

ORDINANCE NO. 2017-006

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, SUBMITTING TO REFERENDUM AMENDMENTS TO THE TOWN'S CHARTER; PROPOSING TO AMEND ARTICLE IV "LEGISLATIVE", BY ADDING SECTION 4.10 ENTITLED "LONG TERM LEASE OR SALE OF PROPERTY OWNED BY THE TOWN" TO PLACE RESTRICTIONS ON THE SALE OR LONG TERM LEASE OF PROPERTY OWNED BY THE TOWN, EXCLUDING RIGHTS-OF-WAY, PROPERTY LESS THAN THE MINIMUM LOT SIZE REQUIREMENT, PROPERTY THAT WAS ACQUIRED THROUGH FORECLOSURE, AND PROPERTY, NOT LOCATED WITHIN OR ADJACENT TO A TOWN PARK, THAT WAS SPECIFICALLY AQUIRED FOR RE-SALE OR LEASE PURPOSES; PROPOSING TO AMEND ARTICLE V "QUASI-JUDICIAL", BY AMENDING SECTION 5.01 TO REQUIRE THE UNANIMOUS VOTE OF THE ENTIRE COUNCIL FOR ALL LAND USE AND QUASI-JUDICIAL ITEMS; 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 ELECTION OF NOVEMBER 6, 2018; ENACTING A ZONING IN PROGRESS FOR THE TOWN COUNCIL TO ACT IN ACCORDANCE WITH THESE BALLOT MEASURES UNTIL THEY ARE VOTED UPON BY THE ELECTORATE; 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 6, 2018, general election ballot, to allow the Town's electorate to determine if the Charter should be amended; and

WHEREAS, the Town's Charter is silent as to the long term lease or sale of Town owned Property; and

WHEREAS, the Town Council desires the Town's electorate to consider placing safeguards in the Town's Charter relating to the long term lease or sale of property owned by the Town, excluding rights-of-way, property less than the minimum lot size requirement, property that was acquired through foreclosure, and property, not located within or adjacent to a Town park, that was specifically acquired for lease or re-sale purposes; and

WHEREAS, the Town Council further wishes the electorate to consider a Charter Amendment to amend Section 5.01 of the Town's Charter to require the unanimous vote of the entire Town Council when considering all land use and quasi-judicial items; 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 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 6, 2018, general election ballot, to allow the Town's electorate to determine if the Charter should be amended.

Section 4. The Town hereby enacts a zoning in progress for the Town Council to act in accordance with these ballot measures until they have been voted upon by the electorate.

Section 5. 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 6. 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 7. 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 8. Effective Date.

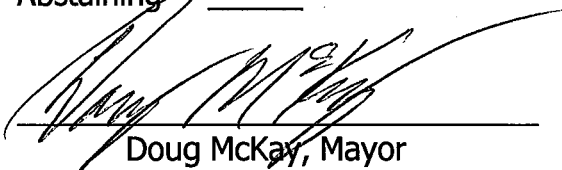
That this Ordinance shall take effect immediately upon adoption.

Signatures on Following Page

PASSED ON FIRST READING this 8th day of June, 2017 on a motion made by
Vice Mayor Breitkreuz and seconded by Council Member Jablonski.


PASSED AND ADOPTED ON SECOND READING this 22nd day of June, 2017
on a motion made by CM Jablonski and seconded by VM Breitkreuz.

McKay	<u>No</u>	Ayes	<u>4</u>
Breitkreuz	<u>Yes</u>	Nays	<u>1</u>
Fisikelli	<u>Yes</u>	Absent	<u> </u>
Jablonski	<u>Yes</u>	Abstaining	<u> </u>
Breitkreuz	<u>Yes</u>		



Doug McKay, Mayor

ATTEST:



Russell Muñiz, MMC, Assistant Town Administrator, Town Clerk

Approved as to Form and Correctness:



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

114115322.1

EXHIBIT "A"

CHARTER AMENDMENTS

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

1. Section 4.10 – Long Term Lease or Sale of Town Property.

The unanimous vote of the all five (5) members of the Town Council and a referendum of the electorate shall be required prior to entering into any lease agreement greater than ten (10) years, including any renewals thereof, or prior to the sale of any property owned by the Town, excluding rights-of-way, property less than the minimum lot size requirement, property that was acquired through foreclosure, and property, not located within or adjacent to a Town park, that was specifically acquired for lease or re-sale purposes.

2. Section 5.01. – Quasi-judicial meeting procedures.

All land use and quasi-judicial items require ~~four affirmative votes~~ the unanimous vote of the entire Council. ~~Any four members of the~~ All five (5) members of the Council shall constitute a quorum for ~~be required to vote on all~~ land use and quasi-judicial items. All voting shall be by roll call.

EXHIBIT "B"

**SAMPLE BALLOT QUESTION
GENERAL ELECTION
NOVEMBER 6, 2018**

**SOUTHWEST RANCHES
AMENDMENT #1
LONG TERM LEASE OR SALE OF PROPERTY OWNED BY THE TOWN.**

Should the Charter of the Town of Southwest Ranches be amended to require the unanimous vote of the entire Town Council, and a referendum of the electorate, prior to entering into any long term lease agreement or sale of property owned by the Town, with limited exception?

Shall the above-described amendment be adopted?

YES

NO

**SOUTHWEST RANCHES
AMENDMENT #2
QUASI-JUDICIAL AND LAND USE VOTING REQUIREMENTS.**

Should the Charter of the Town of Southwest Ranches be amended to require the unanimous vote of all five Council Members for land use and quasi-judicial items?

Shall the above-described amendment be adopted?

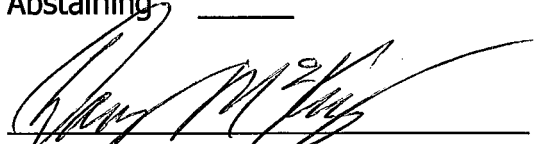
YES

NO

PASSED ON FIRST READING this 8th day of June, 2017 on a motion made by Vice Mayor Breitkreuz and seconded by Council Member Jablonski.

PASSED AND ADOPTED ON SECOND READING this 22nd day of June, 2017 on a motion made by CM Jablonski and seconded by VM Breitkreuz.

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Fisikelli	<u>Yes</u>	Absent	<u> </u>
Jablonski	<u>Yes</u>	Abstaining	<u> </u>
Breitkreuz	<u>Yes</u>		




Doug McKay, Mayor

ATTEST: 

Russell Muñiz, MMC, Assistant Town Administrator, Town Clerk

Approved as to Form and Correctness:



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

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