

ORDINANCE NO. 2022-012

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, SUBMITTING TO REFERENDUM AMENDMENTS TO THE TOWN'S CHARTER; PROPOSING THE FOLLOWING AMENDMENTS TO BE CONSIDERED ON THE NOVEMBER 1, 2022 GENERAL ELECTION BALLOT: TO AMEND ARTICLE II "TOWN COUNCIL" SECTION 2.04 (a) TO AMEND THE RESIDENCY REQUIREMENT FOR THE TOWN'S MAYOR; TO AMEND ARTICLE II "TOWN COUNCIL" SECTION 2.06 (c) TO CLARIFY HOW TOWN COUNCIL VACANCIES ARE FILLED; AND TO AMEND ARTICLE VII "CHARTER AMENDMENTS" SECTION 7.03 TO APPOINT A CHARTER REVIEW COMMITTEE EVERY TEN (10) YEARS FOLLOWING THE PUBLICATION OF THE CENSUS; DIRECTING THE TOWN CLERK TO PROVIDE FOR A NOTICE OF ADVERTISEMENT OF THE REFERENDUM ELECTION TO BE PUBLISHED IN ACCORDANCE WITH THE STATE OF FLORIDA ELECTION CODE; SUBMITTING THE REFERENDUM TO THE QUALIFIED VOTERS OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, FOR THE 2022 GENERAL ELECTION; PROVIDING THAT SUCH REFERENDUM, IF ADOPTED, SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VII, Section 7.02 (a) (1) of the Charter of the Town of Southwest Ranches provides that the Town Council may by Ordinance propose amendments to the Town's Charter; and

WHEREAS, upon passage of the initiating ordinance the proposed amendments shall be submitted to a vote of the electors at the next general election; and

WHEREAS, following the Town's 2021 Charter Review Committee's review, the Town Council has authorized the Town Administrator to seek approval from the Supervisor of Elections to have these Charter Amendments placed on the November 1, 2022, general election ballot, to allow the Town's electorate to determine if the Charter should be

amended; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. The Town Council hereby directs the Town Administrator to prepare a referendum for the November 1, 2022 general election proposing amendments to the Town's Charter, as set forth in Exhibit "A" attached, and in accordance with the Ballot Questions contained in Exhibit "B", attached hereto, with such changes as may be required by the Supervisor of Elections' Office to effectuate the intent of this Ordinance.

Section 3. The Town Council hereby directs the Town Administrator to seek approval from the Supervisor of Elections to place these proposed Charter Amendments on the general election ballot, to allow the Town's electorate to determine if the Charter should be amended.

Section 4. Codification.

It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Charter of the Town, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

Section 5. Severability

If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 6. Conflicts.

That all Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

Section 7. Effective Date.

That this Ordinance shall take effect immediately upon adoption.

Signatures on Following Page

PASSED ON FIRST READING this 26th day of May, 2022 on a motion made by Council Member Hartmann and seconded by Vice Mayor Jablonski.

PASSED AND ADOPTED ON SECOND READING this 9th day of June, 2022 on a motion made by Chm Kuczenski and seconded by Chm Hartmann.

| | | | |
|------------|---------------|------------|----------|
| Breitkreuz | <u>Absent</u> | Ayes | <u>3</u> |
| Jablonski | <u>Yes</u> | Nays | <u>1</u> |
| Allbritton | <u>Yes</u> | Absent | <u>1</u> |
| Hartmann | <u>No</u> | Abstaining | <u>0</u> |
| Kuczenski | <u>Yes</u> | | |

 FOR

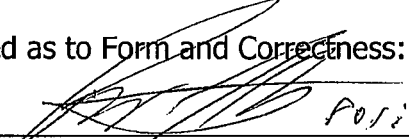
Steve Breitkreuz, Mayor

ATTEST:



Russell Muñiz, Assistant Town Administrator, Town Clerk

Approved as to Form and Correctness:

 P.O.S.

Keith M. Poliakoff, J.D., Town Attorney
1001.1027.01

EXHIBIT "A"

CHARTER AMENDMENTS

The Electorate shall be asked whether the Charter should be amended to effectuate the following changes:

1. Section 2.04 (a) – Mayor Election Criteria.

(a) *Mayor.* The Mayor shall be elected at large for a 4-year term by the electors of the Town in the manner provided in Article VI. The Mayor shall remain in office until his or her successor is elected and assumes the duties of the position. The Mayor must be a resident of the Town for at least four (4) years preceding the election.

2. Section 2.06 (c) – Filling of vacancies.

(b) *Filling of vacancies.* A vacancy on the Council shall be filled as follows:

(1) The Town Council shall appoint a qualified elector to fill the vacancy within (120) one hundred-twenty days by majority vote. The appointed Council Member shall remain in office until the next general election, where an election will take place to either finish the unexpired portion of the original term, or commence a new term. In the event that a majority vote cannot be obtained within the one hundred-twenty (120) days, - . The appointed Council Member shall remain in office until the next general election, where an election will take place to either finish the unexpired portion of the original term, or commence a new term. a special election will be held as soon as can be effectuated by the Supervisor of Elections, to complete the unexpired term.

(2) In the case of the Mayor, the Vice Mayor shall fill the vacancy and shall become the Acting Mayor until the next regularly scheduled election, where an election will take place to either finish the unexpired portion of the Mayor's original term or commence a new term. A new Vice Mayor will be selected at the next Town Council

Meeting. The Acting Mayor may run for such election or, upon certification of the election results, shall resume that Council Member's original District Seat. In the event that the Acting Mayor's District Seat is up for election, the Acting Mayor may run for such election, and upon certification of the election results, shall no longer be Acting Mayor.

- ~~(1) If less than 1 year remains in the unexpired term, the vacancy shall be filled by the Council within 30 days.~~
- ~~(2) If 1 year or more remains in the unexpired term, the vacancy shall be filled by a special election to be held not sooner than 60 days or more than 120 days following the occurrence of the vacancy.~~
- ~~(3) Persons filling vacancies shall meet the qualifications specified in this Article.~~
- ~~(4) If no candidate for a vacancy meets the qualifications under this Article for that vacancy, the Council shall appoint a person qualified under this Article to fill the vacancy.~~
- ~~(5) Notwithstanding any quorum requirements established herein, if at any time the full membership of the Council is reduced to less than a quorum, the remaining members may, by majority vote, appoint additional members to the extent otherwise permitted or required under this subsection.~~
- ~~(6) In the event that all the members of the Council are removed by death, disability, recall, forfeiture of office, or resignation, or any combination thereof, the Governor shall appoint interim Council members who shall call a special election within not less than 60 days or more than 120 days after such appointment. Such election shall be held in the same manner as the initial elections under this Charter. However, if there are less than 6 months remaining in the unexpired terms, the interim Council appointed by the Governor shall serve out the unexpired terms. Appointees must meet all requirements for candidates provided for in this Article.~~
- ~~(7) In the event that the Council is required to fill the vacancy, within seven (7) days of the vacancy the Town shall publish notice to seek interested qualified candidates to fill the vacancy, who must respond to the notice within fifteen (15) days of publication. The Council shall~~

~~select a candidate to fill the vacancy from the interested qualified candidate list within fifteen (15) days thereafter.~~

3. Section 7.03 – Appointment of Charter Review Committee.

The Council shall appoint a Charter Review Committee once every ten (10) years following the publication of the census, which shall contain at least five registered electors who are residents of the Town and whose responsibilities shall include the review and analysis of the Charter and recommendations to the Council of proposed Charter amendments, including, without limitation, issues such as District voting versus town-wide elections for Council members. All recommendations of the Charter Review Committee shall be considered by the Council ~~at least once every 4 years~~, and the Council may by ordinance propose amendments to this Charter upon recommendation of the Charter Review Committee. Upon passage of the initiating ordinance, the Council shall submit the proposed amendment to a vote of the electors of the Town at the next general election held within the Town or at a special election called for such purpose.

EXHIBIT "B"

**SAMPLE BALLOT QUESTION
GENERAL ELECTION
NOVEMBER 1, 2022**

SOUTHWEST RANCHES
AMENDMENT #1
TOWN MAYOR RESIDENCY REQUIRMENT.

Should the Charter of the Town of Southwest Ranches be amended to require the Town Mayor to be a resident of the Town for at least four (4) years preceding the election?

Shall the above-described amendment be adopted?

YES
NO

SOUTHWEST RANCHES
AMENDMENT #2
FILLING COUNCIL VACANCIES.

Should the Charter of the Town of Southwest Ranches be amended to require the Town Council to fill a Council vacancy within one hundred -twenty days (120), or hold a special election, as soon as can be effectuated by the Supervisor of Elections to complete the unexpired term? In the case of the Mayor, the Vice Mayor would become the Acting Mayor until the next regularly scheduled election.

Shall the above-described amendment be adopted?

YES
NO

SOUTHWEST RANCHES
AMENDMENT #3
APPOINTMENT OF THE CHARTER REVIEW COMMITTEE.

Should the Charter of the Town of Southwest Ranches be amended to require the Town Council to appoint a Charter Review Committee once every ten years following the publication of the census.

Shall the above-described amendment be adopted?

YES

NO