

ORDINANCE 2016-05

AN ORDINANCE PROPOSING AMENDMENTS TO THE POLK CITY CHARTER; SETTING A CHARTER AMENDMENT REFERENDUM; CREATING CITY COMMISSION DISTRICTS, DEFINING THEIR BOUNDARIES, AND PROVIDING FOR BOUNDARY CHANGE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN ELECTION IN WHICH QUALIFIED ELECTORS OF THE CITY MAY VOTE FOR OR AGAINST THESE CHARTER AMENDMENTS; PROVIDING FOR A BALLOT QUESTION; PROVIDING FOR PUBLIC NOTICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:

SECTION 1. SETTING OF CHARTER AMENDMENT REFERENDUM. The City Commission hereby calls for and orders the holding of a binding referendum for the qualified electors of Polk City at the next municipal election date scheduled for Polk City to decide whether a majority of the electors participating approve to amend the Charter. All of the qualified electors residing in Polk City shall be entitled and permitted to vote in such referendum.

SECTION 2. CREATION OF CITY COMMISSION DISTRICTS; INITIAL DISTRICT BOUNDARIES ESTABLISHED; DISTRICT BOUNDARY AMENDMENTS. Article III, § C-6 of the Polk City Charter is hereby amended to read as follows:

§ C-6. Election and qualification of members; Commission Districts, Boundaries, and Boundary Changes.

A. Setting of Regular Election. The regular election of the City Commission shall be held on the first Tuesday of April, starting in the year 2004 and will continue to occur every (2) two years on even numbered years. The dates/days of municipal elections and any future changes shall be designated by ordinances ~~or resolutions~~ adopted by the Commission.

B. Commissioners. There shall be five (5) ~~Council Members~~ Commissioners, four of whom shall ~~each~~ be elected from and representing the district in which he or she resides, and with one Commissioner elected from and representing the City at large regardless of the district in which he or she resides. To qualify, all candidates for the Commission ~~who~~ shall be qualified electors of the ~~town~~ City. No person shall be qualified to run for election as City ~~Council Member~~ Commissioner unless he/she has first been a full-time resident of the ~~town~~ City six (6) months prior to the election for the ~~council~~ Commission position to be filled.

C. Staggered Elections. Beginning with the 2018 election, election for the office of Commissioner for District Seat Nos. 1, 3, and 5 (the at large seat) shall be held on

the first Tuesday of April in even-numbered years, and election for District Seat Nos. 2 and 4 shall likewise be held in even-numbered years two (2) years following the election for Seat Nos. 1,3, and 5. Election shall be for a four-year term for all Commission seats. Candidates shall run for the District 1, 3 and 5 seats initially in the 2018 election, and thereafter candidates shall run for the District 2 and 4 seat in the 2020 election.

D. Initial Designation of Districts. There shall be four districts within the City, the boundaries of which are as outlined below, to be designated as District One (1), District Two (2), District Three (3), and District Four (4). The Commissioners elected from and representing these districts shall hold District Seats one to four respectively. All land within the jurisdictional boundaries of Polk City is hereby divided into four commission districts, the boundaries of each district being described as follows:

District 1: Being that part of said city bounded on the east by Carter Boulevard and on the south by Interstate Highway 4, and on the north by Commonwealth Avenue (SR 33), and extending westerly to the city limits line, and also including those city electors residing on both sides of State Road 33 that lie west of Lake Margaret Boulevard extending to the city limits line, and those city electors residing north of Mt. Olive Road, south of Interstate Highway 4, extending easterly and westerly to the city limits line;

District 2: That part of said city bounded on the west by Carter Boulevard, on the north and east by Honey Bee Lane, on the south by the southern city limits adjacent to Clearwater Lake Drive, and including those lying south of the northern line of Section 5E just north of Larkspur Lane, west of Lake Agnes, north of Post Road, and east of a line extending south from the southern terminus of Carter Boulevard to Daniels Way, and those city electors residing east of Berkeley Road, south of Post Road, north of Interstate Highway 4, and west of Lake Agnes;

District 3: That part of said city bounded on the south by Commonwealth Avenue (State Road 33), bounded on the east by Ivy Land Road and the parcels on the eastern side of Citrus Grove Blvd N., and extending westerly and northerly to the city limits lines;

District 4: That part of said city bounded on the south by the northern line of Section 5E just north of Larkspur Lane, on the west by Lake Agnes, on the east by Honey Bee Lane, and on the north by State Road 33; continuing easterly with the northern boundary of State Road 33 and a southern boundary of Lake Agnes, including the northern extent of the city limits bounded on the west by Ivy Land Road, extending easterly and southeasterly to the city limit lines

E. Districting commission. No less than once every ten (10) years the city commission shall review the need for redistricting the commission districts within the city. Should the city commission find that said redistricting or adjustment of district boundaries is necessary, the commission may appoint five (5) qualified electors of the city who shall comprise the districting commission. Electors chosen shall not be employed by the city in any other capacity. Two (2) electors shall be chosen from each

district as proposed by the district commissioner and one elector shall be proposed by the mayor.

F. Report; specifications. Within one hundred twenty (120) days of appointment, the districting commission shall file with the official designated by the commission a report containing a recommended plan for adjustment of the commission district boundaries to comply with these specifications:

(1) The districts shall be based upon the principal of equal and effective representation as required by the United States Constitution and as represented in the mathematical preciseness reached in the legislative apportionment of the state;

(2) The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the designated official, the report shall be treated as an ordinance introduced by a commission member.

G. Support. It shall be the responsibility of the city manager to provide staff assistance and technical data to the districting commission.

H. Procedure. The procedure for the commission's consideration of the report shall be the same as for other ordinances, provided that if any summary of the ordinance is published pursuant to the Charter and general law, it must include both the map and description of the recommended districts.

I. Failure to enact ordinance. The commission shall adopt a redistricting ordinance at least ninety (90) days before the next regular city election, provided that the report of the districting commission is received by the commission at least one hundred fifty (150) days before the said next regular city election. If the commission fails to enact a redistricting ordinance at least ninety (90) days before the next regular city election, the report of the districting commission shall go into effect and have the effect of an ordinance. Should the districting commission's report not be received before the one hundred fifty (150) days before the next regular city election, then the commission shall not be required to adopt a redistricting ordinance until ninety (90) days prior to the next regular city election following the year in which the report was received. If the commission fails to adopt the ordinance ninety (90) days prior to the next election, the report shall automatically become effective.

J. Effect of enactment. The new commission districts and boundaries, as of the date of enactment, shall supersede previous commission districts and boundaries for all the purposes of the next regular city election, including qualifications. The new districts and boundaries shall supersede previous districts and boundaries for all other purposes as of the date on which all commission members take elected office subsequent to the date when the new districts went into effect.

SECTION 3. PROPOSED BALLOT LANGUAGE. The questions to be submitted to the electors shall appear on the ballot as follows:

**CHARTER AMENDMENT #1
ARTICLE III, SECTION C-6**

**CREATING FOUR COMMISSION DISTRICTS, DESIGNATE AN AT LARGE
COMMISSION SEAT, ESTABLISH INITIAL BOUNDARIES, AND CREATE A
PROCESS FOR CHANGING BOUNDARIES**

This amendment proposes to create four Commission districts, designate an At Large Commission seat, establish initial district boundaries, and create a process for changing district boundaries.

Question – Shall the above-described amendment be adopted?

YES for Approval
NO against Approval

[26 words]

SECTION 4. PUBLIC NOTICE. The City Manager/City Clerk, or designee, is hereby authorized and directed to provide public notice of the election in accordance with law.

SECTION 5. SEVERABILITY. If any portion or portions of this Ordinance are declared to be invalid, the remaining portions shall have the same force and effect as though such invalid portion or portions had not been included.

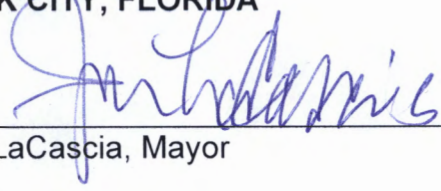
SECTION 6. CONFLICT. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effective in accordance with general law. The Charter amendments set forth in this Ordinance shall not take effect unless approved by a majority of the qualified electors of the City of Polk City voting in an election to be called and held for that purpose on the ____ day of _____, 2016.

PASSED ON FIRST READING this 17th day of October, 2016.

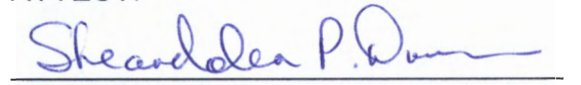
PASSED ON SECOND READING this 21st day of November, 2016.

POLK CITY, FLORIDA



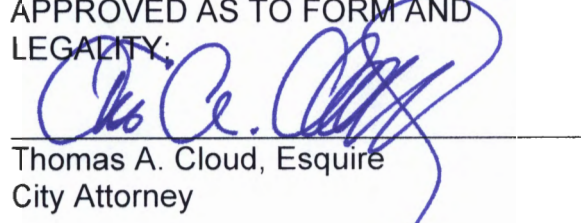
Joe LaCascia, Mayor

ATTEST:



Sheandolen P. Dunn, Deputy City Clerk

APPROVED AS TO FORM AND
LEGALITY:



Thomas A. Cloud, Esquire
City Attorney

