portion of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

**Section 6.**     **Effective Date**

This Ordinance shall take effect immediately on the day the residency requirement in Article III, Section 3 of the City of Eustis Charter is held unconstitutional or invalid by a court of competent jurisdiction.

**PASSED, ORDAINED AND APPROVED** in Regular Session of the City Commission of the City of Eustis, Lake County, Florida, this 20<sup>th</sup> day of October, 2015.

**CITY COMMISSION OF THE  
CITY OF EUSTIS, FLORIDA**

\_\_\_\_\_  
Michael L. Holland  
Mayor/Commissioner

ATTEST:

\_\_\_\_\_  
Mary C. Montez, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

\_\_\_\_\_  
Notary Public – State of Florida  
My Commission Expires: \_\_\_\_\_  
Notary Serial No: \_\_\_\_\_

**CITY ATTORNEY’S OFFICE**

This document is approved as to form and legal content for use and reliance by the City Commission of the City of Eustis, Florida.

\_\_\_\_\_  
City Attorney’s Office

\_\_\_\_\_  
Date

**CERTIFICATE OF POSTING**

The foregoing Ordinance No. 15-18 is hereby approved, and I hereby certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Senior Center, all within the corporate limits of the City of Eustis, Lake County, Florida.

\_\_\_\_\_  
Mary C. Montez, City Clerk