

ORDINANCE NO. 2005 - 01

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, PROPOSING A REFERENDUM TO AMEND SECTION 6.01(c) OF THE TOWN'S CHARTER TO CHANGE THE REGULARLY SCHEDULED MUNICIPAL ELECTION DATE FROM MARCH TO NOVEMBER; PROPOSING THE BALLOT LANGUAGE; DIRECTING THE TOWN ADMINISTRATOR TO REQUEST A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH BROWARD COUNTY'S MARCH 8, 2005 SPECIAL ELECTION TO ALLOW THE TOWN'S ELECTORATE TO DETERMINE IF THE CHARTER SHOULD BE AMENDED; DIRECTING THE TOWN CLERK TO PROVIDE PROPER NOTICE FOR THE ELECTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING 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 or at a special election; and

WHEREAS, during the 2004 Legislative Session, the Florida Legislature passed HB 1401, which allows municipalities in Broward County the option of conducting their municipal general elections in November of even numbered calendar years; and

WHEREAS, Section 6.01(c) of the Town's Charter provides that a regular election shall be held on the second Tuesday in March of even-numbered years; and

WHEREAS, the Town Council believes that a November election will yield a higher voter turnout and that it will save the municipality some of the costs and expenses associated with a March election; and

WHEREAS, in furtherance of HB 1401, the Town Council has authorized the Town Administrator to seek approval from the Supervisor of Elections to hold a special election on March 8, 2005, in conjunction with Broward County's special election, to allow the Town's electorate to determine if the Charter should be amended.

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

Section 1: That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2: The Town Council hereby directs the Town Administrator and Town Attorney to prepare a referendum proposing an amendment to the Town's Charter as follows:

Section 6.01 (c) ELECTION DATES. A regular election shall be held on the second Tuesday in ~~March~~ November of even numbered years, commencing in 2006. Notwithstanding any provision of the Charter to the contrary, in order to establish the new election cycle, the individuals elected as Mayor and Council members in the March 2002 and March 2004 elections shall serve terms of four years and eight months, rather

than four years, and shall remain in office until their respective successors are elected in the regular elections held in November 2006 and November 2008 respectively, and assume the duties of the position.

Section 3: The Town Council hereby approves the form of the ballot question for the Charter amendment to appear as follows:

SOUTHWEST RANCHES
AMENDMENT #1
CHANGE OF MUNICIPAL ELECTION DATE FROM MARCH TO NOVEMBER

Currently, regular municipal elections are held on the second Tuesday in March of even-numbered years. The proposed amendment would hold regular municipal elections on the same date as the November general election, in even-numbered years, commencing with the November 2006 election. To establish the new election cycle, terms for Mayor and Council Members elected in the March 2002 and 2004 elections, shall be four years and eight months, rather than four years.

Shall the above-described amendment be adopted?

YES
NO

Section 4: The Town Council hereby directs the Town Administrator to seek approval from the Supervisor of Elections to hold a special election on March 8, 2005, in conjunction with Broward County's special election, to allow the Town's electorate to determine if the Charter should be amended.

Section 5: The Town Council hereby directs the Town Clerk to provide proper notice for the proposed referendum and the election and to coordinate with the Supervisor of Elections to have the referendum placed on the ballot.

Section 6: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 7: Severability. If any portion of this Ordinance is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or circumstance(s), such determination shall not affect the applicability hereof to any other individual, group, entity, property or circumstance.

Section 8: Effective Date. This Ordinance shall be effective immediately upon its adoption.

PASSED ON FIRST READING this 9th day of December, on a motion made by Council Members Don Maines and seconded by Council Member Jeff Nelson.

PASSED AND ADOPTED ON SECOND READING this 13th day of January, 2004, on a motion made by Vm Knight and seconded by Cm Maines.

Fink	<u>✓</u>
Knight	<u>✓</u>
Blanton	<u>A</u>
Maines	<u>✓</u>
Nelson	<u>✓</u>

Ayes	<u>4</u>
Nays	<u> </u>
<u>Absent</u> or	
Abstaining	<u>1</u>

Mecca Fink
Mecca Fink, Mayor

Attest:
Shari Canada
Shari Canada, Town Clerk

Approved as to Form and Correctness:

Gary A. Poliakoff
Gary A. Poliakoff, J.D., Town Attorney