

CITY OF ST. AUGUSTINE  
COUNTY OF ST. JOHNS  
STATE OF FLORIDA

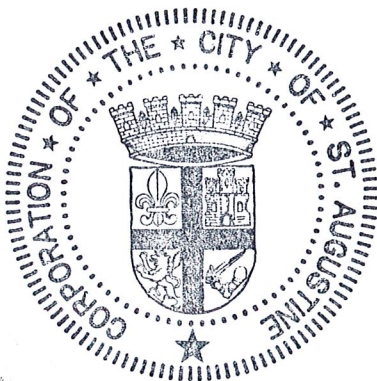
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CITY OF ST. AUGUSTINE  
SUPERVISOR OF ELECTIONS

DEC 16 2019

ST. JOHNS COUNTY

I, Darlene Galambos, City Clerk, City of St. Augustine, Florida, do hereby certify that the attached **ORDINANCE 2019-41, AMENDING ARTICLE II, SECTION 2.03 OF THE CHARTER OF THE CITY OF ST. AUGUSTINE TO PROVIDE FOR A RESIDENCY REQUIREMENT FOR CITY COMMISSIONERS OF A PERIOD OF ONE YEAR PRIOR TO THE DATE OF QUALIFICATION FOR ELECTION; PROVIDING FOR CONTINUOUS PHYSICAL RESIDENCY AND VOTER REGISTRATION WITHIN THE CITY FOR THE TERM OF OFFICE; PROVIDING FOR A REFERENDUM PROPOSITION FOR THE NEXT SPECIAL ELECTION; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE**, contains a full, true and correct copy as the same that appears of Record and on file in my office, City of St. Augustine, 2<sup>nd</sup> Floor, S.E., Elevator B, City Hall, 75 King Street.



IN WITNESS WHEREOF, I have hereto set my hand and affixed the corporate seal of the City of St. Augustine, Florida, on this 10<sup>th</sup> day of December, 2019.

Darlene H. Galambos, City Clerk

ORDINANCE NO. 2019-41

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE II, SECTION 2.03 OF THE CHARTER OF THE CITY OF ST. AUGUSTINE TO PROVIDE FOR A RESIDENCY REQUIREMENT FOR CITY COMMISSIONERS OF A PERIOD OF ONE YEAR PRIOR TO THE DATE OF QUALIFICATION FOR ELECTION; PROVIDING FOR CONTINUOUS PHYSICAL RESIDENCY AND VOTER REGISTRATION WITHIN THE CITY FOR THE TERM OF OFFICE; PROVIDING FOR A REFERENDUM PROPOSITION FOR THE NEXT SPECIAL ELECTION; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

**WHEREAS**, the City's Charter has not been thoroughly revised since 1925, and the City Commission determined at its April 3, 2019 public workshop that a revision of its Charter was overdue; and

**WHEREAS**, the City's Charter does not currently provide a specific time period for residency of City Commissioners prior to qualification for election; and

**WHEREAS**, residency requirements of no more than one year immediately preceding qualifying for office have been upheld as reasonable, *Nichols v. State*, 177 So.2d 467 (Fla. 1965); *Daves v. City of Longwood*, 423 F. Supp. 503 (1976); and

**WHEREAS**, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety and general welfare that the following amendments be adopted consistent with the requirements of Section 166.021(4), Florida Statutes;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:**

Section 1. Amendment to Part I, Article II, Section 2.03. Part I, Article II, Section 2.03 is hereby amended, as follows:

**Sec. 2.03. - Members of the city commission to be residents and electors; dual office-holding prohibition and ethics laws.**

Members of the commission of the City of St. Augustine, shall be residents of the city, and the members of the commission shall have the qualifications of electors thereinhave

maintained continuous physical residency and voter registration in the City of St. Augustine for a period of one (1) year prior to the date of qualification for election, or appointment to fill a vacancy on the city commission as a result of the death, resignation or disqualification of a city commissioner. Once elected or appointed, city commissioners must maintain continuous physical residency and voter registration in the City of St. Augustine throughout their terms of office. The prohibition against dual office-holding and the regulation of public ethics shall be as required pursuant to Florida law.

Section 2. Referendum Proposition. That the next special election of the City of St. Augustine, Florida, shall contain the following proposition title and summary consistent with Chapter 101.161, Florida Statutes:

**Proposition 2**

**Candidate Residency Requirements**

Shall the City of St. Augustine Charter be amended to require continuous physical residency and voter registration in the City of St. Augustine for candidates for election or appointment to the City Commission for one year prior to qualification for election or appointment and maintain continuous physical residency and voter registration in the City of St. Augustine during officeholding?

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**Requisitos de residencia del candidato**

¿Deben ser modificados los Estatutos de la Ciudad de San Agustín para requerir que el candidato para ser elegido o nombrado a la Comisión de la Ciudad mantenga una residencia física continua y registro como elector en la Ciudad de San Agustín por un año previo a la calificación como candidato por elección o nombramiento y mantener residencia física continua y registro de votante en la Ciudad de San Agustín durante su mandato?

- 
- Yes/Sí  
 No

Section 3. Confirmation by Referendum Vote. Should the above Section not be confirmed by referendum ballot during the next special or general election, then said Section of this Ordinance shall be null and void and the corresponding Section of the City Charter shall remain as it was prior to the adoption of this Ordinance.

Section 4. Presidential Preference Primary Election May Serve as Special Election. The presidential preference primary election, scheduled for March 17, 2020, is designated as a special election for the City of St. Augustine, and this referendum proposition shall be placed on the ballot of this special election.

Section 5. Inclusion in Charter. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Charter of the City of St. Augustine, that repealed language shall be removed and that the sections of this ordinance may be re-numbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 6. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.


Section 7. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 8. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to § 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this 9th day of December, 2019.

  
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Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

  
Darlene Galambos, City Clerk  
(SEAL)

