ORDINANCE NO. 463

AN ORDINANCE SCHEDULING A VOTE BY THE CITY ELECTORS AT THE NEXT GENERAL ELECTION, PURSUANT TO CITY CHARTER SECTION 5.06 AND CODE SECTIONS 33.01 AND 33.03, TO DETERMINE WHETHER THE CITY CHARTER SHALL BE AMENDED BY ORDINANCE OR VOTE TO ALTER THE GENERAL ELECTION DATES FROM THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY OF NOVEMBER IN ELECTION YEARS TO THE THIRD TUESDAY FOLLOWING THE THIRD MONDAY IN APRIL IN ELECTION YEARS; AMENDING ALL QUALIFYING DATES AND TIMES TO CONFORM TO THE ALTERED ELECTION DATE; AMENDING THE RUN-OFF DATE, SHOULD A RUN-OFF BE NECESSARY, TO THE THIRD TUESDAY AFTER THE THIRD MONDAY OF MAY FOLLOWING THE GENERAL ELECTION; TEMPORARILY AMENDING AND ALTERING THE TERMS OF THE MAYOR AND COUNCIL SO AS TO CONFORM THESE NEW ELECTION DATES TO SUCH TERMS BY EXTENDING THE TERMS FOR SIX MONTHS, INCLUDING THE PRESENT SITTING GROUPS 1,2, AND 3, AND THE NEWLY ELECTED GROUPS 4 AND 5 AS DECIDED BY THIS PRESENT ELECTION; PERMITTING ALL OTHER ELECTION LAWS, FEES, QUALIFICATIONS, AND SCHEDULES TO BE MODIFIED, AS MAY BE NECESSARY, BY ORDINANCE; REPEALING ALL ORDINANCES, CHARTER PROVISIONS, SHOULD THE INITIATIVE PASS BY A MAJORITY VOTE, OR PARTS OF ORDINANCES AND CHARTER PROVISIONS IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mexico Beach, FL wishes to decide by majority vote of the public whether or not the City Council shall adopt by ordinance a change to its Charter and Code relating to the scheduling of its general and run-off elections for its elected officials, namely the Mayor and Council, Groups 1 through 5;

WHEREAS, the City of Mexico Beach wishes to decide by majority vote of the public whether the City Council shall adopt by ordinance a change in the Mayor and Council terms for Groups 1 through 5 in the up-coming general election, Groups 1, 2 and 3 terms to be elected in the April 2005 general election and Groups 4 and 5 to be elected in the November 2003 general election, extending all such specific terms for approximately six months, so that all terms will thereafter remain two-year terms as set forth in the City Charter or amended City Charter;

WHEREAS, the City of Mexico Beach wishes to decide by majority vote of the public whether the City Council shall adopt by ordinance all other necessary changes to the City election provisions so as to comply with the Super Municipal Tuesday Elections in Bay County, Florida;

Whereas, the City of Mexico Beach, FL has determined that it is in the best interest of the City that this ordinance be enacted;

NOW THEREFORE, be it ordained by the City Council of Mexico Beach, Florida that:

Section 1. On the general election day scheduled for November 4, 2003, pursuant to City Charter provision 5.06, an item be placed on the ballot for consideration by the public determining whether the City Council shall be required to alter its Charter and Code by ordinance to change the schedule of its general elections from the First Tuesday in November following the First Monday to the Third Tuesday in April following the Third Monday, as set forth in the ballot question contained in Section 4.

Section 2. On the general election day scheduled for November 4, 2003, pursuant to City Charter provision 5.06, the item placed on the ballot for consideration by the public also contain a provision that should the altered schedule for conducting general elections pass by a simple majority vote, that the terms of the elected officials serving in Groups 1 through 5 shall be temporarily extended approximately six months so as to conform to the new election schedule.

Specifically, the Group 1,2 and 3 terms would not expire in December of 2004 but would continue until expiration on the first Monday in June of 2005 following the April 2005 general election.

The Group 4 and 5 terms, as newly elected in November of 2003, would not expire in December of 2005 but would continue until expiration on the first Monday in June 2006 following the April 2006 general election.

Thereafter, all terms in Groups 1 through 5 shall be for two years as may be set forth in the ordinance.

Section 3. If the ballot questions shall pass by a simple majority vote, which shall be defined as 50% plus one vote of properly registered votes who take part in the general election of November 4, 2003, or other date on which the general election may be held for 2003, then the City Council will by ordinance implement the change in general election dates and make all other changes as may be necessary to fairly effect such new general and run-off election dates, including but not limited to, conforming all qualification periods, run-off dates, term dates, fees, candidate registration dates, voter registration dates, book closing dates, notice dates, absentee voting dates, and related matters.

Section 4. The proposed ballot language shall be the same or consistent with the language set forth below:

" Shall the City of Mexico Beach, Florida Charter and Code change the City's annual General Election date to the Tuesday immediately following the Third Monday in April with any necessary run-off election to be held the Tuesday immediately following the Third Monday in May. These dates correspond with the County-wide "Super Tuesday" dates proposed by the Supervisor of Elections for all municipalities within Bay

County. The City Council's terms shall be amended by extension to conform with these proposed dates.

"Shall the above described amendment and ordinance be adopted?

_____ FOR   _____ AGAINST"

Section 5. All ordinances or laws in the City of Mexico Beach, or parts thereof, in conflict with this ordinance shall be repealed upon passage of the ballot question and proposed ordinance contained therein.
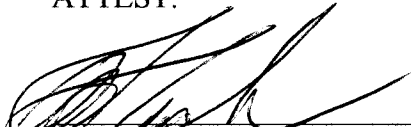
Section 6. This Ordinance shall become effective immediately upon passage.

      INTRODUCED at a Regular Meeting on September 9, 2003, and ADOPTED at a Regular Meeting on October 14, 2003.
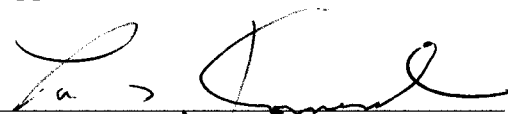
CITY OF MEXICO BEACH, FL

Mayor, Kathy Kingsland

ATTEST:

Clerk, Henry Flack

Approved As To Form:

City Attorney, Paul Komarek, Esq.