

***SPECIAL MEETING OF FLORENCE CITY COUNCIL***

***WEDNESDAY, MARCH 4, 2009 - 4:00 P.M.***

***CITY-COUNTY COMPLEX COUNCIL CHAMBERS***

***FLORENCE, SOUTH CAROLINA***

***AGENDA***

***I. CALL TO ORDER***

***II. INTRODUCTION OF ORDINANCES***

***a. Bill No. 2009-04 - First Reading***

*An Ordinance to establish the date for the holding of the referendum called for by Ordinance 2008-47 to determine whether or not the City of Florence shall amend Chapter 2 of its City Code to change its method of electing the Mayor and City Council members from partisan elections to nonpartisan and run-off election as authorized by Section 5-15-62 of the South Carolina Code of Laws.*

***III. ADJOURN***

**FLORENCE CITY COUNCIL MEETING**

**DATE:** February 2, 2009  
**AGENDA ITEM:** Ordinance No. 2009-\_\_\_\_  
**DEPARTMENT/DIVISION:** City Council - Councilman Brand

**I. ISSUE UNDER CONSIDERATION**

(a) Ordinance No. 2008-47 was adopted on October 20, 2008 to provide for a public referendum to be held in order to determine whether or not the City of Florence will amend Chapter 2 of its City Code to change its method of electing the mayor and city council members from partisan elections to the nonpartisan election and run-off election method as authorized by Section 5-15-62 of the South Carolina Code of Laws.

(b) The ordinance now under consideration is designed to set the date for referendum election.

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN**

(a) After passage of Ordinance No. 2008-47 referred to above, as called for in the ordinance, we submitted the matter to the Department of Justice for pre-clearance. On January 5, 2009, we received a letter from the Department of Justice in which we were informed that no determination regarding the submission for pre-clearance would be made until the referendum election is scheduled.

(b) The attached ordinance is designed to set the date for the election for September 15, 2009 in order to leave time for pre-clearance and the required public notice.

**III. POINTS TO CONSIDER**

(a) The attached ordinance chooses the date of September 15, 2009 in order to allow the following to occur:

(1) The ordinance requires two readings;

(2) The Justice Department must pre-clear the election date and process, and it has sixty (60) days to complete that process after we submit it.

(3) Section 5-15-50 and 7-13-35 require that Public notice of the referendum election be published at least sixty (60) days prior to the election date, and this notice cannot be given prior to receiving the pre-clearance mentioned above.

(b) It is clear that any such change in Florence requires that we both follow the statutory requirements found in Title 5 of the South Carolina Code and that we comply with the requirements of the U.S. Justice Department.

(c) To safely allow for the activities and times set out above, and to allow all interested citizens time to prepare for the referendum, a September 15, 2009 date is about the earliest safe date for the election.

#### **IV. STAFF RECOMMENDATION**

Staff stands ready to carry out the wishes of Council.

#### **V. ATTACHMENTS**

Copy of the proposed Ordinance 2009-\_\_\_\_.

ORDINANCE NO. 2009-\_\_\_\_\_

**AN ORDINANCE TO ESTABLISH THE DATE FOR THE HOLDING OF THE REFERENDUM CALLED FOR BY ORDINANCE 2008-47 TO DETERMINE WHETHER OR NOT THE CITY OF FLORENCE SHALL AMEND CHAPTER 2 OF ITS CITY CODE TO CHANGE ITS METHOD OF ELECTING THE MAYOR AND CITY COUNCIL MEMBERS FROM PARTISAN ELECTIONS TO NONPARTISAN AND RUN-OFF ELECTION AS AUTHORIZED BY SECTION 5-15-62 OF THE SOUTH CAROLINA CODE OF LAWS.**

WHEREAS, City Council duly enacted Ordinance 2008-47 on October 20, 2008 and thereby called for a referendum to determine whether or not the City of Florence shall amend Chapter 2 of its City Code to change its method of electing the mayor and city council members from partisan elections to nonpartisan and run-off election as authorized by section 5-15-62 of the south carolina code of laws, and

WHEREAS, §5-15-70 of the Code of Laws of South Carolina, 1976, as amended, requires that certain times be established by Ordinance for the conduction of Municipal Elections.

**NOW, THEREFORE, BE IT ORDAINED** By the City Council of the City of Florence at a meeting duly assembled and by the authority thereof:

That the following is hereby established for the Referendum Election called for by Ordinance 2008-47:

1. Referendum Election

The Referendum Election shall be held on September 15, 2009 during voting hours beginning at 7:00 a.m. and concluding at 7:00 p.m., at which time a single question shall be posed to the citizens of the City of Florence as follows:

“Shall the Municipality of Florence amend Chapter 2 of its City Code to change its method of electing its Mayor and Members of Council from partisan elections to the nonpartisan election and run-off election method as authorized by Section 5-15-62 of the South Carolina Code of Laws?”

2. Election Commission

The Referendum Election shall be conducted in accordance with §5-15-100, S. C. Code of Laws, by the Municipal Election Commission, appointed pursuant to §5-5-90, S. C. Code of

Laws. Pursuant to §5-15-145 of the S. C. Code of Laws, the City hereby authorizes the Florence County Election Commission to physically conduct the General Election to include preparation of the ballots, obtaining Voter Registration Lists, appointing and coordinating Poll Managers, handling absentee ballots, preparing voting materials for each precinct, readying voting places, supervising voting places, counting votes, and reporting the results to the Municipal Election Commission. The Municipal Election Commission shall certify the results and address any contests of the results.

3. Notice

Public Notice of the Refendum Election shall be given at least 60 days prior to the election pursuant to §5-15-50 and §7-13-35 of the South Carolina Code of Laws, and the notice shall include the last date one can register to be eligible to vote in the referendum, the date, time and location any hearing on challenged ballots will be held, the time absentee ballots will be counted, and the location of the polling places.

4. Determining Results of the Election

To effect the change to the nonpartisan and run-off election method as authorized by §5-15-62 of the South Carolina Code of Laws, a majority of the votes cast by qualified electors must be “Yes” votes in favor of the change.

5. Ordinance shall become effective immediately upon its approval and adoption by the City Council of the City of Florence.

**ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2009.**

**Approved as to form:**

\_\_\_\_\_  
**James W. Peterson, Jr.**  
City Attorney

\_\_\_\_\_  
**Stephen J. Wukela**  
Mayor

**Attest:**

\_\_\_\_\_  
**Dianne M. Rowan**  
Municipal Clerk