

**CONCEPT PAPER ONE:  
COMPOSITION AND ELECTION OF CITY COMMISSION**

**Charter Issue 3: Composition of City Council, Election and Term**

**Current City Charter:**      **Elected Citywide - No Residency Requirement**

**Summary:**      The Mayor and four City Commissioners are elected citywide for four-year terms. There are no residency requirements.

**Example:**      See Attachment A: Current Sections 2.01 and 2.02 of City Charter.

## **Alternative 1: Elected Citywide With District Residency Requirement**

**Summary:** The four City Commissioners would be elected citywide and the four City Commissioners would be required to reside in separate districts specified in the charter.

**Example.** City of Lake Worth Charter: Section 2 of Article 11 and section 2 of Article III of Charter (Attachment B).

The four city commissioners are designated in Districts 1, 2, 3, and 4. Each commissioner must reside in one of those districts, and only one commissioner is permitted to reside in each district. However, all of the commissioners are elected by the electors of the city at large. The mayor is elected citywide and can reside anywhere within the city.

**Alternative 2: Elected Solely By the Electors in a District and Required to Reside Within District.**

**Summary:** The single-member district model creates geographic districts in which each commissioner must reside and each commissioner is elected solely by the electors in each district.

**Example:** City of Ormond Beach Charter: Sections 3.01 and 3.02 of Charter (Attachment C).

**Issue:** How often are the district boundaries reapportioned?

In the City of Ormond Beach Charter, reapportionment is mandated every ten years following the official certification of the designated areas by the State of Florida. Optional reapportionment of district boundaries is revised by the city commission at other times by the adoption of a reapportionment ordinance subject to approval by the electors. See Section 5.09 of the City of Ormond Beach Charter (Attachment D).

### **Alternative 3: A Combination Of Single-Member Districts and City Commissioners Elected Citywide**

**Summary:** Some city commissioners would be elected from single-member districts established in the charter and reapportioned periodically. The remainder would be elected citywide.

**Example.** City of Tampa Charter Sections 2.01 and 2.02 (Attachment E).

The City Council in the City of Tampa Charter creates seven members -- three elected countywide and four required to reside in the district elected solely by the electors in the district.

Additionally, Section 4.01 of the City of Tampa Charter provides for an elected Mayor elected at large who is the chief executive and not a voting member of the county council.

Section 2.03 of the City of Tampa Charter requires the city council to choose a chairman who shall preside over the meetings by the city council.

## ATTACHMENT A

### Selected Sections of the City of Apopka Charter

#### Sec. 2.01. - Composition of city council.

A mayor and four city commissioners shall constitute the city council of the city (the "city council").

#### Sec. 2.02. - Election and terms.

(a) The regular election of the mayor and city commissioners shall be held in the manner now provided by laws and ordinances for holding municipal elections or as may be hereafter provided for by law or ordinance for a term of four years. All elections shall be for a four-year term of office, except as provided in section 2.02(c) of this Charter.

(b) The city council seats are hereby designated as Seats one, two, three and four. The present members of the city council elected to serve on the city council shall serve as the first city council until expiration of their current terms.

(c) A mayor and two city council members shall be elected to serve for four years from the date of the expiration of the term of office of the present mayor and two city council members holding seats designated as one and two, and said election every four years thereafter shall be held as is now or may be hereafter provided by law or ordinance; thus maintaining a five-member city council; two city council members being elected at one time and a mayor and two city council members at another time.

Council members holding seats designated herein as seats three and four, whose terms expire on December 31, 1993, will face election in 1993 for one three-year term. Thereafter, the mayor and city commissioners will face election for four-year terms.

When there is only one candidate qualified for an available seat, the name of the candidate shall not be printed on the election ballot, and such candidate shall be declared elected to the seat.

## ATTACHMENT B

### Selected Sections of the City of Lake Worth Charter

#### Art. II, Sec. 2. - Election districts.

The City of Lake Worth is hereby divided into four (4) election districts, as follows:

District 1. All that territory lying west of Dixie Highway and south of Lake Avenue.

District 2. All that territory lying west of Dixie Highway and north of Lake Avenue.

District 3. All that territory lying east of Dixie Highway and north of Lake Avenue.

District 4. All that territory lying east of Dixie Highway and south of Lake Avenue.

#### Art. III, Sec. 2. - Election and terms.

On the first Tuesday after the first Monday in November of each year a general election shall be held to elect members of the city commission. The election of members of the city commission, except the mayor, shall be by districts to be known as Districts 1, 2, 3 and 4. The commissioners from Districts 2 and 4 shall be elected to two-year terms commencing in November, 2008. Commissioners from Districts 1 and 3 shall be elected to two-year terms commencing in November, 2009. The mayor shall be elected to a two-year term commencing in November, 2009. The mayor and each commissioner shall serve until a successor has been duly qualified, elected and the election results certified by resolution of the city commission, or upon appointment, by resolution of the city commission. Such resolution shall be considered at the special meeting called to canvass the ballots, and shall be the order of business next following the canvass of ballots. Such special meeting shall be held no later than forty-eight hours after election results are furnished in writing to the city clerk by the supervisor of elections. No meeting shall be called, or business conducted by the city commission, except for emergency matters, after the polls close, until such time as the results of such election are canvassed.

## ATTACHMENT C

### Selected Sections of the City of Ormond Beach Charter

#### Sec. 3.01. - City commission.

There shall be a city commission of five (5) members, one (1) residing in each of the four (4) zones and elected by the electors of those zones and one (1), who shall be mayor, elected by all of the electors of the city.

#### Sec. 3.02. - Qualifications.

Each member of the city commission, including the mayor, shall have continuously and permanently resided within the City of Ormond Beach for at least one (1) year immediately prior to the first day of the qualification period as a candidate for election to the office of mayor, and each zone commissioner shall have continuously and permanently resided within the zone he seeks to represent for at least thirty (30) days immediately prior to the first date of the qualification period as a candidate for election to the city commission. All members of, and candidates for, the city commission shall have the qualifications of electors in the zone in which they reside. The mayor must continue to permanently reside within the city, and each member of the city commission must continue to permanently reside within the zone from which they were elected, following their election to office.

The city commission shall be the judge of the election and qualifications of its members.

## ATTACHMENT D

### Selected Sections of the City of Ormond Beach Charter

#### Sec. 5.09. - Commission zones; adjustment of zones.

(a) Number of zones. There shall be four (4) city commission zones, which shall be described by the ordinance establishing the same.

(b) Reapportionment.

(1) Optional. The city commission may reapportion the city commission zones in accordance with the following procedure:

a. A resolution of intention to adopt a reapportionment ordinance shall be adopted, said resolution to contain a description of the proposed changes;

b. No earlier than thirty (30) days following adoption of said resolution, a reapportionment ordinance may be considered on first reading;

c. Any such reapportionment ordinance must be finally adopted no later than ninety (90) days before the next city election at which city commissioners are elected.

(2) Mandatory. The city commission shall review the boundaries of the various zones every ten (10) years, as soon as possible following the official certification of the decennial census to the State of Florida, and give consideration to any changes deemed necessary. Any proposed changes shall be adopted in accordance with the procedure set forth in Section 5.09(b)(1).

(3) Additional zones. The city commission may include in its reapportionment ordinance the boundaries of additional zones. However, such additional zone(s) shall not be effective until the appropriate Charter amendments have been approved by the electors.

(4) Effect of enactment. All duly approved amendments to city commission zones and boundaries shall supersede previous zones and boundaries as of thirty (30) days prior to the beginning of the qualifying period for the next primary municipal election for all the purposes of such election, including qualifying. For all other purposes, all duly approved amendments to city commission zones and boundaries shall supersede previous zones and boundaries as of the date on which all city commissioners elected to represent such zones take office.

(5) Specifications. All zone boundary adjustments shall result in zones which are contiguous and substantially compact, with boundary lines following the center line of city streets, and which are based on the principle of equal and effective representation as required by the United States Constitution.

## ATTACHMENT E

### Selected Sections of the City of Tampa Charter

#### Section 2.01. - City Council—Composition—Districts.

There shall be a city council in which all legislative power shall be vested. The city council shall be composed of seven members, each representing a district. The territory of districts 1 through 3 shall be identical and shall be composed of the entire territory of the city. The members of the city council representing each of districts 1 through 3 shall be elected at large. The territory of districts 4 through 7 shall be determined prior to each regular municipal election by dividing the territory of the city into four districts numbered 4 through 7 containing as nearly as possible equal population as provided by law. The members of the city council representing each of districts 4 through 7 shall be elected only by the electors within such district.

#### Section 2.02. - Qualifications—Limitation on Terms.

Each member of the city council shall have been a resident and elector of the city for one year immediately preceding the commencement of the term of office for which elected and shall continue to be a resident and elector of the city during the term of office. Additionally, the members of the city council representing districts 4 through 7 shall have been residents of the respective districts from which elected for six months immediately preceding the commencement of the term of office, and each shall continue to be a resident of the district from which elected during the term of office. No person who has, or but for resignation would have, served as a member of the city council for two consecutive, full terms shall be elected as a council member for the succeeding term; except that a person who has represented districts 1, 2, or 3 may run as a candidate for city council in district 4, 5, 6, or 7 if he meets the residency qualification, and may, if elected, assume a seat on the city council immediately following his two consecutive, full terms; and except that a person who has served as a city council member representing either district 4, 5, 6, or 7 may run as a candidate to represent district 1, 2, or 3 and may, if elected, assume a seat on city council immediately following his two consecutive, full terms representing district 4, 5, 6 or 7.