

ORDINANCE _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROPOSING AMENDMENTS TO THE CHARTER OF THE CITY OF WINTER PARK RELATED TO ESTABLISHMENT OF SINGLE MEMBER DISTRICTS FOR ELECTION OF CITY COMMISSIONERS AND THE CREATION AND ADJUSTMENT OF COMMISSION DISTRICTS; PROVIDING FOR A REFERENDUM VOTE BY THE ELECTORS OF THE CITY OF WINTER PARK ON THE QUESTION OF APPROVAL OF THE PROPOSED CHARTER AMENDMENTS AT THE ELECTION TO BE HELD ON MARCH 9, 2021; PROVIDING FORM OF BALLOT; PROVIDING FOR FILING REVISED CHARTER WITH THE FLORIDA DEPARTMENT OF STATE, AND OTHER DIRECTIONS TO CITY STAFF; PROVIDING FOR AMENDMENT OF SECTION 42-7(c) OF THE CITY CODE IF THE CITY CHARTER AMENDMENT SET FORTH HEREIN IS ADOPTED; PROVIDING FOR AN EFFECTIVE DATE OF THE ORDINANCE, CHARTER AMENDMENTS AND CITY CODE AMENDMENT; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS.

WHEREAS, the City Charter of the City of Winter Park currently provides for at-large elections of City Commissioners without regard to their residency in any particular area or district of the City; and

WHEREAS, although the City's current at-large voting scheme is a fair and legally valid form of representation, a number of City residents have expressed a preference for a single-member voting scheme whereby City Commissioners would be elected from separate districts of the City; and

WHEREAS, the City Commission wishes to give the residents of the City the opportunity to vote upon and adopt the City Charter amendments provided in this Ordinance, which would transition the City from an at-large to a single-member voting scheme.

NOW THEREFORE, BE IN ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this ordinance.

Section 2. Charter Amendment. The City is hereby allowing the voters to decide whether to amend Section 2.01, Section 2.02 and Section 3.05 of the City Charter and to add a new Section 2.20 to the City Charter as described below, which amendment(s) shall be submitted to the qualified electors of the City of Winter Park (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions and sentences not included are not being amended; stars *** indicate separations between sections and do not represent Charter amendments):

Sec. 2.01. - Commission created; composition; designation; election generally.

There is hereby created a city commission to consist of five (5) members, one of whom shall have the title of "mayor." The other four shall be known and designated as "commissioners," one of whom shall be elected vice mayor as set forth in Section 2.06. The mayor shall be elected at large. Beginning with the general election of March 2022, each of the four commissioners shall represent a single-member district and shall be elected by the voters within the district that they represent. The city commission shall ~~be elected at large~~ and hold office in the manner hereinafter provided, and shall constitute the governing body and authority of the city, with all the powers and privileges herein granted and provided.

Sec. 2.02. - Qualifications.

(a) Members of the city commission shall be residents of the city and shall have the qualifications of electors therein.

(b) Beginning with the general election of March 2022, a candidate for a city commission seat other than mayor must have established residency within the district for which they seek election by the end of the qualifying period, except as provided in this section.

(c) Beginning with the commissioner terms of office resulting from the general election of March 2022, each commissioner, except for the mayor, must be a resident of the district that they represent and maintain residency within the district during their term of office, except as provided in this section.

(d) In the event that there is no qualified candidate satisfying the district residency requirement for a particular commission seat by the end of the qualifying period, there shall be an additional qualifying period for such seat

as established by resolution or ordinance and the district residency requirement shall not apply to that seat during such election and corresponding term of office resulting from said election.

(e) In the event a commissioner fails to meet the district residency requirements for holding office solely as the result of a redistricting or charter revision that occurs during the term of office, such commissioner shall not be deemed to have forfeited such office and may continue to serve in office for the remainder of the commissioner's term provided the commissioner maintains his/her residency existing at the time of redistricting or charter revision. The exception set forth in this subsection specifically applies to allow city commissioners holding office at the time this section is adopted to serve out the remainder of their terms of office regardless of whether such city commissioners reside in the district that they are assigned to represent.

Sec. 2.20 - City commission districts; adjustment of districts.

(a) The city shall establish four (4) city commission districts. Each district shall be formed of compact and contiguous territory. The districts shall be approximately equal in population based upon the principle of equal and effective representation with a deviation in the population of a district when formed not exceeding five (5) percent of the average population for all commission districts.

(b) A seven (7) member districting commission must be created by resolution of the city commission to study and propose the creation and/or readjustment of district boundaries when required herein. Each member of the districting commission must be a registered voter residing in the city and not be employed by the city. The mayor will appoint three (3) members to the districting commission and each of the four (4) commissioners will appoint (1) member to the districting commission.

(c) A districting commission will be created under the following circumstances:

(1) As soon as practicable after the publication of the 2020 decennial census data for the initial establishment of commission districts after the adoption of this section;

(2) Within ninety (90) days following official certification of any decennial census of the state;

(3) At any time that the population of the largest district exceeds the population of the smallest district by ten (10) percent or more; or

(4) Any time the city commission determines that redistricting could be necessary or advisable to ensure equal representation between the residents of the city, to ensure compliance with any law, or to serve any other public purpose.

(d) Within one hundred and twenty (120) days of being created, or longer as maybe authorized in the resolution establishing the districting commission, the districting commission shall transmit its recommendation for the creation or adjustment of the boundaries for the four city commission districts to the city commission. In making its recommendation to the city commission, the districting commission must consider the districting requirements of this section and may consider other legally applicable factors as may be directed in the resolution establishing the districting commission. In creating the original district boundaries following the adoption of this section, the city should attempt to draw the district boundaries in a manner that causes the existing commissioners holding seats 1 and 2 (whose terms end in March 2023) to reside in two different commission districts, unless impracticable or inconsistent with the requirements or principles described in this section as determined by the city commission.

(e) It will be the responsibility of the city manager to provide staff assistance and technical data to the districting commission.

(f) The city commission will consider the recommendation of the districting commission and thereafter establish or amend the boundaries of the four city commission districts by ordinance. To the extent feasible, an ordinance establishing or amending the district boundaries should be adopted at least sixty (60) days prior to the qualifying period for next regular election for city commissioner(s) occurring after the establishment of the districting commission. The ordinance creating the original district boundaries following the adoption of this section will assign commission seats to single-member districts created by such ordinance.

(g) Property that is newly annexed into the city shall become part of the district most contiguous to such property, and the district boundaries shall automatically be adjusted to encompass such annexed property.

Sec. 3.05. - City commissioner seats.

City commissioner seats are hereby designated as Seats No. 1, 2, 3 and 4 for the purpose of identification. Prior to the general election in March 2022, the city commission must assign each of the city commissioner seats to a corresponding city commission single-member district. Each candidate for the office of city commission shall declare at the time of qualification the seat to which such candidate seeks election.

Section 3. Ballot Question. The ballot title and summary for the City Charter amendment(s) described in Section 2 of this Ordinance shall be as set forth below, and shall be followed by the words "yes" and "no":

Question:

City Charter Amendment – Single-Member Commission Districts

Shall the City Charter be amended to provide for the creation of single-member districts for the election of the four city commissioners by the electors residing in each district, which the individual commissioners are required to reside in and represent, and with the mayor continuing to be elected at large; to provide a process for the creation and amendment of boundaries for the four commission districts; and to provide for the transition to single-member districts?

Section 4. City Code Amendment. In the event that the electors of the City of Winter Park approve the City Charter amendment provided in this Ordinance, subsection 42-7(c) of the City Code of Ordinances shall be amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions and sentences not included are not being amended):

(c) The city clerk is authorized to enforce the qualification deadline, and all filing requirements set forth in this section, under state law, and pertinent Florida Division of *Elections* opinions. Except as provided in this chapter, the City Charter, or other law, There there will be no exceptions to the requirement that all matters be properly completed and filed during the qualification period and before the qualification deadline, in order for all interested citizens to have an equal and fair opportunity to qualify to have their names placed on the ballot. In the event that no candidate qualifies for a particular city commission district seat by the qualification deadline, the qualification deadline shall be extended for an additional five business days.

or such other time period as provided by resolution of the city commission, and candidates for such seat during the extended qualifying period shall not be required to reside in or demonstrate that they reside in the corresponding commission district in accordance with Section 2.02(d) of the City Charter. The qualification of a candidate that resides in the district during the extended qualifying period does not disqualify any other candidate that does not reside in the district who qualifies or seeks to qualify during the extended qualifying period.

Section 5. Referendum. The forgoing ballot question for the charter amendments set forth herein shall be placed on the City ballot and submitted to the qualified electors of the City of Winter Park at the election held on **March 9, 2021**. The qualified voters shall have an opportunity to vote on the proposed amendments to the Charter. The City Clerk is hereby authorized and directed to advertise the referendum election authorized herein in accordance with the applicable provisions of the City Charter, City Code, Florida Statutes, Florida Administrative Code, and federal law. In the event it becomes necessary, as determined by the City Commission, to make modifications to any ballot question, ballot summary or to remove a proposed charter amendment from the ballot contained herein after adoption of this Ordinance, the City Commission may make such modification by resolution. In the event it becomes necessary, as determined by the City Commission, to reschedule the referendum on the proposed amendments to the City Charter set forth herein, the City Commission may make such modification by resolution.

Section 6. Codification & Corrections. Any City Charter amendment provided for in this Ordinance, which receives affirmative votes from the majority of the votes cast shall be incorporated into the City Charter of the City of Winter Park. Any section, paragraph number, cross references, letter and/or any heading, may be changed or modified in the existing Charter and the charter amendments proposed herein adopted as necessary to effectuate the foregoing, including for consistency with other charter amendments adopted. Grammatical, typographical and similar like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this Ordinance or the City Charter may be freely made. In the event that the electors of the City of Winter Park approve the City Charter amendments provided for in this Ordinance, Section 4 of this Ordinance shall be incorporated into the City Code of Ordinances.

Section 7. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct

and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 8. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other Ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

Section 9. Directions to City Staff. City Staff under the direction of the City Manager are directed and authorized to take such actions as are necessary and advisable to effect and carry out this Ordinance and the City Charter amendments and referendum provided for herein. If the City Charter is amended, a copy of the revised City Charter shall be filed with the Department of State in accordance with Section 166.031(2), Florida Statutes.

Section 10. Effective Dates. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida. The City Charter amendment provided for herein shall become effective immediately upon approval by the certified voters of the City of Winter Park and certification by the Orange County Supervisor of Elections or other appropriate officer or entity. The code amendment set forth in Section 4 of this Ordinance shall become effective only if the City Charter amendment proposed in this Ordinance becomes effective.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2020.

Mayor Steve Leary

ATTEST:

Rene Cranis, City Clerk