

ORDINANCE NO. 24-03

AN ORDINANCE OF THE TOWN OF CENTURY, FLORIDA, PROPOSING AN AMENDMENT TO THE CENTURY TOWN CHARTER; PROPOSING A CHARTER CLEANUP AMENDMENT; CALLING FOR A REFERENDUM ON THE PROPOSED AMENDMENT TO THE CHARTER TO BE HELD AT THE GENERAL ELECTION ON NOVEMBER 5, 2024; PROVIDING THE BALLOT TITLE AND BALLOT SUMMARY FOR THE REFERENDUM; PROVIDING FOR DIRECTION TO THE TOWN CLERK AND COORDINATION WITH THE ESCAMBIA COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the Century Town Council has determined that it is advisable to submit the proposed charter amendment set forth herein to the electors of the Town of Century for their consideration at an upcoming election, pursuant to the Town Council's authority under Section 166.031, Fla. Stat.; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text, and ~~strikethrough~~ shall constitute deletions to the original text.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CENTURY, FLORIDA:

Section 1. Findings of Fact. The foregoing whereas clauses are hereby adopted as findings of fact and are otherwise fully incorporated herein.

Section 2. Proposed Charter Amendment. The amendment to the Town Charter for the Town of Century, Florida which is appended and attached as Exhibit "A" to this Ordinance is hereby adopted by reference by the Town Council to be submitted to the electors of the Town of Century for referendum.

Section 3. Referendum Called. A referendum on the proposed adoption of the Charter amendment appended hereto and adopted by reference as Exhibit "A" to this Ordinance shall be placed on the ballot at the general election to be held on November 5, 2024. The ballot title and ballot summary for the proposed charter amendment are set forth in Exhibit "A." The Charter amendment shall become effective upon approval of its corresponding ballot question in such referendum.

Section 4. Direction to Town Clerk and Coordination with Supervisor of Elections. The Town Clerk is hereby authorized and directed to coordinate with the Escambia County Supervisor of Elections to include the ballot question attached hereto as Exhibit "A" on the ballot at the general election to be held in the Town of Century on November 5, 2024. The Town Clerk is directed to see to the satisfaction of the requirements of Section 100.342, Fla. Stat., which

provides that “there must be at least 30 days’ notice of the election or referendum by publication in a newspaper of general circulation in the... municipality.... The publication must be made at least twice, once in the fifth week and once in the third week before the week in which the election or referendum is to be held.”

Section 5. Severability. The provisions of this Ordinance are deemed severable. In the event that any word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance is for any reason whatsoever held to be invalid, illegal, unconstitutional, contrary to law, or against public policy, by any court, administrative agency, or other body with competent jurisdiction, such word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance shall be null and void, and shall be deemed severed, and a separate, distinct, and independent provision from the remaining provisions of this Ordinance, and such holding shall in no manner affect the validity of the remaining words, phrases, portions, sub-sub-sections, sub-sections, or sections of this Ordinance, which shall remain in full force and effect. This Ordinance shall be construed in a manner to accomplish, to the greatest extent legally possible, the purposes of this Ordinance as expressed herein.

Section 6. Conflicts. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall become effective upon final adoption by the Century Town Council.

PASSED on first reading this 2nd day of July 2024.

PASSED AND ADOPTED in regular session, with a quorum present and voting, by the Century Town Council, upon second and final reading this 17th day of September 2024.

TOWN OF CENTURY, FLORIDA


Luis Gomez, Jr., Mayor


Dynette Lewis, Council President

ATTEST:

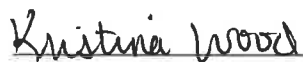
By: 
Kristina Wood, Deputy Town Clerk

Exhibit "A"

QUESTION #3

Ballot Proposal: The ballot title and ballot summary for this question are as follows:

TOWN CHARTER CLEANUP AMENDMENT

Amending the Town of Century Charter to correct scrivener and codification errors, and to conform charter provisions to the requirements of the Florida Election Code.

Shall the above-described amendment be adopted?

Yes
 No

Ballot Language Translation: The Spanish language translation for the ballot title and ballot summary for the aforementioned question are as follows:

ENMIENDA DE LIMPIEZA DE LA CARTA
ORGÁNICA DE LA CIUDAD

Modificación de la Carta Orgánica de la ciudad de Century para corregir errores de redacción y codificación, y para adaptar las disposiciones de la Carta Orgánica a los requisitos del Código Electoral de Florida.

¿Deberá adoptarse la enmienda antes descrita?

Sí
 No

Text Revisions: Upon approval of this question at referendum, the following portions of the Century Town Charter are amended to read as follows:

Sec. 3.03. - Election and Terms.

~~Councilmember seats numbers one and two and the office of mayor shall be up for election in each odd-numbered year, and councilmember seats numbers three, four, and five shall be up for election in each even-numbered year, said elections to be held in the manner provided in Article IV of this charter. The terms of the councilmembers shall be for two (2) years, shall be revised to read,~~
"eCouncilmember seats numbers one and two and the office of mayor shall be up for election in each odd-numbered year, and councilmember seats numbers three, four, and five shall be up for election in each even-numbered year, said election to

be held in the manner provided in Article IV of this charter. The terms of the councilmembers shall be for four (4) year terms."

...

Sec. 4.02. - Mayor; Qualifications; Term of Office.

- (a) *Qualifications.* ~~The mayor shall be an elector of the town and shall have resided in the town, or within any area annexed since the last general election, for at least six (6) months prior to the date on which he qualified to run for the office of mayor. If he shall cease to possess any such qualifications during his term of office, he shall forfeit the office and the council shall remove him. He shall be elected for a term of two (2) years, and serve until his successor is elected, shall be amended to read,~~ "Qualifications. The mayor shall be an elector of the town and shall have resided in the town or within any area annexed since the last general election for at least six (6) months prior to the date on which he qualified to run for the office of mayor. If he shall cease to possess any such qualifications during his term of office, he shall forfeit the office and the council shall remove him. He shall be elected for a term of four (4) years, and serve until his successor is elected."

- (b) *Election and Term.* The regular election of the mayor shall be held in each odd-numbered year in the manner provided in article V of this charter. The mayor shall be elected for a four (4) year term and may be re-elected subsequently."

...

Sec. 5.02. - Qualifications of Candidates and Electors.

- (a) Candidates for offices designated by this charter shall be elected by a majority vote of the qualified electors voting in general nonpartisan elections. ~~All electors voting in any primary or general nonpartisan election shall be registered by the town clerk and must qualify with the clerk. All electors voting in any election held within the Town of Century, Florida must be qualified electors in the State of Florida, and must reside within the town limits on election day. Proof of registration in the State of Florida must be presented to the town clerk prior to registration in the town.~~

- (b) ~~The town clerk shall keep and maintain a set of books which shall be known as "registration books." These books shall contain the names of all registered electors qualified to vote in the Town of Century, Florida. Registration books shall be opened for the purpose of registering electors at such times as the council deems it necessary and proper, within the limits of state law.~~

(b)(e) Candidates for the office of town council and mayor shall qualify for such offices by the filing of a written notice of candidacy with the town clerk, at such time and in such manner as may be prescribed by ordinance

...

Sec. 5.04. - Form of Ballots.

The council by ordinance shall prescribe the form of the ballot including method for listing candidates for town council and mayor elections and any other town election. A charter amendment to be voted on by the town shall be presented for voting in accordance with Sec. 101.161, Fla. Stat. ~~by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described amendment be adopted?" Immediately below such question shall appear, in the following order, the words "for approval" and also the words "against approval" with a sufficient blank space thereafter for the placing of the symbol "X" to indicate the voter's choice or with a lever opposite "for approval" or "against approval" if voting machines are used.~~