

Municipal residency requirements

Number: INFORMAL

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Mr. Claude L. Mullis
Attorney for the City of Neptune Beach
4114 Herschel Street, Suite 120
Jacksonville, Florida 32210

Dear Mr. Mullis:

This is in response to your request for a legal opinion as to the residency requirements for members of the Neptune Beach City Council. While this office does not interpret local charters or codes, the following comments are offered in order to be of assistance.

The materials you have provided refer to portions of the city's charter that provide:

"There shall be a City Council of five members elected at large by the electors of the City, one of whom shall be the Mayor. Only qualified electors of the City shall be eligible to be members of the City Council."

Section 3.01, of the city's charter states:

"Any person who is a *resident* of the City, who has qualified as an elector of this State, and who registers in the manner prescribed by law shall be an elector of the City." (emphasis supplied)

Thus, the city's charter clearly requires that members of the city council be qualified electors in the city and, in order to be a qualified elector, an individual must be a resident of the city. While you have not indicated that there is a definition of "resident" contained in the city's charter, the plain and ordinary meaning of the term is defined in Black's Law Dictionary as

"a dweller, habitant or occupant; one who resides or dwells in a place for a period of more, or less, duration; it signifies one having a residence, or one who resides or abides."

Thus, it would appear that the clear intent of the city's charter is that only those persons who reside within the city may be a member of the city council. I am enclosing a copy of *Marina v. Leahy*, 578 So. 2d 382 (Fla. 3d DCA 1991), containing discussion relevant to the issue you have raised.

I trust these informal observations and the enclosed material will provide some guidance in the resolution of this matter.

Sincerely,

Lagran Saunders

Assistant Attorney General

ALS/tgk

Enclosure