

ORDINANCE NO. 1511

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OVIEDO, FLORIDA, AMENDING ORDINANCE NUMBER 1489 WHICH AMENDED SECTION 3.03.00(D), ELECTION AND TERMS, OF ARTICLE III, LEGISLATIVE, OF THE *CITY CHARTER OF THE CITY OF OVIEDO* TO ESTABLISH QUALIFYING PERIODS FOR CITY ELECTIONS DURING THE WEEK PRIOR TO THE STATE PRIMARY ELECTION DATE; PROVIDING FOR LEGISLATIVE FINDINGS AND PURPOSES; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the *Charter of the City of Oviedo* establishes the regular election of City Council members be held on the first Tuesday after the first Monday in November, in the manner provided by Article III of the *City Charter*; and

WHEREAS, in order to have qualifying for all regular City Council member elections coincide with the state primary election, the City Council finds it is in the best interest of the City to amend the *City Charter* to establish city council member qualifying be the week prior to the state primary election date; and

WHEREAS, Section 100.3605(2), *Florida Statutes*, provides that a governing body of a city is authorized by ordinance to change the dates for qualifying and for the election of members of the governing body and for the orderly transition of office resulting from such date changes; and

WHEREAS, Section 166.021(4), *Florida Statutes*, provides in pertinent part, as follows: "[N]othing in this act shall be construed to permit . . . any changes in a special law or municipal charter which affect . . . the terms of elected officers and the manner of their election except for 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, the Attorney General of the State of Florida has issued a series of opinions that support the action taken in this Ordinance; and

WHEREAS, words ~~stricken~~ in this Ordinance are deletions and words underlined in this Ordinance are additions in those sections in which amendments are being made.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF OVIEDO, FLORIDA, AS FOLLOWS:

Section 1. Legislative Findings, Intent And Purposes.

(a). The recitals (whereas clauses) to this Ordinance are hereby adopted as the legislative findings of the City Council of the City of Oviedo as well as the City staff report and City

Council agenda memorandum relating to this matter as if fully set forth herein.

(b). The City of Oviedo has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

Section 2. **Establishment of Qualification Dates for Candidates.** Section 2 of Ordinance Number 1489 amending Section 3.03.02(d), of the *Charter of the City of Oviedo*, relating to elections and terms of office shall be amended as follows:

Section 3.03.00. Elections, Generally.

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(d) Qualifying for all regular City Council member elections will occur for a five (5) day period which shall be Monday through Friday of the week which is two (2) weeks prior to the State primary election date, beginning at 8:00 a.m. on Monday and ending at noon on Friday of said week; provided, however, that a person in line to qualify at the City Clerk's office at noon on said Friday shall be entitled to submit qualifying papers to the City Clerk. The City Clerk may promulgate administrative rules to implement the provisions of this Section.

Section 3. **Implementing Actions.** The City Clerk is hereby authorized and directed to implement the provisions of this Ordinance by means of such administrative actions as may be deemed appropriate and necessary to include, but not be limited to, the adoption of administrative rules.

Section 4. **Savings.** The prior actions of the City of Oviedo relating to the subject and matters relating to the elections of the City and all provisions modified by this Ordinance are hereby ratified and affirmed.

Section 5. **Conflicts.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 6. **Severability.** The provisions of this Ordinance are declared to be separable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or 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 7. **Codification.** The provisions of this Ordinance shall become and be made a part of the *Code of Ordinances of the City of Oviedo, Florida* and the Sections of 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; provided, however, that Sections 1, 3, 4, 5, 6, 7, and 8 shall not be codified which sections of Ordinance Number 1489 shall, likewise, not be codified.

Section 8. **Effective Date.** That this Ordinance shall become effective immediately upon its passage and adoption.

FIRST READING: _____

SECOND READING: _____

PASSED AND ADOPTED this _____ day of _____, A.D., 2010.

DOMINIC PERSAMPIERE
MAYOR of the City of Oviedo, Florida

ATTEST:

BARBARA J. BARBOUR
CITY CLERK