

ORDINANCE 2022-01

AN ORDINANCE OF THE CITY COMMISSION OF POLK CITY, FLORIDA, AMENDING THE POLK CITY CODE OF ORDINANCES (THE "CITY CODE") CREATING CHAPTER 9 IN THE CITY CODE; CREATING A CITY ELECTION CODE; AMENDING & RENUMBERING §§ 2-11 AND 2-12 OF THE CITY CODE; PROVIDING FOR SEVERABILITY, CONFLICTS, & AN EFFECTIVE DATE.

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

SECTION 1. COMMISSION FINDINGS. In adopting this Ordinance and modifying the Polk City Code and the therein-incorporated Unified Land Development Code, the City Commission of Polk City, Florida, hereby makes the following findings:

(1) Article II of the Polk City Charter (the "City Charter") provides for the establishment of regular elections and the creation of city commission districts.

(2) Article VI of the City Charter provides certain rules for nominations and city elections.

(3) Section C-30 of the City Charter provides that the "provisions of the general laws of the State of Florida pertaining to state and municipal elections relating to the qualifications of electors, registrations, manner of voting, duties of election officers, canvassing of returns and all other particulars in respect to the management of elections, except as otherwise provided in this Charter and ordinances adopted hereunder pertaining to elections, shall, so far as the same may be applicable, govern all City elections."

(4) From time to time, the City Commission finds that neither the State Election Code nor the City Charter provide the necessary provisions to guide the City in its conduct of elections.

(5) The City Commission finds it necessary and prudent to establish a city election code which may be expanded or amended going forward in order to set forth necessary clarifying provisions.

SECTION 2. CREATION OF CHAPTER 9 "ELECTION CODE", POLK CITY CODE OF ORDINANCES. Chapter 9 of the Code of Ordinances, Polk City, Florida, is hereby created to read as follows:

"Chapter 9 – ELECTIONS

Sec. 9-1. – Effect of State Election Code.

Election matters not covered by the City Charter or this Code shall be

covered and controlled by the Florida Election Code, Chapters 97-106, Fla. Stat.

Sec. 2-11 9-2. Qualification deadline for candidates for elected city office.

The city hereby establishes the following deadline for submittals of completed qualification packages for qualification for any elected office in the city. ~~incorporating the provisions of F.S. § 99.061, and specifically, F.S. § 99.061(2), which states: (2) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a county office, or district or special district city office not covered by subsection (1), shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the supervisor of elections of the county city manager/city clerk, or shall qualify by the alternative method with the supervisor of elections city manager/city clerk, at any time after 1:00 p.m. of the first day for which shall be the 50th day prior to the earlier of the first primary or special district regular election, but not later than 1:00 p.m. of the 47th day prior to the earlier of the date of the first primary or special district regular election. However, if a special district election is held at the same time as the second primary or general election, qualifying shall be the 50th day prior to the first primary, but not later than 1:00 p.m. of the 47th day prior to the date of the first primary. Within 30 days after the closing of qualifying time, the supervisor of elections shall remit to the secretary of the state executive committee of the political party to which the candidate belongs the amount of the filing fee, two thirds of which shall be used to promote the candidacy of candidates for county offices and the candidacy of members of the legislature.~~

Sec. 2-12-9.3 Prohibited voting conflict on city canvassing board.

Pursuant to state law and based upon the legislative findings set forth in the above-stated recitals, the City Council Commission of Polk City hereby adopts the following ordinance. By virtue of a pending election and the harm to public health and safety by virtue of the lack of a specific prohibition on a sitting city-council commission member being able to vote to certify his or her own election, it is necessary for the city to amend its City Code of Ordinance. The city council commission hereby determines that a sitting city-council commission member who is running for reelection against another candidate may continue to sit upon the city canvassing board, but shall not vote to certify the results of the election in which that city-council Commission member is seeking to be reelected. Any city council Commission member may vote upon the issue of certification of election results in any race or election in which they themselves are not a candidate for reelection. The purpose of this prohibition is to avoid the appearance of a conflict of interest by the members of the city canvassing board.”

SECTION 3. SEVERABILITY. If any provision of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision and such holding shall not affect the validity of any other provision, and to that end, the provisions of this ordinance are hereby declared severable.


SECTION 4. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed, replaced, and superseded to the extent of such conflict, including but not limited to Ordinance no. 1261.

SECTION 5. INCLUSION INTO CITY CODE. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect in accordance with general law.

INTRODUCED AND PASSED on FIRST READING, this 21st day of February, 2022.

POLK CITY, FLORIDA




Joe LaCascia, Mayor

ATTEST:



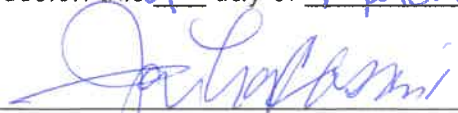
Patricia Jackson, City Manager/Clerk

APPROVED AS TO FORM AND CORRECTNESS



Thomas A. Cloud, City Attorney

PASSED AND DULY ADOPTED ON SECOND READING, with a quorum present and voting by the City Commission of Polk City, Florida meeting in Regular Session this 2nd day of March, 2022.



Joe LaCascia, Mayor

ATTEST:



Patricia Jackson, City Manager/City Clerk