

ORDINANCE NO. 2014 -004

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, SUBMITTING TO REFERENDUM AMENDMENTS TO THE CHARTER OF THE TOWN OF SOUTHWEST RANCHES; PROPOSING TO AMEND ARTICLE II, ENTITLED "TOWN COUNCIL; MAYOR", AND IN PARTICULAR SECTION 2.07 ENTITLED "COMPENSATION; REIMBURSEMENT FOR EXPENSES" BY CREATING SECTION 2.07(c) TO RECOGNIZE THAT THE OFFICES OF MAYOR AND COUNCIL MEMBER ARE PART-TIME POSITIONS AND AS SUCH THE MAYOR AND COUNCIL MEMBER SHALL BE PERMITTED TO ENGAGE IN OUTSIDE/CONCURRENT EMPLOYMENT CONSISTENT WITH CHAPTER 112, F.S.; AMENDING ARTICLE VIII, "ENTITLED GENERAL PROVISIONS" BY CREATING SECTION 8.08 ENTITLED "BOARDS AND COMMITTEES" TO ESTABLISH BOARDS AND COMMITTEES AND TO RECOGNIZE THAT MEMBERS OF TOWN BOARDS AND COMMITTEES SHALL BE PERMITTED TO ENGAGE IN OUTSIDE/CONCURRENT EMPLOYMENT CONSISTENT WITH CHAPTER 112, F.S; PROVIDING THAT ANY DISCLOSURES ASSOCIATED WITH SUCH OUTSIDE/CONCURRENT EMPLOYMENT SHALL BE CONSISTENT WITH AND LIMITED TO THE REQUIREMENTS OF CHAPTER 112, F.S., AMENDING ARTICLE VIII, "ENTITLED GENERAL PROVISIONS" BY CREATING SECTION 8.09 ENTITLED "LOBBY OR LOBBYIST" TO CLARIFY THAT THESE TERMS DO NOT INCLUDE UNCOMPENSATED RESIDENTS WHO ARE ADVOCATING ON BEHALF OF THEMSELVES OR FOR OTHER TOWN RESIDENTS; 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; PROVIDING THAT THIS ORDINANCE WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED VOTERS OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AT THE NEXT ELECTION OF NOVEMBER 4, 2014; 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, 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 4, 2014, general election ballot, to allow the Town's electorate to determine if the Charter should be amended; and

WHEREAS, Article II, Section 2.07 of the Charter of the Town's Charter provides for compensation for the Mayor and members of the Town Council; and

WHEREAS, the positions of Mayor and members of the Town Council are part-time positions with the individuals serving in such positions receiving limited compensation for their public service; and

WHEREAS, Chapter 112, F.S., authorizes public officers, including elected officials, to engage in outside/concurrent employment not otherwise inconsistent with Florida law, and establishes specific financial disclosure requirements for such individuals; and

WHEREAS, the Town Council of the Town of Southwest Ranches finds it to be in the best interests of the citizens and residents of the Town to embrace such provisions of Chapter 112, F.S., in the Town's Charter, and to allow such outside/concurrent employment, solely limited to the provisions of Chapter 112, F.S., as may be applicable, and as may be amended from time to time; and

WHEREAS, the Town Council desires for its Charter to be amended to specifically provide for the establishment of Boards and Committees; and

WHEREAS, the Town's board and committee members serve in a voluntary and part-time capacity and that they receive no compensation for their public service; and

WHEREAS, the Town Council finds it to be in the best interests of the citizens and residents of the Town to amend its Charter to reflect that Town board and committee members are allowed to engage in outside/concurrent employment, solely limited to the provisions of Chapter 112, F.S., as may be applicable, and as may be amended from time to time.

WHEREAS, the Town Council also finds it to be in the best interests of the citizens and residents of the Town to amend its Charter to reflect that the definition of the terms "lobby" or "lobbyist", as may be applicable to the Town, shall not include uncompensated residents who are simply advocating for themselves or for other Town residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION 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 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 November 4, 2014, 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 effecting 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.

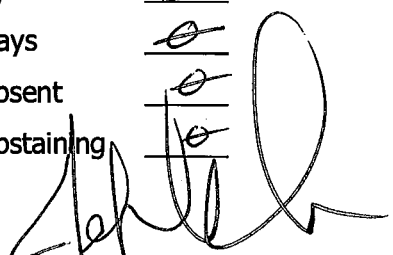
That this Ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING this 8th day of May, 2014 on a motion made by Vice Mayor Jablonski and seconded by Council Member McKay.

PASSED AND ADOPTED ON SECOND READING this 12th day of June, 2014 on a motion made by Vice Mayor Jablonski and seconded by Council Member McKay.

Nelson ayes
Jablonski ayes
McKay ayes
Fisikelli ayes
Breitkreuz ayes

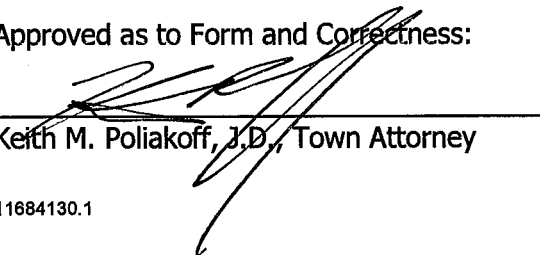
Ayes 5
Nays 0
Absent 0
Abstaining 0



Jeff Nelson, Mayor

ATTEST: 

Russell Muñiz, MMC, Town Clerk

Approved as to Form and Correctness:


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

EXHIBIT "A"

CHARTER AMENDMENTS

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

1. Section 2.07. – Compensation; reimbursement for expenses.

...

(c) The positions of Mayor and Council member shall be part-time positions, and the individuals serving in such positions shall be permitted to engage in outside/concurrent employment consistent with Chapter 112, F.S., as applicable and as may be amended. Any required disclosures associated with such outside/concurrent employment shall be consistent with and limited to the requirements of Chapter 112, F.S., as may be amended.

.....

2. Section 8.08. – Boards and Committees.

(a) The Town Council may establish, from time to time as it deems necessary and appropriate, boards and committees to provide advice or recommendations to the Town Council or to render decisions on certain matters delegated by the Town Council.

(b) Service on the Town's boards and committees shall be voluntary and part-time. Individuals serving on Town boards and committees shall be permitted to engage in outside/concurrent employment consistent with Chapter 112, F.S., as applicable and as may be amended. Any required disclosures associated with such outside/concurrent employment shall be consistent with and limited to the requirements of Chapter 112, F.S., as may be amended from time to time.

3. Section 8.09. – Lobby or Lobbyists.

The definition of the terms "lobby" or "lobbyist", as may be applicable to the Town, shall not include uncompensated residents who are simply advocating for themselves or for other Town residents.

EXHIBIT "B"

**SAMPLE BALLOT QUESTION
GENERAL ELECTION
NOVEMBER 4, 2014**

**SOUTHWEST RANCHES
AMENDMENT #1**

**TOWN ELECTED OFFICIALS SERVE PART-TIME AND MAY BE
CONCURRENTLY EMPLOYED PURSUANT TO FLORIDA LAW.**

Should the Charter of the Town of Southwest Ranches recognize that service on the Town Council be recognized as a part-time position whereby the Town's elected officials shall be permitted to engage in outside/concurrent employment consistent with Florida law provided that any disclosures associated with such employment shall be consistent with and limited to the requirements of Florida law?

Shall the above-described amendment be adopted?

YES

NO

**SOUTHWEST RANCHES
AMENDMENT #2**

**TOWN BOARD AND COMMITTEE MEMBER SERVICE IS VOLUNTARY AND
MEMBERS MAY BE CONCURRENTLY EMPLOYED PURSUANT TO FLORIDA
LAW.**

Should the Charter of the Town of Southwest Ranches recognize the establishment of boards and committees and should such service on Town board and committees be recognized as voluntary and part-time position whereby the members on such boards and committees shall be permitted to engage in outside/concurrent employment consistent with Florida law provided that any disclosures associated with such employment shall be consistent with and limited to the requirements of Florida law?

Shall the above-described amendment be adopted?

YES
NO

**SOUTHWEST RANCHES
AMENDMENT #3**

**AN UNCOMPENSATED RESIDENT WHO ADVOCATES A POSITION ON
BEHALF OF THEMSELVES OR FOR ANOTHER RESIDENT IS NOT A
LOBBYIST.**

Should the Charter of the Town of Southwest Ranches recognize that the terms "lobby" or "lobbyist", as may be applicable to the Town, should not include uncompensated residents who are simply advocating for themselves or for other residents within the Town.

Shall the above-described amendment be adopted?

YES
NO

11684130.1