

1 Introduced by Council Members Webb and Clark and amended by the
2 Rules Committee:

3
4 **ORDINANCE 2010-340-E**

5 AN ORDINANCE RELATING TO THE TERMS AND
6 ELECTIONS OF CITY OF JACKSONVILLE OFFICIALS
7 AND SETTING A PUBLIC REFERENDUM; AMENDING THE
8 CHARTER OF THE CITY OF JACKSONVILLE, CHAPTER
9 92-341, LAWS OF FLORIDA, AS AMENDED; CHANGING
10 THE DATE OF ASSUMING THE OFFICES OF THE MAYOR,
11 COUNCIL MEMBERS, AND THE SHERIFF, SUPERVISOR
12 OF ELECTIONS, PROPERTY APPRAISER, AND TAX
13 COLLECTOR TO JANUARY 1ST FOLLOWING FALL ODD
14 YEAR ELECTIONS COMMENCING IN THE FALL OF 2015,
15 AND EVERY 4 YEARS THEREAFTER; PROVIDING FOR
16 TRANSITION; REPEALING CONFLICTING ORDINANCES
17 AND REQUIRING THE ENACTMENT OF NEW
18 IMPLEMENTATION ORDINANCES; REVISING THE
19 LENGTHS OF THE TERMS OF OFFICE OF THE CITY
20 COUNCIL MEMBERS, MAYOR, SHERIFF, SUPERVISOR OF
21 ELECTIONS, PROPERTY APPRAISER, AND TAX
22 COLLECTOR ASSUMING OFFICE ON JULY 1, 2011, TO
23 TERMS OF JULY 1, 2011 THROUGH DECEMBER 31,
24 2015; PROVIDING FOR NO CHANGE IN TERM LIMITS;
25 PROVIDING FOR REFERENDUM APPROVAL OF THIS
26 ORDINANCE; DIRECTING THE SUPERVISOR OF
27 ELECTIONS TO PLACE THE REFERENDUM QUESTION ON
28 THE 2010 GUBERNATORIAL ELECTION BALLOT ON
29 NOVEMBER 2, 2010; REPEALING ORDINANCES 2009-
30 893-E AND 2010-134-E; PROVIDING AN EFFECTIVE
31 DATE.

1 **WHEREAS**, the Council finds that the terms of the Mayor, all
2 City Council Members, the Sheriff, the Property Appraiser, the
3 Supervisor of Elections, and the Tax Collector should commence in
4 sufficient time to address the City of Jacksonville's annual
5 budget, and setting terms of office to commence on January 1st, and
6 conducting elections in the fall, will most effectively allow for
7 the above described public officials to prepare for annual
8 budgeting; and

9 **WHEREAS**, the Council finds that a change as described above
10 should be approved by the electors of the City of Jacksonville; and

11 **WHEREAS**, Ordinance 2009-893-E, which is repealed by this
12 ordinance, provided for similar relief, but implemented all changes
13 by extending the current terms of currently serving officials; and
14 the Council finds that it is more appropriate that currently
15 serving officials serve the terms that their constituents elected
16 them to serve in 2007; now therefore

17 **BE IT ORDAINED** by the Council of the City of Jacksonville:

18 **Section 1. Applicability; Subject to Referendum.** The
19 amendments to the City of Jacksonville's Charter as described in
20 the provisions of section 2 below, shall be subject to a favorable
21 vote at a voter referendum as hereinafter set forth.

22 **Section 2. Charter Amended.** Section 5.03 of Article 5,
23 section 6.01 of Article 6, section 8.02 of Article 8, section 9.02
24 of Article 9, section 10.02 of Article 10, and section 11.2 of
25 Article 11 of the Charter of the City of Jacksonville, as codified
26 in section 1 of chapter 92-341, Laws of Florida, as amended, are
27 amended, and a new section 18.12 of Article 18 is created, all to
28 read as follows:
29
30
31

PART A. CHARTER LAWS CHARTER OF THE
CITY OF JACKSONVILLE, FLORIDA

* * *

ARTICLE 5. THE COUNCIL

* * *

Sec. 5.03 Terms of council members. Council members shall serve for a term of 4 years beginning on the first day of ~~July~~ January after their election, and continuing after such term until their successors are elected and qualified.

* * *

ARTICLE 6. THE MAYOR

Sec. 6.01 Qualifications and term of office. The mayor shall be a qualified elector of Duval County and a resident of Duval County, and shall have resided in and been a qualified elector of Duval County for at least 365 consecutive days immediately before the date on which he or she qualifies to run for the office of mayor. If he or she shall cease to possess any such qualifications during his or her term of office, he or she shall forthwith forfeit the office, and the council shall remove him or her therefrom. He or she shall be elected for a period of 4 years and shall assume office on the first day of ~~July~~ January following his or her election and serve until his or her successor is elected and qualified. No mayor elected and qualified for two consecutive terms shall be eligible for election as mayor in the next succeeding term. The mayor shall devote his or her entire time to the performance of the duties of his or her office and shall hold no other public office or public employment.

* * *

ARTICLE 8. THE SHERIFF

• * *

•

1 **Sec. 10.02 Qualifications, elections, term.** The property
 2 appraiser shall be a qualified elector of and reside in Duval
 3 County, and shall have resided in and been a qualified elector of
 4 Duval County for at least 183 consecutive days immediately before
 5 the date on which he or she qualified to run for the office of
 6 property appraiser. He or she shall be elected for a period of 4
 7 years and shall assume office on the first day of ~~July~~ January
 8 following his or her election and serve until his or her successor
 9 is elected and qualified. The property appraiser shall devote his
 10 or her entire time to the performance of the duties of his or her
 11 office and shall hold no other public office or public employment.

12 * * *

13 **ARTICLE 11. TAX COLLECTOR**

14 * * *

15 **Sec. 11.02 Qualifications, election, term.** The tax collector
 16 shall be a qualified elector of and reside in Duval County, and
 17 shall have resided in and been a qualified elector of Duval County
 18 for at least 183 consecutive days immediately before the date on
 19 which he or she qualifies to run for the office of tax collector.
 20 He or she shall be elected for a term of 4 years and shall assume
 21 office on the first day of ~~July~~ January following his or her
 22 election. He or she shall devote his or her entire time to the
 23 performance of the duties of his or her office and shall hold no
 24 other public office or public employment.

25 * * *

26 **ARTICLE 18. MISCELLANEOUS PROVISIONS**

27 * * *

28 **Sec. 18.12 Transition to Fall Elections.** Notwithstanding
 29 anything in the Charter or the Ordinance Code of the City of
 30 Jacksonville to the contrary, and for purposes of electing City of
 31 Jacksonville county officers in fall odd year elections every four

1 years commencing in 2015 and having those terms commence on January
2 1st of the following year, the 2011-2015 terms of the Mayor, all
3 City Council Members, the Sheriff, the Property Appraiser, the
4 Supervisor of Elections, and the Tax Collector, shall expire on
5 December 31, 2015 and shall be considered as one full term for
6 purposes of two term limits, as applicable. The terms of all such
7 persons elected to such offices through elections conducted in the
8 fall of 2015, and every four years thereafter, in accordance with
9 procedures to be established by contemporaneous changes which shall
10 be made by the City Council to Chapter 350, *Ordinance Code* of the
11 City of Jacksonville, shall commence on January 1, 2016, and shall
12 expire on December 31, 2019, for the 2015 election, and on like
13 January 1st and December 31st dates for each term every four years
14 thereafter.

15 **Section 3. Transition - Conflicting ordinances repealed.** For
16 purposes of implementing this ordinance, any ordinance conflicting
17 with this ordinance, once approved by referendum, is hereby
18 repealed. The City of Jacksonville shall establish, by ordinance,
19 election procedures consistent with this ordinance and the Charter
20 changes approved herein.

21 **Section 4. Referendum.**

22 (a) A referendum of the qualified electors residing in Duval
23 County, Florida is hereby called to be held on November 2, 2010,
24 the 2010 Gubernatorial General Election, to determine whether the
25 Charter should be amended to change the terms of office of the
26 elected officials, as set forth in this ordinance, shall become
27 effective.

28 (b) The referendum shall be held and conducted in the manner
29 prescribed by law for holding elections under a referendum
30 provision.

31

1 (c) All qualified electors in Duval County shall be entitled
2 and permitted to vote in the referendum. The places and times of
3 voting shall be those polling places and times established for
4 voting by law. The inspectors and clerks for the referendum shall
5 be designated by the Supervisor of Elections in accordance with
6 applicable State law.

7 (d) The Supervisor of Elections is authorized and directed,
8 when printing the absentee ballots and ballot strips for use in the
9 voting machines for the special referendum election called in
10 Subsection 4(a) hereinabove, to print the referendum question set
11 forth in Section 7 hereof on said absentee ballots and ballot
12 strips at the appropriate place therefor. Immediately after said
13 question shall be provided a space for the voter to indicate
14 whether the vote is "yes" or "no" on the question.

15 **Section 5. Notice of Referendum.** The Supervisor of
16 Elections is directed to ensure at least thirty (30) days notice of
17 the referendum by publishing at least twice in a daily newspaper of
18 general circulation in Duval County, once in the fifth week and
19 once in the third week prior to the week in which the referendum is
20 to be held, in the manner provided in Section 18.05 of the City
21 Charter and Section 100.342, Florida Statutes.

22 **Section 6. Ballot Title.** The Council hereby directs that
23 the ballot title for the referendum question be in substantially
24 the following form:

25 "REFERENDUM AMENDING CHARTER, ADOPTING FALL
26 ODD YEAR ELECTIONS FOR LOCAL OFFICIALS;
27 INCREASING 2011 TERMS"

28 **Section 7. Official Ballot.** The Council hereby directs
29 that the following referendum question, in substantially the form
30 set forth below, be placed on the ballot at the election to be held
31 on November 2, 2010, the 2010 Gubernatorial General Election:

1 "Shall Ordinance 2010-____-E, which amends
2 Jacksonville's Charter, changes terms of
3 office of council members, the mayor, sheriff,
4 supervisor of elections, property appraiser,
5 and tax collector, eliminates spring
6 elections, and moves those elections to fall
7 odd year elections commencing in 2015, and
8 which for the 2011 term only, increases the
9 terms of city council members, the mayor,
10 sheriff, supervisor of elections, property
11 appraiser, and tax collector by six months
12 through December 31, 2015, become effective?"

13 (____) YES.

14 (____) NO.

15 **Section 8. Referendum Results.** The Supervisor of
16 Elections for Duval County, Florida shall certify the results of
17 the referendum to the Florida Department of State in accordance
18 with law. If a majority of the votes cast in the referendum shall
19 be for the amendment, the amendment shall be approved, and shall
20 take effect as provided in this Ordinance. If less than a majority
21 of the votes cast in the referendum shall be for the amendment, the
22 amendment shall be defeated, and shall not take effect.

23 **Section 9. Exercise of County Powers.** This ordinance is
24 enacted by the Council exercising its power as the governing body
25 of Duval County, Florida, under Section 3.01, of the Charter of the
26 City of Jacksonville.

27 **Section 10. Ordinances 2009-893-E and 2010-134-E Repealed.**
28 Ordinances 2009-893-E and 2010-134-E are hereby repealed.

29 **Section 11. Effective Date.** Except as herein provided,
30 this ordinance shall become effective upon signature by the Mayor
31 or upon becoming effective without the Mayor's signature. If this

OFFICE OF THE COUNCIL AUDITOR
Suite 200, St. James Building



April 30, 2010

VIA HAND DELIVERY:
Honorable Jerry Holland
Duval County Supervisor of Elections
105 East Monroe Street
Jacksonville, FL 32202

Dear Mr. Holland,

Pursuant to City Charter Section 18.05 (k), an ad hoc committee consisting of Council Auditor Kirk Sherman (Chair), Council President Richard Clark, Office of General Counsel Practice Group Chief Peggy Sidman, City Chief Financial Officer Mickey Miller and Supervisor of Elections Jerry Holland met on April 21, 2010 and April 27, 2010 to prepare a Financial Impact Estimate of the City Charter amendment approved by Ordinance 2009-893-E and corrected by Ordinance 2010-134-E.

The November 2, 2010 referendum question addressed by the impact statement is as follows.

“Shall Ordinance 2009-893-E, which amends Jacksonville’s Charter, changes terms of office of council members, the mayor, sheriff, supervisor of elections, property appraiser, and tax collector, eliminates spring elections, and moves those elections to fall odd year elections commencing in 2011, and which for the 2007 term only, increases the terms of city council members, the mayor, sheriff, supervisor of elections, property appraiser, and tax collector by six months through December 31, 2011, become effective?”

The committee prepared the following impact statement after discussing estimated changes in City of Jacksonville revenues and expenditures.

“The direct financial impact this amendment will have on local government revenues and expenditures is expected to be minor.”

I appreciate the participation of the committee members in this task.

Sincerely,

Kirk A. Sherman
Council Auditor

Cc: Committee members
CITYC Distribution via email