

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 18-04

AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, CALLING FOR AND ORDERING A BINDING REFERENDUM TO BE HELD IN THE CITY OF BONITA SPRINGS ON AUGUST 28, 2018; TO DETERMINE WHETHER A MAJORITY OF THE ELECTORS ARE IN FAVOR OF A CHARTER AMENDMENT RELATING TO TERM LIMITS; ESTABLISHING THE DATE OF THE ELECTION FOR THE CHARTER AMENDMENT TO BE HELD ON AUGUST 28, 2018; REQUESTING THAT THE LEE COUNTY SUPERVISOR OF ELECTIONS CONDUCT THE ELECTION IN ACCORDANCE WITH THE LAWS AND REGULATIONS; PROVIDING BALLOT LANGUAGE; DIRECTING THAT THE NOTICE OF ELECTION BE PREPARED AND GIVEN; PROVIDING FOR SEVERABILITY, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, the City of Bonita Springs was incorporated on December 31, 1999 with its initial Charter; and

WHEREAS, the City of Bonita Springs City Council has the authority to propose charter amendments by ordinance approved at a referendum of the electors of the City; and

WHEREAS, City Council desires to place on the ballot an ordinance to call for a referendum of the electors of the City proposing to amend the City Charter relating to term limits, to prohibit anyone from serving more than two full terms as Mayor and Council each by only having to be out of office for two years, regardless of when the term of office was held.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

SECTION 1. The City Council hereby calls for and orders the holding of a binding referendum for the qualified electors of the City of Bonita Springs to be held on August 28, 2018 to decide whether a majority of the electors voting therein approve to amend the Charter as proposed. All qualified electors residing in the City of Bonita Springs on the date thereof shall be entitled and permitted to vote in such referendum.

SECTION 2. The date of the referendum shall be August 28, 2018.

- SECTION 3.** The Lee County Supervisor of Elections shall conduct the referendum.
- SECTION 4.** The City of Bonita Springs shall reimburse the Lee County Supervisor of Elections for the cost of the referendum.
- SECTION 5.** The ballot language shall be as follows:

OFFICIAL BALLOT

CHARTER AMENDMENT

CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA

CHARTER AMENDMENT ONE

TERM LIMITS

Amending the Charter to revise provisions relating to term limits: limiting persons elected as Mayor or council members to serving no more than two complete four year terms on the City Council and no more than two complete four year terms as Mayor; deleting the two year out of office provision which permits individuals to qualify for additional terms of office; applying these provisions to current and prior elected mayors or council members.

___ YES

___ NO

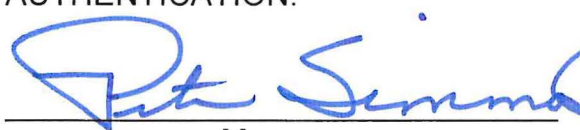
- SECTION 6.** The proposed amendment to the Charter is attached as Exhibit "A" to this Ordinance, and is incorporated into this Ordinance.
- SECTION 7.** The appropriate city officials are hereby authorized and directed to provide public notice of the election in accordance with law.
- SECTION 8.** All ordinances and Charter provisions or parts of ordinances and Charter provisions in conflict with this Ordinance are hereby repealed.
- SECTION 9.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase, or portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 10. This Ordinance shall take effect thirty (30) days from its adoption date.


SECTION 11. The revised Charter provision proposed for approval in this Ordinance shall become immediately effective upon approval at a referendum election of the electors of the City of Bonita Springs, Florida, in accordance with Section 166.031, Florida Statutes, and Section 59 of the Charter providing for Charter amendments. If the electors reject the amendment, the rejected amendment shall not take effect. The City Clerk is hereby directed, upon approval of the proposed Charter amendment and incorporation of the same into the Charter, to promptly file the revised Charter with the Florida Department of State, as required by Section 166.031, Florida Statutes.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Florida this 18th day of April, 2018.

AUTHENTICATION:



Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

Carr	Aye	O'Flinn	Aye
DeWitt	Aye	Quaremba	Aye
Forbes	Aye	Simmons	Aye
Gibson	Aye		

Date filed with City Clerk:

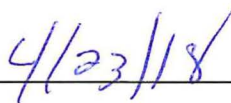


EXHIBIT A

CHARTER REFERENDUM AMENDMENT

The proposed referendum language would amend the City of Bonita Springs City Charter, as shown by strikethroughs to delete existing text and by underlining new text, as indicated below:

Section 13. - Composition of city council, eligibility, elections, terms, term limits.

- (a) There shall be a city council composed of the mayor and six council members. One council member shall be nominated and elected by the voters in each of the six council districts. Each council member, excluding the mayor, must reside in the district they represent. The mayor shall be elected at-large within the city in the manner provided for in this Charter and must reside within the city.
- (b) Only registered voters of the city shall be eligible to hold the office of council member or mayor. Candidates qualifying for any seat on the council shall have been residents and registered voters of the particular district for a minimum of six months immediately preceding the commencement of the term of office and must be a resident of the district they represent during their incumbency. Candidates qualifying for mayor shall have been residents and registered voters of the city for a minimum of six months immediately preceding the commencement of the term of office and must be a resident of the city during their incumbency.
- (c) The regular election of council members and the mayor will be set by ordinance. All council members and the mayor shall serve for terms of four (4) years, as adjusted by election dates. The terms of council members and the mayor shall begin on the date of the certification of their election. Each council member and the mayor will remain in office until a successor is elected certified as being elected to such office. No one shall serve, or but for resignation would have served, more than eight (8) consecutive years, or two (2) complete terms, in the singular position of mayor or council member or more than sixteen (16) consecutive years in serving both positions for two terms. The foregoing limitation shall apply to all current and prior elected Mayor or Council members. ~~, or four (4) complete terms, in any combination of the positions of mayor and council member.~~ The foregoing limitations shall not apply to the succession or election to fill a vacancy in a term of office for a period of less than two (2) years. ~~After two (2) years out of office an individual may qualify for any seat on the city council as a council member or as mayor, however, r~~ Resignation from office that results in such individual being out of office for two (2) years shall constitute a complete term, regardless of the time in office.
- (d) Any elector of the city who wishes to become a candidate for a city elective office shall qualify with the city clerk. Candidates must submit their names and proof of qualification, as described in this Charter and in the applicable provisions of Chapter

99, Florida Statutes, to the office of the City Clerk between the 71st to the 67th business day prior to the election. Proof of qualification includes proof of current address and compliance with the residency requirement. Each candidate shall pay a qualifying fee as set forth in the Florida elections laws for municipal candidates.