

ORDINANCE NO. 2021-02

AN ORDINANCE OF THE TOWN OF WHITE SPRINGS, FLORIDA, PARTIALLY REPEALING ORDINANCE #19-02 WHICH PROPOSED TO AMEND SECTIONS 2.02(a) and 202(b); 2.05(a)(2); 4.01; 4.06(a),(b) and (c); AND 8.00 OF THE TOWN CHARTER; MAKING CERTAIN FINDINGS WITH RESPECT TO THE DEFECTS COMPELLING REPEAL; INCORPORATING FOR REFERENCE A COPY OF ORDINANCE #19-02 PURSUANT TO SECTION 2.07(a) OF THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AUTHORITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town Council for the Town of White Springs, Florida (the "Council") adopted Ordinance #19-02 on second reading on March 12, 2019;

WHEREAS, Ordinance #19-02 set seven referenda upon the ballot for the 2019 General Town Election proposing text amendments to the Town Charter ("Charter");

WHEREAS, as a consequence of the manner in which the referenda were presented to the voters and the textual amendments to the Charter associated with the adoption of one or more referenda, Ordinance #19-02 left open the possibility that the Charter could be amended in such a way as to render portions of the Charter ambiguous or internally inconsistent;

WHEREAS, pursuant to Ordinance #19-02 Amendment 1 called for revisions of section 2.02(a) of the Charter while Amendment 2 called for revisions to section 2.02(b);

WHEREAS, at the General Town Election on April 23, 2019 Amendment 1 passed while Amendment 2 failed, resulting in a text amendment that removed all references to the term of any councilmember while providing for two separate, conflicting processes through which councilmembers are elected;

WHEREAS, Amendments 4 and 5 passed on referendum, but operate on the assumption that Amendment 2 passed, and thus result in similarly conflicting text amendments; and

WHEREAS, Amendment 6, which implements the text amendment set forth in section A(5) of Ordinance #19-02, passed referendum and does not create an internal inconsistency or ambiguity to the Charter and thus should be saved from repeal.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WHITE SPRINGS AS FOLLOWS:

Section 1. Recitals Incorporated. The recitals above are true and correct and are incorporated as the Council's findings in support of this Ordinance.

Section 2. Partial Repeal of Ordinance #19-02. Sections (A)(1) through (A)(4) and section (A)(6) of Ordinance #19-02 should be and are hereby repealed as the text amendments to the Charter provided by said sections create internal inconsistencies in the Charter, rendering said provisions ambiguous or meaningless.

Section 3. Saving Provision. Section (A)(5) of Ordinance #19-02 is saved from repeal as Amendment 6 was adopted by referendum at the General Town Election and the text amendment neither causes an ambiguity nor otherwise compromises the integrity of the remainder of the Charter.

Section 4. Ordinance #19-02 attached and incorporated. A true and correct copy of Ordinance #19-02 is attached hereto and incorporated as required by section 2.07(a) of the Charter.

Section 5. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 6. Conflict. All ordinances or portions of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Authority. This ordinance is adopted pursuant to the authority granted by Section 166.021 Florida Statutes, as amended and the Town Charter for the Town of White Springs, Florida.

Section 8. Effective Date. This ordinance shall become effective upon adoption.

PASSED upon first reading this 19th day of March 2021.

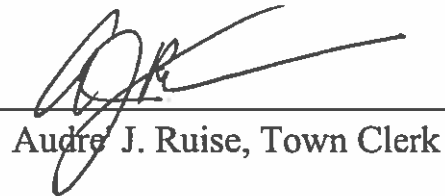
PASSED AND DULY ADOPTED upon second and final reading during regular session this 13th day of April 2021.

TOWN COUNCIL
TOWN OF WHITE SPRINGS, FLORIDA



ANITA RIVERS, Vice Mayor

ATTEST:



Audre J. Ruise, Town Clerk

APPROVED as to Form and Legality



Joel Foreman, Town Attorney

