

**CITY OF BONITA SPRINGS, FLORIDA  
ORDINANCE NO. 19 – 02**

**AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; RELATING TO ELECTIONS, TO PROVIDE FOR GENERAL ELECTIONS OF MUNICIPAL OFFICERS TO BE HELD ON THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EVEN NUMBERED YEARS BEGINNING IN NOVEMBER, 2020 FOR DISTRICTS 2, 4, 6 AND THE MAYORAL SEAT, AND NOVEMBER, 2022 FOR DISTRICTS 1, 3, AND 5 TO COINCIDE WITH STATE AND FEDERAL ELECTIONS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the City of Bonita Springs, Florida is a duly organized municipality under the Florida Statutes; and

WHEREAS, the City of Bonita Springs is charged with the responsibility of protecting the health, safety, and welfare of its citizens; and

WHEREAS, the City Council of the City of Bonita Springs has given great consideration and study to the matter involving municipal elections; and

WHEREAS, the Supervisor of Elections has suggested that the City move the Election for Council from March to November, to coincide with even-year presidential and gubernatorial elections; and

WHEREAS, City Council previously adopted Bonita Springs Ordinance Nos. 01-21, 05-19, 07-12, and 15-11 to change elections so as to coincide other year with the spring primary elections and the presidential preference primaries; and

WHEREAS, the City has the legal authority for adoption of an ordinance, pursuant to Florida Statutes §100.3605 and §166.021, to change the dates for qualifying and for the election of members of the governing body of the municipality when necessary; and

WHEREAS, in 2010, the voters by referendum changes Section 13(c) of the Charter to allow the elections to be set by ordinance rather than specific dates in the Charter;

WHEREAS, City Council has determined that it would be in the best interest of the citizens and the City as a whole for all municipal elections to be held on the same day in the fall as the general elections.

**THE CITY OF BONITA SPRINGS HEREBY ORDAINS:**

**SECTION ONE:      CHANGE IN ELECTION DATE**

The regular election of Council members will be on the first Tuesday after the first Monday in November of each even-numbered year. Consistent with Charter Section 13, all council members and the mayor shall serve for terms of four (4) years, as adjusted by election dates as set forth in this ordinance. The terms of council members and the mayor shall begin on the date of the certification of their election. Each council member and the mayor will remain in office until a successor is elected certified as being elected to such office. No one shall serve, or but for resignation would have served, more than eight (8) consecutive years, or two (2) complete terms, in the singular position of mayor or council member or more than sixteen (16) consecutive years, or four (4) complete terms, in any combination of the positions of mayor and council member. The foregoing limitations shall not apply to the succession or election to fill a vacancy in a term of office for a period of less than two (2) years. After two (2) years out of office an individual may qualify for any seat on the city council as a council member or as mayor, however, resignation from office that results in such individual being out of office for two (2) years shall constitute a complete term, regardless of the time in office.

**SECTION TWO:      SEVERABILITY**

The provisions of this ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any Court of competent jurisdiction shall hold any of the provisions of this Ordinance unconstitutional, the decision of such Court shall not affect or impair any remaining provisions of this ordinance. It is hereby declared to be the legislative intent that this ordinance would be adopted had such unconstitutional provision not been included therein.

**SECTION THREE:      CONFLICTS OF LAW**

Whenever the requirements or provisions of this ordinance are in conflict with the requirements or provisions of any other lawfully adopted City of Bonita Springs ordinance or Florida Statutes, the more restrictive shall apply.

**SECTION FOUR:      SCRIVENER'S ERRORS**

It is the intention of the City Council that the provisions of this ordinance may be amended to correct typographical errors which do not affect the intent may be authorized by the City Manager without need of public hearing, by filing a corrected copy with the City Clerk.

**SECTION FIVE:      EFFECTIVE DATE**

The effective date of this ordinance shall be thirty (30) days from its adoption date.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 6<sup>th</sup> day of March, 2019.

AUTHENTICATION:

Fate Simmons Mayor      Debra Lepek City Clerk

APPROVED AS TO FORM: [Signature]  
City Attorney

Vote:

Carr	Aye	O'Flinn	Nay
DeWitt	Nay	Quaremba	Nay
Forbes	Aye	Simmons	Aye
Gibson	Aye		

Date filed with City Clerk: 3/7/19