

ORDINANCE 2024-05

AN ORDINANCE OF THE CITY OF WAUCHULA, FLORIDA; AMENDING CHAPTER 2, ARTICLE III, OF THE CODE OF ORDINANCES FOR THE CITY OF WAUCHULA, FLORIDA ("CODE OF ORDINANCES"); PROVIDING FOR THE DATES FOR THE PRIMARY AND THE RUN-OFF ELECTIONS FOR THOSE CERTAIN COMMISSION DISTRICT SEATS TO BE FILLED BY ELECTION TO COINCIDE WITH THE FLORIDA PRIMARY AND GENERAL ELECTION DATES; PROVIDING FOR THE PERIOD OF TIME FOR CANDIDATES TO QUALIFY; PROVIDING FOR THE COMMISSION DISTRICT SEATS TO BE ELECTED; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Amended City Charter of 2004 (the "Charter") of the City of Wauchula, Florida, (the "City") contains conflicting language concerning the manner in which the City Commission (the "Commission") of the City establishes the election dates and the qualifying dates in that Sections 5.01(A) and 5.01(B) provide that said dates shall be established by ordinance, and Section 5.01(C) provides that said dates may be established by resolution; and

WHEREAS, the imperative word "shall" prevails over the permissive word "may"; and

WHEREAS, the year 2024 is a year in which federal, state, and county elections are held; and

WHEREAS, in the exercise of its authority, the Commission has determined that it is in the best interest of the public health, safety, and general welfare of the City and its residents to amend Section 2-19 and Section 2-20, Code of Ordinances, as last amended by Ordinance 2022-04, to establish the dates for elections for the office of the City Commission to coincide with the regular federal, state and county elections.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WAUCHULA, FLORIDA THAT:

SECTION 1. The provisions set forth in the recitals to this Ordinance (whereas clauses) are hereby adopted by the Commission as the legislative findings and intent pertaining to this Ordinance.

SECTION 2. AMENDMENT TO SECTION 2-19, CODE OF ORDINANCES. Section 2-19 of the Code of Ordinances of the City of Wauchula is hereby amended as follows:

"Sec. 2-19. - General compliance with laws, ordinances; Setting of Municipal Election Dates.

Except as otherwise provided by this article, all municipal elections held within the City shall be conducted in such manner as may be provided for such elections by the general and the special laws of the State applicable to the City, and the Charter of the City, and the ordinances of the City passed in pursuance of such laws. The provision regarding absentee elections in State law shall be applicable in the City. ~~The elections for the offices of City Commissioner for Commission District Seat 2 and Commission District Seat 4, shall be held to coincide with the national, state and county primary elections beginning in 2022 and continuing for each successive election even numbered election year. In 2022, that primary election is scheduled to be held August 23, 2022, between the hours of 7:00 a.m. and 7:00 p.m. at the polling sites established by the Hardee County Supervisor of Elections for electors of the City of Wauchula, Florida. shall be held as follows:~~

Commission District Seats: 1; 3; and 5:

The election for Commission District Seat 1, Seat 3, and Seat 5 shall coincide with the national, state and county primary elections in each even numbered election year divisible by four.

Commission District Seats: 2; and 4:

The election for Commission District Seat 2, and Seat 4 shall coincide with the national, state and county primary elections in each even numbered election year not divisible by four.

As provided by Section 5.01(A) of the Charter, two (2) or more candidates must become qualified for one or more positions on the Commission to be filled in order to require an election for such position or positions. As provided by Section 5.01(A) of the Charter, if no candidate receives a clear majority of all votes cast for any such position, the two (2) candidates for each place to be filled who received the highest number of votes in the primary election shall be certified as the candidates in a run-off election. If a run-off election is required in this or any other subsequent even numbered year election, it shall be held to coincide with the general federal, state and county elections scheduled to be held on the first Tuesday after the first Monday of November of each even-numbered year. ~~For this year, that date is November 8, 2022, between the hours of 7:00 a.m. and 7:00 p.m. at the polling sites established~~ The dates, times, and locations of polling sites for the national, state and county primary elections and general elections are published by the Hardee County Supervisor of Elections for electors of the City of Wauchula, and the Florida Supervisor of Elections on their respective websites."

SECTION 3. AMENDMENT TO SECTION 2-20, CODE OF ORDINANCES.

Section 2-20 of the Code of Ordinances of the City of Wauchula is hereby deleted in its entirety and replaced as follows:

"Sec. 2-20. — Period for qualifying.

The time for qualifying to run for a City Commission member shall be set to coincide with any regular or special federal, state or county election to be held in the city. ~~Absent extenuating circumstances, generally the time for qualifying shall be from no earlier than noon of the 50th day, and no later than noon of the 46th day, before the general election, but the City Commission may modify this time for qualifying if it determines there are extenuating circumstances.~~ The date and time for qualifying as a candidate for any City Commission District Seat under Section 2.19 above shall be from 12:00 p.m. (noon) on the first Monday in June to 12:00 p.m. (noon) on the following Friday of June ("Qualifying Period") immediately prior to the election. Prior to the commencement of the Qualifying Period, the City Commission may modify the Qualifying Period, by resolution if it determines there are extenuating circumstances, but after the Qualifying Period has commenced, the City Commission may only extend the Qualifying Period to address any such extenuating circumstances. Any person wishing to qualify as a candidate must apply ~~All candidates for any of the above described Commission District Seats in Section 2.19 above shall, for the 2022 municipal elections, qualify between 12:00 p.m. (noon), on Monday, June 13, 2022, and 12:00 p.m. (noon), Friday, June 17, 2022, in person at the office of the City Clerk, 126 South 7th Avenue, Wauchula, FL 33873.~~

SECTION 4. CONFLICTING ORDINANCES. In the event of a conflict with any other City ordinances or parts of ordinances, the provisions of this Ordinance shall control.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase, word or other part of this Chapter is for any reason declared unconstitutional or invalid by any court of competent jurisdiction, such part shall be deemed separate, distinct and independent and the remainder of this Chapter shall continue in full force and effect.

SECTION 6. CODIFICATION. The provisions of this Ordinance shall be included and incorporated within the Code of Ordinances of the City of Wauchula.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective immediately upon adoption.

This ordinance was moved for adoption by Commissioner _____.
The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Russell Graylin Smith
Commissioner Keith Nadaskay, Jr.

Yes No
 Yes No

Commissioner Sherri Albritton
Commissioner Neda Cobb
Commissioner Gary Smith

Yes No
 Yes No
 Yes No

(SEAL)

ATTEST:

CITY OF WAUCHULA, FLORIDA

Stephanie Camacho, City Clerk

By: _____
Keith Nadaskay, Jr., Mayor

APPROVED AS TO FORM:

Kristie Hatcher-Bolin, City Attorney

I HEREBY CERTIFY that the foregoing ordinance was duly passed and adopted on the ____ day of _____, 2024, and that the public hearing for the ordinance was held on the ____ day of _____, 2024.

Stephanie Camacho, City Clerk