

RESOLUTION NO. 2011 – 005

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA SUPPORTING AND AUTHORIZING THE SUBMISSION OF A SPECIAL ACT OF THE FLORIDA LEGISLATURE TO AMEND THE TOWN'S CHARTER TO REMOVE INAPPLICABLE PROVISIONS AND TO MAKE MINISTERIAL CHANGES; AMENDING SECTION 1.01 OF THE TOWN'S CHARTER TO FURTHER DESCRIBE THE TOWN'S RURAL RESIDENTIAL CHARACTER; AMENDING SECTION 2.04(a) OF THE TOWN'S CHARTER TO ELIMINATE PREVIOUSLY REPEALED LANGUAGE; AMENDING SECTION 2.04(b) OF THE TOWN'S CHARTER TO ELIMINATE PREVIOUSLY REPEALED LANGUAGE; AMENDING SECTION 2.06(7) OF THE TOWN'S CHARTER TO PROVIDE SPECIFIC LANGUAGE AS TO HOW THE TOWN COUNCIL WILL FILL COUNCIL VACANCIES; AMENDING SECTION 3.10 OF THE TOWN'S CHARTER TO ENABLE TOWN BOARDS AND COMMITTEES TO VOTE BY ROLL CALL VOTE, PAPER BALLOT, OR AFFIRMATION; AMENDING SECTION 6.01(h) OF THE TOWN'S CHARTER, THE OATH OF OFFICE, TO FURTHER PROTECT THE RURAL RESIDENTIAL CHARACTER OF THE TOWN; AUTHORIZING THE TOWN ADMINISTRATOR TO SUBMIT THE SPECIAL ACT AND TO MAKE ANY CHANGES DEEMED NECESSARY AND PROPER TO EFFECTUATE THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Southwest Ranches Charter Review Committee has performed a comprehensive review of the Town's Charter; and

WHEREAS, the Town's Charter Review Committee has proposed several ballot initiatives to amend the Town's Charter; and

WHEREAS, the Town's Charter Review Committee has also proposed a Special Act of the Florida Legislature to clean up the Town's Charter by eliminating previously repealed provisions and by making ministerial changes; and

WHEREAS, the Town Council finds the Town's Charter Review Committee's recommendations to be in the best interest of the health, safety, and welfare of its residents; and

WHEREAS, to have these amendments approved by Special Act in lieu of spending tax payer's dollars on ballot initiatives is prudent in this economic climate; and

WHEREAS, the Town Council respectfully requests the Florida Legislature to enact the Town's Special Act.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1: Recitals. The recitals above are true and correct and are incorporated herein by reference.

Section 2: Approval. The Town Council hereby authorizes and supports the submission of a Special Act to the Florida Legislature to amend the Town's Charter to remove inapplicable provisions and to make ministerial changes, as attached hereto as Exhibit "A".

Section 3: Authorization. The Town Council of the Town of Southwest Ranches does hereby authorize its Town Administrator to submit this Special Act in substantially the same form as that attached hereto as Exhibit "A" and to make such modifications, additions and/or deletions which they deem necessary and proper to effectuate the intent of this Resolution.

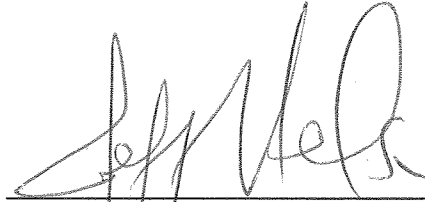
Section 4: Effective Date. This Resolution shall become effective immediately upon its adoption.

[Signatures on Following Page]


PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 20th day of October 2010, on a motion by Council Member Breitzkreuz and seconded by Council Member McKay.

Nelson	<u>AYE</u>
Knight	<u>AYE</u>
Fisikelli	<u>AYE</u>
Breitzkreuz	<u>AYE</u>
McKay	<u>AYE</u>


Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>



Jeff Nelson, Mayor

ATTEST:


Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:


Keith M. Poliakoff, Town Attorney
ACTIVE: 3115487_1

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AN ACT RELATING TO BROWARD COUNTY, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES' CHARTER TO REMOVE INAPPLICABLE PROVISIONS AND TO MAKE MINISTERIAL CHANGES; AMENDING SECTION 1.01 TO FURTHER DESCRIBE THE TOWN'S RURAL RESIDENTIAL CHARACTER; AMENDING SECTION 2.04(a) TO ELIMINATE PREVIOUSLY REPEALED LANGUAGE; AMENDING SECTION 2.04(b) TO ELIMINATE PREVIOUSLY REPEALED LANGUAGE; AMENDING SECTION 2.06(7) TO PROVIDE SPECIFIC LANGUAGE AS TO HOW THE TOWN COUNCIL WILL FILL COUNCIL VACANCIES; AMENDING SECTION 3.10 TO ENABLE TOWN BOARDS AND AGENCIES TO VOTE BY ROLL CALL VOTE, PAPER BALLOT, OR AFFIRMATION; AMENDING SECTION 6.01(h), THE OATH OF OFFICE, TO FURTHER PROTECT THE RURAL RESIDENTIAL CHARACTER OF THE TOWN; PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1: The Charter of the Town of Southwest Ranches shall be amended to read as follows:

Section 1.01. Corporate existence.

In order to preserve, protect, and to enhance the quality of life and the rural residential character of ~~the~~ Southwest Ranches, a municipal corporation known as ~~the~~ Town of Southwest Ranches (the "Town") is hereby created pursuant to the Constitution of the State of

1 Florida (the "State"). The corporate existence of the Town shall commence upon the adoption
2 of this Charter by the electorate pursuant to [former] section 9.01 of this charter.

3
4 Section 2.04. Election and term of office.

5
6 (a) *Mayor.* ~~Except as provided in [former] Section 9.03(c) [now repealed],~~ The
7 Mayor shall be elected at large for a 4-year term by the electors of the Town in the manner
8 provided in Article VI. The Mayor shall remain in office until his or her successor is elected
9 and assumes the duties of the position.

10
11 (b) *Town Council.* ~~Except as provided in [former] Section 9.03(c) [now repealed],~~
12 Each Council member other than the Mayor shall be elected at large for a 4-year term by the
13 electors of the Town in the manner provided in Article VI. Subsequent to the decennial census
14 ~~of 2000~~, but at least 6 months before the qualifying period for the subsequent municipal
15 election ~~of 2002~~, the Council shall divide the Town into four residential districts which shall
16 be as nearly equal in population as practicable. The Council shall designate each of the
17 districts one of the numbers 1 through 4. Each seat number shall correspond with a residential
18 district number. Beginning with the municipal election of 2002, and for each election
19 thereafter, the four members of the Council other than the Mayor must also be ~~electors of the~~
20 ~~Town and~~ residents of the particular residential district on the date on which they qualify for
21 election. Council members in office who are removed from their district as a result of the
22 redistricting subsequent to the decennial census of 2000, or after a subsequent decennial
23 census, may serve out the balance of their terms. Each Council member shall remain in office
24 until his or her successor is elected and assumes the duties of the position.

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Section 2.06. Vacancies; forfeiture of office; filling of vacancies.

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(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.

Section 3.10. Town boards and agencies.

Except as otherwise provided by law, the Council may establish or terminate such boards and agencies as it may deem advisable from time to time. The boards and agencies shall report to the Council. Members of boards and agencies shall be appointed by the Council by resolution. Town boards and agencies may vote by roll call, paper ballot, or affirmation.

Section 6.01 Elections.

...

(h) *Oath.* All elected officers, before entering upon their duties, shall take and subscribe to the following oath of office:

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida, and the Charter of the Town of Southwest Ranches; and will protect the rural residential character of the Town; that I am duly qualified to hold office under the Constitution of the State and the Charter of the Town of Southwest Ranches; and that I will well and faithfully perform the duties of (Mayor or Council member) upon which I am now about to enter. (So help me God.)

...

Section 2. This act shall take effect upon becoming a law.

ACTIVE: 3119852_1