

ORDINANCE NO.

AN ORDINANCE PROVIDING FOR THE CALLING OF AN ELECTION TO PRESENT TO THE VOTERS AN AMENDMENT TO SECTION 3.04(a) OF THE ST. PETERSBURG CITY CHARTER PROVIDING FOR A CONSISTENT METHOD OF THE FILLING OF VACANCIES ON CITY COUNCIL THAT OCCUR BECAUSE OF RESIGNATION DEATH OR OTHER REASONS; PROVIDING FOR THE CALLING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2009, TO BE HELD AS PART OF THE CITY OF ST PETERSBURG'S CITYWIDE GENERAL ELECTION TO PRESENT THIS CHARTER AMENDMENT TO THE VOTERS; PROVIDING FOR THE FORM OF THE TITLE AND THE QUESTION TO APPEAR ON THE BALLOT; MAKING FINDINGS; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. That the City Council of the City of St. Petersburg hereby makes the following findings:

1. As the City Charter is currently written Council Members elected in even numbered districts who wish to run for Mayor may resign to run which would leave a vacancy that would be filled by Council selection rather than election, which is different from the way a vacancy would be filled in odd numbered districts.

2. This Council wishes to provide voters with the same opportunity to elect replacement Council Members for even numbered districts as in odd numbered districts in this situation.

3. This change in procedure will also affect how vacancies are filled when Council Members, who do not resign to run for Mayor but resign prior to an election for other reasons, and will provide a more consistent replacement procedure regardless of district number.

SECTION 2. A special election will be held as part of the Citywide General Election to be held on November 3, 2009, and the question and title as delineated in Sections 5 and 6 of this ordinance shall be placed on the ballot of said election.

SECTION 3. Section 3.04 (a)(1) of the City Charter is hereby amended to read as follows:

(1) A. Vacancies on the Council caused by death, resignation (except for resignations as provided for in subsection B), refusal of any Council Member to serve, removal of any member of the Council, the moving of a Council Member from the electoral district from which the Council Member is elected, or for any other reason shall be filled as provided for herein by a majority of the remaining members of the Council and such vacancies shall be filled by the Council within forty-five (45) days after such vacancy occurs. The election to replace an appointed Council Member with an elected Council Member shall take place at the next primary and general municipal election for which the qualifying period has not begun at the time of the vacancy. When such elections are not in a year which would constitute the commencement of a new term, the term for that person so elected shall end at the time the term of the person who originally vacated the position would have ended.

B. Vacancies on the Council caused by certain types of resignation:

1. When the resignation is submitted prior to the beginning of the qualifying period for the municipal elections to take place in the year the resignation is submitted, and
2. the effective date of the resignation is later than the date the resignation was submitted and is later than the beginning of the qualifying period for the municipal elections to take place in the year the resignation is submitted,

then the election to fill this seat with an elected Council Member shall take place in the primary and general municipal elections to take place in the year the resignation was submitted. The person so elected shall take office on January 2<sup>nd</sup> of the year following the election. However, where a resignation would result in a district being unrepresented for more than 50 days, the majority of the remaining members of the Council may within 45 days of the actual vacancy occurring appoint a replacement who shall serve until the person elected as provided herein takes office.

C. Appointed Council Members shall be a resident of the district in which the vacancy occurs and shall have and possess all the qualifications required for elected Council Members. Appointed Council Members shall serve until replaced by an elected Council Member as provided herein. Appointments or elections to fill a vacancy shall not change the base year for, or the date of commencement of, the terms of each district established in Section 3.02.

SECTION 4. That the wording in Section 3 of this ordinance shall replace the current language in the existing St. Petersburg City Charter Section 3.04(a)(1) in its entirety..

SECTION 5. The ballot question provided for in Section 2 of this ordinance shall appear on the ballot in the following form:

Shall the City Charter be amended to  
provide for a consistent procedure for the filling

of vacancies on City Council regardless of the Council Member's district or the reason for the vacancy?

SECTION 6. The title of the ballot question provided in Section 2 of this Ordinance shall appear on the ballot in the following form:

City Charter amendment providing for consistency in filling vacancies on City Council.

SECTION 7. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, Sections 1, 2 and 4 through 9 shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case Sections 1, 2 and 4 through 9 shall become effective immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, Sections 1, 2 and 4 through 9 shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter,

SECTION 8. That the Charter amendment contained in Section 3 of this Ordinance shall become effective only upon approval of the ballot question contained in Section 5 of this Ordinance by a majority of the qualified electors voting on said question at said election.

SECTION 9. The provisions of this Ordinance shall be deemed severable. The unconstitutionality or invalidity of any word, sentence or portion of this ordinance shall not affect the validity of the remaining portions.

Approved as to form and content:

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City Attorney (designee)