

ORDINANCE NO. 241

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA, CALLING FOR A SPECIAL REFERENDUM ELECTION PROPOSING TO THE ELECTORATE OF THE TOWN OF CINCO BAYOU, FLORIDA THAT SECTION IV(c) OF THE TOWN OF CINCO BAYOU CHARTER BE AMENDED TO PROVIDE THAT THE TERM OF OFFICE OF COUNCIL MEMBERS BE FOUR (4) YEARS; PROVIDING FOR AUTHORITY; PROVIDING FOR SPECIAL REFERENDUM ELECTION; PROVIDING FOR CHARTER AMENDMENT ESTABLISHING STAGGERED FOUR (4) YEAR TERMS OF OFFICE FOR COUNCILMEMBERS; PROVIDING FOR SPECIAL REFERENDUM ELECTION OFFICER; PROVIDING FOR SPECIAL REFERENDUM ELECTION EXPENSES; PROVIDING FOR REFERENDUM BALLOT; PROVIDING FOR NOTICE OF SPECIAL REFERENDUM ELECTION; PROVIDING FOR EFFECTIVE DATE OF CHARTER AMENDMENT; PROVIDING FOR REPEAL; PROVIDING FOR INCLUSION IN THE CHARTER OF THE TOWN OF CINCO BAYOU, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section IV(c) of the Charter of the Town of Cinco Bayou, Florida (the "Town") the term of office of the elected council members for the Town is two (2) years and all other elected council members in the municipalities throughout Okaloosa County serve a term of four (4) years; and,

WHEREAS, the Town Council has concluded that amending the Town Charter to extend the term of office for council members from two (2) years to four (4) years will promote continuity and efficiency in service and reduce the expenses associated with elections and transitions of elected officials in the Town is in the best interest of the health, safety, and welfare of the residents and citizens of the Town; and,

WHEREAS, the proposed amendment to the Town Charter needs to be submitted to the electors of the Town for their consideration and approval before becoming effective; and,

WHEREAS, calling for a Special Referendum Election in accordance with the provisions of Section 166.031, Florida Statutes, for the electorate of the Town to consider the amendment to the Town Charter is in the best interest of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA, AS FOLLOWS:

SECTION 1. Authority. This Ordinance is enacted pursuant to Sections 166.031 and 166.041, Florida Statutes, in the interest of the health, peace, safety and general welfare of the people of the Town of Cinco Bayou.

SECTION 2. Special Referendum Election. The Town Council calls for the holding of a Special Referendum Election of the electors of the Town on the 28th day of August 2018 to consider and vote for or against the approval of the proposed amendment to the Town Charter as provided in this ordinance as approved by the Town Council on May 24, 2018.

SECTION 3. Charter Amendment. The proposed amendment to Section IV(c) of the Town's Charter is as follows:

(c) The term of office of town councilmembers shall be four (4) years from the date they are sworn into office, except as hereafter provided. The three (3) councilmembers elected in the 2019 election shall be elected for a three (3) year term and thereafter, the three (3) councilmembers elected in the 2022 election shall be elected for a four (4) year term. The two (2) councilmembers elected in the 2020 election shall be elected for a four (4) year term.

SECTION 4. Special Referendum Election Officer. The Supervisor of Elections of Okaloosa County is hereby appointed as the election officer of the Special Referendum Election to be held on the 28th day of August 2018 by ballot in accordance with Florida law.

SECTION 5. Special Referendum Election Expenses. The Town shall reimburse the Supervisor of Elections for the costs incurred by that office directly related to the Special Referendum Election on the proposed amendment to the Town Charter.

SECTION 6. Referendum Ballot. The title and summary to appear on the ballot of the referendum on the proposed Town Charter revision shall be:

**Term Of Office For Town Council Members
To Be Four (4) Years**

The Town Charter currently provides that the term of office for Town councilmembers is two (2) years. Shall the Town Charter be amended to provide that the term of office for Town councilmembers shall be staggered four (4) year terms?

_____ "FOR" adopting amendment to Town Charter.

_____ "AGAINST" adopting amendment to Town Charter.

SECTION 7. Notice of Special Referendum Election. The appropriate election officials shall cause to be published in a newspaper of general circulation in the Town the notices of the Special Referendum Election required by Florida law.

SECTION 8. Effective Date of Charter Amendment. In the event the foregoing proposed amendment to the Town Charter is approved by a majority of the electors voting on the

proposal, the amendment to the Town Charter for the Town shall become effective immediately upon adoption.

SECTION 9. Repeal. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the Town or any of its officials and in conflict with this Ordinance are hereby repealed to the extent inconsistent herewith.

SECTION 10. Inclusion in the Charter of the Town of Cinco Bayou, Florida. The provisions of this Ordinance shall be included and incorporated in the Charter of the Town of Cinco Bayou, Florida and may be appropriately renumbered or re-lettered to conform to the uniform numbering system of the Cinco Bayou Charter and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION 11. Severability. If any section, subsection, sentence, clause, phrase, or provision of this Ordinance or its application to any person or circumstance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional, and to this end provisions of this Ordinance are severable.

SECTION 12. Scrivener's Error. The Town Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of the Ordinance with the Town Clerk.

SECTION 13. Effective Date. This Ordinance shall become effective upon approval of the Town Council and signature of the Mayor.

PASSED, APPROVED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA AT A SPECIAL MEETING THIS 24 DAY OF MAY 2018.

THE TOWN OF CINCO BAYOU, FLORIDA

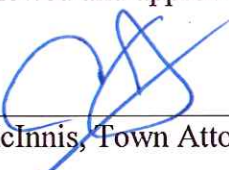
ATTEST:


Keith Williams Town Manager/Clerk

By: 
Jean Hood, Mayor

First Reading: May 10, 2018
Second Reading: May 24, 2018

The form and legal sufficiency of the foregoing has been reviewed and approved by the Town Attorney.


C. Jeffrey McInnis, Town Attorney

