

ORDINANCE NO. 2020-2209

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF CHAPTER 7 OF THE NEW PORT RICHEY CODE OF ORDINANCES, PERTAINING TO ELECTIONS; PROVIDING FOR REPEAL OF SECTION 7-1 THEREOF, PERTAINING TO QUALIFICATIONS OF CANDIDATES, AND SECTION 7-17 THEREOF, PERTAINING TO TERMS OF OFFICE OF CITY COUNCIL MEMBERS; PROVIDING FOR THE RENUMBERING OF SECTION 7-1.2 THEREOF, PERTAINING TO QUALIFYING PERIOD; PROVIDING FOR AMENDMENT OF SECTION 7-9 THEREOF, PERTAINING TO CANVASSING OF BALLOTS; PROVIDING FOR ELIMINATION OF THE CITY CANVASSING AND CERTIFICATION BOARDS WHEN THE COUNTY CANVASSING BOARD IS AVAILABLE TO CANVASS CITY ELECTIONS; PROVIDING FOR AMENDMENT OF SECTION 7-16 THEREOF, PERTAINING TO ELECTION RESULTS; PROVIDING FOR DETERMINATION OF WINNERS; PROVIDING FOR SEPARATE QUALIFYING AND ELECTION OF CANDIDATES FOR VACANT CITY COUNCIL POSITIONS, PROVIDING FOR AUTOMATIC ELECTION OF CANDIDATES WHEN QUALIFIED CANDIDATES EQUAL THE POSITIONS AVAILABLE FOR ELECTION, WHETHER AT OR AFTER THE CLOSE OF THE QUALIFYING PERIOD; PROVIDING FOR TIE VOTES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Charter sets forth provisions governing the election of city council members and the mayor of the City of New Port Richey; and

WHEREAS, the City Charter grants authority to the City Council to adopt ordinances pertaining to City elections that do not conflict with the City Charter; and

WHEREAS, provisions of Chapter 7 of the Code of Ordinances of the City pertaining to elections repeat City Charter provisions or conflict with them; and

WHEREAS, provisions of Chapter 7 conflict with the three-year terms of office of City Council positions; and

WHEREAS, the City Council wishes to separate elections to fill vacancies on City Council from regularly scheduled City Council seat elections; and

WHEREAS, the City Code does not provide for tie elections, and automatic election of unopposed candidates, including candidates unopposed due to the death, withdrawal or removal of candidates after the close of the qualifying period as required by state law; and

WHEREAS, the City Code requirement for appointment of a canvassing and certification board for City elections is obviated by the availability of the county canvassing board to canvass

City elections; and

WHEREAS, it is declared as a matter of legislative determination and public policy that the provisions and prohibitions herein are necessary in the public interest; and it is further declared that the provisions and prohibitions herein are in pursuance of and for the purpose of securing and promoting the public health, safety, welfare and quality of life in the City in accordance with the City's police powers.

**NOW, THEREFORE, THE CITY OF NEW PORT RICHEY, FLORIDA
HEREBY ORDAINS:**

Section 1. Chapter 7, Section 7-1, of the Code of Ordinances, pertaining to qualifications of candidates for city council, and providing as follows, is hereby repealed (strikeout text is deleted and underlined text is added):

~~Sec. 7-1. Persons entitled to qualify as candidates.~~

~~Any bona fide resident of the city who is a duly registered elector of the city shall be entitled to qualify as a candidate for elective office in any city election.~~

Section 2. Chapter 7, Section 7-1.2, of the Code of Ordinances, pertaining to qualifying period for city council elections is hereby renumbered as Section 7-1.

Section 3. Chapter 7, Section 7-9, of the Code of Ordinances, pertaining to election canvassing board and poll workers, and providing as follows, is hereby amended as follows (strikeout text is deleted and underlined text is added):

~~Sec. 7-9. - Appointment of certification board, canvassing board and poll workers.~~

The city council, at or before the regular meeting thereof which immediately precedes any city election or in the event of an emergency at any special meeting thereof, shall appoint a certification board, a canvassing board and poll workers to serve in such capacities during the city election. A certification and canvassing board shall not be appointed in any election year if the county canvassing board is available to serve as the canvassing board for that city election.

Section 4. Chapter 7, Section 7-16, of the Code of Ordinances, pertaining to election of the mayor and city council members, and providing as follows, is hereby amended as follows (strikeout text is deleted and underlined text is added):

~~Sec. 7-16. - Election of Mayor-Council Member or City Council Members~~ mayor-councilperson ~~or city council persons.~~

(a) Candidates may qualify in any election for only one of the following offices, to the extent the position is available in said election:

(1) Mayor-Council Member;

(2) City Council Member;

(3) Mayor-Council Member to fill the unexpired term of a vacancy in said office; or

(4) City Council Member to fill the unexpired term of a vacancy in said office.

(b) The candidate for Mayor Council Member, including a candidate who qualifies to fill the unexpired term of a vacancy in said office, mayor-councilperson during even-numbered years who polls the highest number of votes for said office during the city election shall be declared as the winner thereof. The two candidates for City Council Member councilperson during even-numbered years who polls the highest number of votes for said office during the city election shall be declared the winners thereof. During the odd-numbered years, the three (3) candidates who polled the three (3) highest number of votes for office as the result of the city election shall be declared as winners thereof. In the event of a council vacancy election, in the even-numbered years the candidate for City Council Member councilperson who polls the second highest number of votes for said office during the city election shall be declared the winner of the vacant position with the longest remaining unexpired term of office. In the event of a council vacancy election to fill more than one vacancy, during odd-numbered years, the candidate for City Council Member who polls the fourth second highest number of votes for said office during the election shall be declared the winner of the vacant position with the second longest unexpired term remaining, the candidate who polls the third highest number of votes shall be declared the winner of the vacant position with the third longest unexpired term remaining, and the candidate who polls the fourth highest number of votes shall be declared the winner of the vacant position with the fourth longest

unexpired term remaining. For purposes hereof, unexpired terms of equal remaining length shall be ranked between them as if they were not equal in length. The plurality method of voting shall govern and control all elections for the office of Mayor-Council Member ~~mayor-councilperson~~ and the offices of City Council Member ~~city councilperson~~ in this city.

(c) In the event the number of candidates qualified for office in any election at the close of the qualifying period is equivalent to the number of available positions for said office in the election, said candidates shall be deemed elected without election. In the event the number of candidates qualified for office in any election after the close of the qualifying period is equivalent to the number of available positions for said office in the election as a result of the death, withdrawal or removal of previously qualified candidates, said remaining qualified candidates shall be deemed elected without election.

(d) In the event two candidates for office in a city election receive the same number of votes, the highest polling candidate of the two shall be determined by a coin flip. In the event more than two candidates for office in a city election receive the same number of votes, the polling rank of the candidates shall be determined by drawing lots.

Section 5. Chapter 7, Section 7-17, of the Code of Ordinances, pertaining to terms of office of the mayor and city council members, and providing as follows, is hereby repealed (strikeout text is deleted and underlined text is added):

~~Sec. 7-17. Terms of mayor-councilperson and city councilpersons.~~

- ~~(a) At the regular municipal election of April 2006, a mayor-council member shall be elected for a term of two (2) years and a city council member shall be elected for term of two (2) years.~~
- ~~(b) At the regular municipal election of April 2007, one (1) city council member shall be elected for a term of two (2) years and two (2) city council members shall be elected for terms of three (3) years.~~
- ~~(c) At the regular municipal election of April 2008, a mayor-council member shall be elected for a term of three (3) years and one (1) city council member shall be elected for a term of (1) year.~~

- ~~(d) Commencing with the regular municipal election of April 2009, and at the regular municipal election three (3) years thereafter, two (2) city council members shall be elected for terms of three (3) years.~~
- ~~(e) Commencing with the regular municipal election of April, 2010, and at the regular municipal election each three (3) years thereafter, two (2) city council members shall be elected for terms of three (3) years.~~
- ~~(f) Commencing with the regular municipal election of April 2010, and the regular municipal election of April 2010, and at the regular municipal election each three (3) years thereafter, a mayor council member shall be elected for a term of three (3) years.~~

~~The terms of all such persons shall commence on the third Tuesday in the month of April when such persons were elected to office. All such elected officials shall hold office until their successors shall have been elected and qualified or until their tenure of office has otherwise been terminated in accordance with law; provided however, that the term of the mayor councilmember and all city council members, including the incumbent mayor council member and city council members shall be limited to three (3) consecutive terms respectively.~~

~~*Definition of term:* For purposes of determining limitations on terms of office as set forth above, a city council member will be deemed to have served a full term of office if that council member has served one (1) year and one (1) day of the term in question. It is the intent to prohibit any individual from serving more than nine (9) consecutive years as an elected city official. This shall not prohibit nonconsecutive terms in excess of nine (9) years in the aggregates.~~

Section 6. Conflict with Other Ordinances and Codes. All ordinances or parts of ordinances of the City of New Port Richey, Florida, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict.

Section 7. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 8. Effective Date. This ordinance shall take effect immediately upon its adoption as provided by law.

The foregoing Ordinance was duly read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 6th day of October, 2020, and read and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 20th day of October, 2020.

ATTEST:

By: _____
Judy Meyers, CMC, City Clerk

By: _____
Robert Marlowe, Mayor-Council Member

(Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE SOLE USE AND
RELIANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA:

Timothy P. Driscoll, City Attorney