

FIRST READING _____
SECOND READING _____
EFFECTIVE DATE _____
ADVERTISEMENT _____

ORDINANCE NO. 2020-271

AN ORDINANCE OF THE TOWN OF GREENVILLE, FLORIDA; AMENDING SECTION 5(b) OF THE TOWN CHARTER; PROVIDING FOR ELECTIONS IN EVEN-NUMBERED YEARS; CHANGING TERMS OF MEMBERS OF THE TOWN COUNCIL; PROVIDING FOR A CANVASSING BOARD OF MUNICIPAL ELECTIONS; CREATING SECTION 6(d) OF THE TOWN CHARTER; PROVIDING METHODS FOR VOTER REGISTRATION CONSISTENT WITH STATE LAW; DELETING SECTION 7 OF THE TOWN CHARTER; RENUMBERING SUBSEQUENT SECTIONS OF THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE BEING SUBJECT TO THE APPROVAL BY THE ELECTORS OF THE TOWN OF GREENVILLE, FLORIDA.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GREENVILLE, FLORIDA, that:

Section 1. Section 5(b) of the Town Charter of the Town of Greenville, Florida, is hereby amended and shall read as follows:

SECTION 5. CORPORATE AUTHORITY; ELECTION OF TOWN COUNCIL AND MAYOR; CANVASSING BOARD; QUALIFICATIONS FOR ELECTION; VOTER REGISTRATION.

(b) The Town Council shall consist of five (5) Council members who shall be registered electors who have resided for a period of six (6) months within the municipal boundaries of the Town of Greenville at the time of qualifying. Dates for qualification for election shall be those set forth for countywide candidates by the Supervisor of Elections of Madison County or alternate dates as set forth by ordinance. Town Council members shall continuously reside within the municipal boundaries of the Town during their terms of office. Beginning with those candidates elected to the Town Council on November 08, 2022, Town Council members shall be elected for a term of four (4) two (2) years beginning on the first second Thursday after the general election in November of the year elected.

~~The next election for the Town Council members shall be on the second Tuesday in November 2020, at which~~ Groups 3 and 4 shall next be elected on the first Tuesday after the first Monday in November 2022. Groups 1, 2, and 5 shall next be elected on the first second Tuesday after the first Monday in November 2023 2024 for a one (1) year term and again on the first Tuesday after the first Monday in November 2024. The Council members for Groups 3 and 4 shall first be elected to four (4) year terms in November 2022. The Council members for Groups 1, 2, and 4 shall first be elected to four (4) year terms in November 2024. All subsequent elections shall alternate between Groups 1, 2, and 5 and Groups 3 and 4.

CODING: Deletions from existing language are ~~stricken~~; additions are underlined.

Elections for the Town Council members shall be held on the first Tuesday after the first Monday in November of each even numbered year. The municipal primary election for the nomination of members of the Town Council, if necessary, shall be held on the same date as the State's Primary Election. The Town Council shall by ordinance, that may not be inconsistent with this Charter, otherwise prescribe the method, manner and conduct of all elections of said Town and may contract with the Supervisor of Elections of Madison County to conduct all or any part of said elections. The Madison County Canvassing Board shall oversee the tabulation of all municipal election results.

On the first second Thursday after the ~~of~~ November 2020 general election in even-numbered years, and during the duly-noticed regular session of the Town Council for the month of November in odd-numbered years ~~on the second Thursday in November of each year thereafter,~~ the Town Council, as then constituted, shall elect from its membership a Mayor and Vice Mayor, who shall each serve as Mayor and Vice Mayor, respectively, for a term of approximately one (1) year ending at the next election of Mayor and Vice Mayor ~~on the second Thursday in November of the year following.~~ The Mayor and Vice Mayor shall serve at the pleasure of the Town Council and may be removed by a majority vote at a duly noticed public meeting. The duties and responsibilities of the Mayor and Vice Mayor, respectively, shall be consistent with but in addition to the duties of Town Council members and shall be ex officio and ministerial in nature.

The Town Council shall not delegate to the Mayor and/or Vice Mayor any power to independently exercise any portion of the sovereign municipal power of the Town Council, and any such delegation is void. Neither the Town Council nor any of its members shall in any manner dictate the appointment or removal of any Town employee except the Charter Officers. Neither the Town Council nor any of its members shall give orders to any employee other than Town Council orders to a Charter Officer. The Town Council or its members shall deal on all matters through the appropriate Charter Officer.

The Vice Mayor shall act in place of the Mayor and only in the absence of the Mayor.

Town Council members are public officers and the powers and duties of Town Council members are held in trust for the people of the Town of Greenville, Florida. No person convicted of a felony or adjudicated in Florida or any other state to be mentally incapacitated is qualified to hold office as a Town Council member until their civil rights are restored or the disability is removed. Before entering office, each Town Council person shall take the oath set forth in article II, section 5.(b), Florida Constitution, and give any bond required by law.

Section 2. Section 6(b) of the Town Charter of the Town of Greenville, Florida, is hereby created and shall read as follows:

SECTION 6. QUALIFICATIONS OF ELECTED OFFICIALS; CANVASSING BOARD; MEETING; VACANCIES; REMOVAL FROM OFFICE; VOTER REGISTRATION; ~~RENUMERATION; MAYOR.~~

CODING: Deletions from existing language are ~~stricken~~; additions are underlined.

(a) The Town Council, by ordinance, may also prescribe qualifications for election, procedures and time periods for qualification for elections, filing fees, and other matters related to placing of names of candidates on the ballot, the manner and timing of general and special elections, and polling places. Upon a vacancy in candidacy caused by the death, withdrawal, or removal from the ballot of a qualified candidate following the end of the qualifying period which leaves fewer than two (2) candidates for office, any remaining candidate may run unopposed, or the Town Council may, by ordinance, prescribe a procedure for filling the vacancy.

Provided further, however, the laws of the State of Florida relating to qualifications for election, and all other particulars in respect of elections, so far as the same may be applicable and legally inconsistent with the foregoing, shall govern all elections in the Town of Greenville, Florida.

Registered electors shall be all of those persons who reside in the Town of Greenville and are qualified to vote in elections in Madison County, Florida.

(b) Except as otherwise provided in the Florida Constitution, section 286.011, Fla. Stat. (the Florida Sunshine Law), shall control all meetings of the Town Council at which official acts are to be taken, and shall control any gathering or meeting of two (2) or more Town Council members at which there is discussion of some matter which will foreseeably come before the Town Council. Except as provided in the Florida Sunshine Law, all such meetings are public meetings, open to the public at all times, and no formal action shall be considered binding except as taken or made at such meetings.

The Town Council shall meet in regular meetings once per month, and at such special meetings as are called pursuant to town policy.

Meeting shall be held in any public place in the Town of Greenville. Reasonable notice of all meetings of the Town Council shall be provided by the Town Clerk or Deputy Town Clerk. A majority of the duly elected Town Council members shall constitute a quorum at a meeting and acts done when less than a quorum is present are void.

No Town Council member present at any public meeting may abstain from any vote, and votes shall be recorded for each such Town Council person present, unless, with respect to any Town Council member, there is or appears to be a possible conflict of interest, or if a quasi-judicial proceeding by the Town Council, a Town Council member must abstain to assure a fair and unbiased proceeding. In either case, the affected Town Council member shall abstain in accordance with the procedures set forth in section 112.3143, Fla. Stat. The remaining Town Council persons, as long as a quorum is present, may decide the issue at hand and any tie vote results in the issue or motion being lost.

Additions and deletions to the agenda shall be by majority vote upon proper motion. Meeting shall be conducted generally in accordance with Robert's Rules of Order. The Town Council shall adopt its own procedures for conducting meetings of the Town Council. The vote of each Town Council member shall be recorded and counted. Unless otherwise provided by general law or special law, or otherwise provided by this charter or by ordinance, a majority vote is

CODING: Deletions from existing language are ~~stricken~~; additions are underlined.

sufficient to pass and approve a motion or item. Minutes of each meeting or workshop of the Town Council shall be properly recorded and open to public inspection; however, no official legislative action may be taken in any workshop. Sound or video recording may be used to record all proceedings of all public meetings from which written minutes shall be transcribed, which such transcribed written minutes being a brief summary or series of brief summary of the events of the public meeting.

Any meeting of an elected board such as the Town Council, or appointed board, such as one created by the Town Council, at which two (2) or more individual Town Council members, or two (2) or more appointed board members, respectively, are present and at which official acts, as set forth above, are to be taken, is a public meeting under the Florida Sunshine Law. Any Town Council member attending a non-Town Council public meeting at which there is discussion regarding items that may foreseeably come before the Town Council shall report such discussion at the next Town Council meeting.

(c) A vacancy in office of the Town Council member occurs on death, resignation as of the effective date of the resignation, or by resignation caused by the succession of a Town Council member to another office. A vacancy also occurs upon resignation in a recall pursuant to section 100.361, Fla. Stat. In the event of a vacancy, such vacancies shall be filled by appointment by majority vote of the Town Council, and such appointment shall continue until the end of the elected term of the dead or resigned Town Council member.

A Town Council person may be suspended and/or removed from office by the Governor pursuant to chapter 112, part V, Fla. Stat., and a suspension by the Governor creates a temporary vacancy which shall be filled by appointment by majority vote of the Town Council. The appointed person shall hold office for a time period equal to the first occurring of the end of the elected term of the suspended person or the end of the period of the suspension. No person who has been suspended may perform any official act, duty, or function during the suspension, or receive any pay, allowance, or emolument during the suspension. Upon conviction as defined in chapter 112, Fla. Stat., such person shall be removed from office by the Governor and shall be ineligible to again stand for election during the next immediate election. Upon acquittal, the Town Council member shall be restored and shall receive back pay only for the elected term of office during which the Town Council person was suspended, and if the elected term of office has ended, the Town Council member shall not be restored to office but may again seek to qualify and stand for election. A vacancy without resignation may occur pursuant to the uniform statewide recall provisions of section 100.361, Fla. Stat., and said vacancy shall be filled pursuant to section 100.361, Fla. Stat

(d) The Town Council may establish by ordinance its own rules pertaining to voter registration that comply with state law.

Section 3. Section 7 of the Town Charter of the Town of Greenville, Florida, is hereby deleted.

~~SECTION 7. COMPENSATION OF TOWN COUNCIL.~~

CODING: Deletions from existing language are ~~stricken~~; additions are underlined.

~~(a) Upon adoption of this section, each member of the Town Council shall receive as compensation for serving as a member of the Town Council an amount of two hundred and fifty dollars (\$250) per month.~~

~~(b) The above compensation may be changed by town ordinance, passed by the Town Council pursuant to section 166.041, Florida Statutes, subject to the following restrictions:~~

~~(1) The Town Council may not increase compensation by an amount greater than forty percent (40%) the base compensation at the time the ordinance is proposed.~~

~~(2) The Town Council shall face no restriction on the amount it may decrease compensation.~~

~~(3) A supermajority of 80 percent of the Town Council shall be required for any and all increases in compensation.~~

~~(c) In cases when the Town Council increases the compensation, said increase shall not take effect until the first month immediately following the next election of the Town Council, regardless of when the ordinance is adopted.~~

RENUMBER SUBSEQUENT SECTIONS.

Section 4. This proposed amendment to the Charter of the Town of Greenville, Florida, shall be submitted to a vote of the electors of the Town of Greenville, Florida, for adoption at the next general election, with the following question:

AMENDMENTS TO TOWN OF GREENVILLE CHARTER.

Shall the Charter be amended to change and delete provisions pertaining to the office of councilmember for the Town of Greenville, Florida?

- YES
- NO

Section 5. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Repeal of conflicting ordinances. Any and all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

CODING: Deletions from existing language are ~~stricken~~; additions are underlined.

Section 7. Effective Date. This Ordinance shall take effect upon adoption by the electors of the Town of Greenville, Florida.

Following the second reading of the foregoing, the Honorable _____ moved that the foregoing resolution be adopted. The Honorable _____ seconded the motion for its adoption.

The Honorable _____ put the question to a roll call vote, and the result was as follows:

Hon. Barbara Dansey, Councilmember	Voted: _____
Hon. Carl Livingston, Councilmember	Voted: _____
Hon. Calvin Malone, Councilmember	Voted: _____
Hon. Kathleen Hamilton, Vice Mayor/Councilmember	Voted: _____
Hon. Brittni Brown, Mayor/Councilmember	Voted: _____

PASSED AND ADOPTED by the Town Council of the Town of Greenville, Florida, this _____ day of _____, 20____.

APPROVED:

HON. BRITTNI BROWN
Mayor/Councilmember

ATTEST:

APPROVED AS TO FORM:

LEE N. JONES, JR.
Interim Town Clerk

JOHN LAURANCE REID
Town Attorney

CODING: Deletions from existing language are ~~stricken~~; additions are underlined.