

ORDINANCE NO. 2006 - 17

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, DIRECTING THE TOWN ADMINISTRATOR AND THE TOWN ATTORNEY TO PREPARE A REFERENDUM PROPOSING AMENDMENTS TO THE TOWN'S CHARTER, AS DELINEATED IN EXHIBIT "A" ATTACHED; ALONG WITH THE PROPOSED BALLOT QUESTIONS, AS DELINEATED IN EXHIBIT "B" ATTACHED, DIRECTING THE TOWN ADMINISTRATOR TO REQUEST THAT THESE CHARTER AMENDMENTS BE PLACED ON THE NOVEMBER 7, 2006 GENERAL ELECTION BALLOT, 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, the Town Council desires the following Charter amendments to be submitted to the Town's electorate; 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 7, 2006 general election ballot, 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 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 7, 2006 general election ballot, to allow the Town's electorate to determine if the Charter should be amended.

Section 4: 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 5: 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 6: 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 7: Effective Date. This Ordinance shall be effective immediately upon its adoption.

PASSED ON FIRST READING this 8th day of June, 2006 on a motion made by Vice Mayor Don Maines and seconded by Council Member Forest Blanton.

PASSED AND ADOPTED ON SECOND READING this 6th day of July, 2006, on a motion made by Council Member Jeff Nelson and seconded by Council Member Aster Knight.

Fink	<u>Y</u>	Ayes	<u>5</u>
Maines	<u>Y</u>	Nays	<u>0</u>
Blanton	<u>Y</u>	Absent	<u>0</u>
Knight	<u>Y</u>	Abstaining	<u>0</u>
Nelson	<u>Y</u>		

[SIGNATURES ON FOLLOWING PAGE]

Mecca Fink, Mayor

Attest:

Susan A. Owens, Town Clerk

Approved as to Form and Correctness:

Gary A. Poliakoff, J.D., Town Attorney
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EXHIBIT "A"
CHARTER AMENDMENTS

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

1. Section 2.03 Vice Mayor

The Vice Mayor shall act as Mayor in the absence of the Mayor. The Vice Mayor shall be elected from among council members for a period of 1 year by a majority of the Council in ~~March~~ November of each year. No Council Member shall serve consecutive terms as Vice Mayor unless no other Council Member is willing to serve as Vice Mayor.

2. Section 3.06 Town Clerk

The Administrator shall appoint a Town Clerk (the "Clerk"), subject to the approval by a majority of the Council. The Council shall establish the hiring criteria, job description, and job duties for the Clerk. In addition to the duties prescribed by the Town Council, the Clerk shall give notice of Council meetings to its members and the public, shall keep minutes of its proceedings, and shall perform such other duties as the Council or Administrator may prescribe from time to time. The Clerk shall report to the Administrator, but shall also directly respond to requests deemed necessary and appropriate by a member of the Council. The Administrator shall, subject to and upon a vote of a majority of the Council, discharge the Clerk and replace the Clerk with an alternative Clerk acceptable to the Council. The Clerk shall be compensated at a rate commensurate with industry standards. The Clerk shall be bound by the State of Florida's Code of Ethics, as delineated in Chapter 112, Florida Statutes, as may be amended from time to time.

3. Section 3.03 Powers and duties of the Administrator

The Administrator shall:

(a) Be responsible for the hiring, supervision, and removal of all Town employees, except as otherwise provided in this Charter.

...

(e) Prepare in conjunction with the Financial Administrator, and submit to the Council a proposed annual budget and capital program.

...

~~(j) Implement the purchase code and guidelines adopted by the Council for the acquisition of goods and services for the Town.~~

...

4. Section 3.08 Powers and duties of the Town Attorney

...

(e) When requested by the Mayor, Town Council, a member of the Town Council, ~~or~~ the Town Administrator, or such other person or entity authorized by Ordinance,

provide legal counsel on matters pertaining to the powers and duties of the Mayor, Town Council, a member of the Town Council or the Town Administrator, or other matters relevant to the Town. The Town Council may, by Ordinance, establish the parameters under which advice from the Town Attorney may be sought. ~~the Mayor, Town Council, a member of the Town Council or the Town Administrator can seek advice from the Town Attorney.~~

...

5. Section 3.11 Town Financial Administrator

The Town Council shall have the authority to appoint a Financial Administrator and to delegate to the Financial Administrator such powers and duties which the Council deems necessary and appropriate. To the extent that the powers and duties of the Financial Administrator overlap with the powers and duties of the Town Administrator, the powers and duties delegated to the Financial Administrator shall control. The Financial Administrator shall work in concert with the Town Administrator, however the Financial Administrator shall report directly to the Council, which alone shall have the authority to appoint and to remove the Financial Administrator. Appointment and removal of the Financial Administrator shall be by a vote of a majority of the Council. The Financial Administrator shall be bound by the State of Florida's Code of Ethics, as delineated in Chapter 112, Florida Statutes, as may be amended from time to time.

6. Section 4.02 Prohibitions

(b) INTERFERENCE WITH ADMINISTRATION. Except as otherwise provided in this Charter, and except for the purpose of inquiries and investigations made in good faith, the Council or its members shall deal with Town officers and employees who are subject to the direction and supervision of the Administrator solely through the Administrator, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately. It is the express intent of this Charter that recommendations for improvement in the Town government operations by individual Council members be made solely to and through the Administrator. Council members may discuss with the Administrator any matter of Town business; however, no individual Council member shall give orders to the Administrator.

EXHIBIT "B"

**SAMPLE BALLOT
MUNICIPAL ELECTION
NOVEMBER 7, 2006**

OFFICIAL MUNICIPAL ELECTION
BROWARD COUNTY, FLORIDA
NOVEMBER 7, 2006

SOUTHWEST RANCHES
AMENDMENT #1
ADJUSTMENT TO MONTH OF VICE MAYOR APPOINTMENT

Currently, the Vice Mayor is appointed in March of each year. The proposed amendment changes the appointment of the Vice Mayor to November of each year to coincide with the November general election.

Shall the above-described amendment be adopted?

YES
NO

SOUTHWEST RANCHES
AMENDMENT #2
CHANGE OF TOWN CLERK APPOINTMENT

Currently, the Town Administrator appoints and removes the Town Clerk and determines the hiring criteria, job description, and job duties. The proposed amendment provides that the Town Clerk shall be appointed or removed by the Town Administrator, subject to a majority vote of the Town Council, and allows the Town Council to determine the hiring criteria, job description and job duties.

Shall the above-described amendment be adopted?

YES
NO

SOUTHWEST RANCHES
AMENDMENT #3
TOWN COUNCIL INFORMATION REQUESTS

Currently, in general, the Town Council obtains all of its information from the Town Administrator. The proposed amendment clarifies that the Town Council may also obtain information under the control and possession of the Town Clerk directly from the Town Clerk.

Shall the above-described amendment be adopted?

YES
NO

AMENDMENT #4
TOWN CLERK CODE OF ETHICS

Currently, if the Town Clerk is a corporation, it does not have to follow the State of Florida Code of Ethics. The proposed amendment requires the Town Clerk, even if a corporation, to follow the State of Florida Code of Ethics.

Shall the above-described amendment be adopted?

YES
NO

SOUTHWEST RANCHES
AMENDMENT #5
MODIFICATION OF TOWN ADMINISTRATOR'S RESPONSIBILITIES

Currently, the Town Administrator is responsible for the hiring, supervision, and removal of all Town employees. The proposed Amendment provides that the Town Administrator shall be responsible for the hiring, supervision, and removal of all Town employees, except as otherwise provided in the Charter.

Shall the above-described amendment be adopted?

YES
NO

SOUTHWEST RANCHES
AMENDMENT #6
MODIFICATION OF TOWN ADMINISTRATOR'S RESPONSIBILITIES

Currently, the Town Administrator is responsible for implementing the purchasing code and guidelines for the acquisitions of goods and services. The proposed amendment removes these items from the Town Administrator's responsibilities and allows the Town Council to determine who shall oversee these functions.

Shall the above-described amendment be adopted?

YES
NO

SOUTHWEST RANCHES
AMENDMENT #7
CLARIFICATION OF TOWN ATTORNEY'S POWERS AND DUTIES

Currently, the Town Attorney can only provide legal counsel to the Mayor, Town Council, a member of the Town Council, or the Town Administrator. The proposed amendment clarifies that the Town Attorney may also provide legal counsel to such other individuals or entities as determined by Ordinance.

Shall the above-described amendment be adopted?

YES
NO

SOUTHWEST RANCHES
AMENDMENT #8
APPOINTMENT OF FINANCIAL ADMINISTRATOR

Currently, the Town Administrator is independently responsible for preparing the budget, implementing the purchasing code, and overseeing the day to day financial operations of the Town. The proposed amendment establishes a Financial Administrator who shall work in concert with the Town Administrator, will report directly to the Town Council, and will be appointed or removed by a majority vote of the Town Council.

Shall the above-described amendment be adopted?

YES
NO

SOUTHWEST RANCHES
AMENDMENT #9
INTERFERENCE WITH TOWN ADMINISTRATION

Currently, except for the purpose of inquiries and investigations made in good faith, the Charter requires the Town Council to go directly through the Town Administrator when dealing with other Town officers or employees. The proposed amendment modifies this provision to enable exceptions that can be placed into the Town's Charter.

Shall the above-described amendment be adopted?

YES
NO

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