

PORT ST. LUCIE CITY COUNCIL  
AGENDA ITEM REQUEST

TYPE OF MEETING: REGULAR \_\_\_\_\_ SPECIAL X

DATE OF MEETING: SEPTEMBER 19, 2011

ORDINANCE \_\_\_\_\_ RESOLUTION \_\_\_\_\_ MOTION(S) X PUBLIC HEARING \_\_\_\_\_

ITEM: APPOINTMENT OF 10 MEMBERS TO THE DISTRICTING COMMISSION

RECOMMENDED ACTION:

Per City Charter, by the 30<sup>th</sup> day following official certification of the census to the state, ten members are to be Council appointed to comprise the City of Port St. Lucie Districting Commission. Thirteen applications and resumes were received and are attached. Council is requested to appoint ten of the applicants to the Commission.

- EXHIBITS:
- 1) PRESS RELEASES
  - 2) CITY CHARTER SECTION 5.05
  - 3) PRESENT DISTRICTING MAP
  - 4) APPLICATIONS AND RESUMES OF:

HILDA E. AVALLO	TRACY JOHNSON	JO MOORE
CAROL D. CHRISTIANSEN	TIMOTHY D. KEEFE	DENA NICHOLS
JANICE DI IANNI	FRANK LILLO	BERTRAM E. SHADOWEN
JAMES B. INGLES	SAL MANCUSO	ANN M. THOMAS
		JOSE M. VEGA

SUMMARY EXPLANATION/BACKGROUND INFORMATION:

APPOINTMENTS AS PER CITY CHARTER SECTION 5.05

IF PRESENTATION IS TO BE MADE, HOW MUCH TIME WILL BE REQUIRED?

N/A

SUBMITTING DEPARTMENT: CITY CLERK

DATE: 09/19/11

**RECEIVED**

SEP 09 2011

City Manager's Office

nonpartisan basis without regard for or designation of political party affiliation of any nominee on any nomination petition or ballot.  
(Adopted by electorate, 11-2-76)

#### Sec. 5.02. Qualifications.

Candidates for the office of city councilmember or mayor shall qualify for such office by the filing of a written notice of candidacy with the designated official at such time and in such manner as may be prescribed by ordinance.  
(Adopted by electorate, 11-2-76)

#### Sec. 5.03. Form of ballot.

The council by ordinance shall prescribe the form of the ballot including the method of listing candidates for city council and mayor elections and any other city election. A charter amendment to be voted on by the city shall be presented for voting 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.  
(Adopted by electorate, 11-2-76)

#### Sec. 5.04. Elections.

(a) *Multiple candidates.* When three (3) or more persons qualify as candidates for any of the designated seats of the city council or mayor to be filled, the person's name who so qualified shall appear on the ballot and be voted upon at a primary election to be held on the first primary election of the county. Each candidate receiving a majority of the votes cast at the primary election for [a] designated seat shall be declared elected without the necessity of being voted upon in the regular city election and shall assume office at the same time and in the same manner as those elected in the regular city election. In the event no

single candidate receives a majority of the votes cast in an election for a designated seat, the two (2) persons receiving the highest number of votes cast for that designated seat on the city council or mayor shall be voted upon at the regular city election to be held on the date of the county's general election.

(b) *Single candidates.* In the event not more than one person qualifies as a candidate, either for ballot listing or write-in, for a designated seat on the city council or mayor to be filled at an election, that seat shall not be listed on the first nonpartisan primary or regular city election ballot. Each unopposed candidate shall be deemed to have voted for himself.

(Adopted by electorate, 11-2-76; Amendment adopted by electorate 3-20-84; Ord. No. 00-8, § 1, 1-24-00, ref. of 3-14-00)

#### \* Sec. 5.05. Council districts; adjustment of districts. \*

(a) *Number of districts.* There shall be four (4) city council districts.

(b) *Districting commission.* Within thirty (30) days following ratification of this Charter by the voters at referendum and thereafter by the 30th day following official certification of the decennial census to the state, or at any interim period chosen by the City Council, the City Council shall appoint ten (10) city electors, determined from the registration for the last statewide general election, who shall comprise the districting commission. Electors chosen shall not be employed or appointed by the City in any other capacity.

(c) *Report; specifications.* Within one hundred and twenty (120) days of appointment, the districting commission shall file with the official designated by the council, a report containing a recommended plan for adjustment of the council district boundaries to comply with these specifications:

- (1) Each district shall be formed of compact, contiguous territory;
- (2) The districts shall be based on the principle of equal and effective representation as required by the United States Consti-

tution and as represented in the mathematical preciseness reached in the legislative apportionment of the state;

- (3) The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the designated official the report shall be treated as an ordinance introduced by a councilmember.

(d) *Support.* It shall be the responsibility of the city manager to provide staff assistance and technical data to the districting commission.

(e) *Procedure.* The procedure for the council's consideration of the report shall be the same as for other ordinances provided that if a summary of the ordinance is published pursuant to this Charter and general law, it must include both the map and a description of the recommended districts.

(f) *Failure to enact ordinance.* The council shall adopt a redistricting ordinance at least ninety (90) days before the next regular city election. If the council fails to do so by such date, the report of the districting commission shall go into effect and have the effect of an ordinance.

(g) *Effect of enactment.* The new council districts and boundaries, as of the date of enactment, shall supersede previous council districts and boundaries for all the purposes of the next regular city election, including qualifications. The new districts and boundaries shall supersede previous districts and boundaries for all other purposes as of the date on which all councilmembers elected subsequent to the date the new districts went into effect take office.

(Adopted by electorate, 11-2-76; Amendment adopted by electorate, 11-6-90)

## ARTICLE VI. TRANSITION SCHEDULE

### Sec. 6.01—6.05. Reserved.

**Editor's note**—Res. No. 79-21, adopted June 26, 1979 and Amendments approved by the voters on Nov. 2, 2004, repealed former sections 6.01—6.05 in their entirety. Former section 6.01 pertained to continuation of former charter provisions and derived from this charter, approved by the voters on Nov. 2, 1976. Former section 6.02 was repealed by Res. No. 79-21,

adopted on June 26, 1979 and pertained to the continuation of ordinances. Former section 6.03 pertained to rights of officers and employees at the time of the adoption of the 1976 charter and was repealed by the amendments of Nov. 2, 2004. Former section 6.04 pertained to pending matters and was repealed by the amendments of Nov. 2, 2004. Former section 6.05 pertained to the schedule of the first city election under the 1976 charter and transitional ordinances. Subsection (a) of this section was repealed by the amendments of Nov. 2, 2004 and subsection (b) was repealed by Res. No. 79-21, adopted June 26, 1979.

### Sec. 6.06. Deletion of obsolete schedule items.

The council shall have power, by resolution, to delete from this article any section, including this one, when all events to which the section to be deleted is or could become applicable have occurred.

(Adopted by electorate, 11-2-76)

## ARTICLE VII. INITIATIVE, REFERENDUM, AND RECALL

### Sec. 7.01. General authority.

(a) *Initiative.* The qualified voters of the city shall have power to propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.

(b) *Referendum.* The qualified voters of the city shall have power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.

(Adopted by electorate, 11-2-76; Amendment adopted by electorate, 11-2-04)

### Sec. 7.02. Commencement of proceedings; petitioner's committee; affidavit.

Any five (5) qualified voters may commence initiative or referendum proceedings by filing





**CITY OF PORT ST. LUCIE  
DISTRICTING COMMISSION  
PRESS RELEASE**

**Volunteers sought for Port St. Lucie's Districting Commission**

*Port St. Lucie* – The City Council is seeking ten (10) qualified City electors, determined from the registration for the last statewide general election, for appointment to the City's Districting Commission. The Districting Commission is established to file a report containing a recommended plan for adjustment of the City Council district boundaries. (City Charter Section 5.05)

Qualified candidates serve on a voluntary basis, must be city residents, and the electors chosen shall not be employed or appointed by the City in any other capacity. No elected official shall be permitted to serve as a member. The successful candidates will serve until completion of the redistricting. (City Charter Sections 3.11 and 5.05)

Interested parties must submit an application and resume to the City Clerk's Office by August 31, 2011. The City Council will make their appointments at an August or September Council meeting. Applications are available at [http://is.gd/bd\\_app](http://is.gd/bd_app).

**Reminder: All Applications must include a resume and be submitted to the City Clerk's Office by August 31, 2011.**



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