## **ORDINANCE 28, 2017**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM

BEACH GARDENS, FLORIDA, ADOPTED IN ACCORDANCE WITH SECTIONS 101.161 AND 166.031, FLORIDA STATUTES, CALLING FOR A REFERENDUM TO BE HELD ON MARCH 13, 2018, PROPOSING TO THE ELECTORATE OF THE CITY THAT THE CITY CHARTER BE AMENDED AT SECTION 4-1. TO PROVIDE THAT ANY COUNCIL MEMBER WHO HAS LEFT OFFICE DUE TO TERM LIMITS MAY NOT BE ELECTED AGAIN FOR A PERIOD OF THREE (3) YEARS: PROVIDING THAT THE REMAINDER OF THE CHARTER. AS MAY BE AMENDED BY THE ELECTORATE. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED: PROVIDING FOR SUBMISSION OF THE PROPOSED BALLOT QUESTION TO THE ELECTORS OF THE CITY: SETTING FORTH THE FORM OF THE QUESTION TO BE VOTED UPON AT SUCH **ELECTION; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY** CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Palm Beach Gardens directed the City Attorney to review the City Charter and propose recommended changes to the City Charter; and

WHEREAS, the City Council has reviewed the recommendations of the citizen Charter Review Committee ("CRC"), and the City Council has determined that it would be in the best interest of the City of Palm Beach Gardens to accept such recommendations; and

WHEREAS, the City Council has concluded that the CRC's recommendation to amend the City Charter such that any council member who has left office due to being term limited may not be elected again until the second regularly scheduled city municipal election following that council member having left office (one term sit out) and calling for a referendum election in accordance with the provisions of Section 166.031, *Florida Statutes*, for the electorate of the City of Palm Beach Gardens to consider such amendment to the Charter is in the best interest of the City of Palm Beach Gardens; and

WHEREAS, the City Council deems approval of this Ordinance to be in the best interest of the health, safety, and welfare of the residents and citizens of the City of Palm Beach Gardens and the public at large.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, that:

**SECTION 1.** The proposed amendment to Section 4-1 of the City's Charter shall read as follows:

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The elective officers under this Charter shall be the five (5) members of the city council. The selection of members of the city council shall be by groups to be known as Groups 1, 2, 3, 4, and 5. The council members in Groups 2 and 4 shall, in the year 1977, be elected for a term of three (3) years, and for three- (3) year terms thereafter; council members in Groups 1, 3, and 5 shall be elected for a term of three (3) years in the year 1978 and for three- (3) year terms thereafter. The term of office of council members shall commence on the first regularly scheduled meeting of the city council following the date of their election and shall continue for three (3) years thereafter until their successors are elected and qualified. No individual shall be elected to the office of council member for more than two (2) consecutive full terms. Service in a term of office which commenced prior to the effective date of any term limit enacted on council members will be credited against any term limitation approved by the Palm Beach Gardens' electorate. Any council member who has left office due to term limits must be out of office for three (3) years prior to being elected again, such that they shall not be eligible to file or qualify to run for city council again until the second regularly scheduled Palm Beach Gardens municipal election following that council member leaving office.

SECTION 2. The Charter amendment proposed by this Ordinance shall be submitted to the electors of the City of Palm Beach Gardens, Florida, at the general municipal election to be held on the 13th day of March, 2018, in the form of the following question:

## CITY OF PALM BEACH GARDENS REFERENDUM QUESTION NO. 3

THE CURRENT CHARTER DOES NOT SPECIFY HOW LONG A TERM LIMITED COUNCIL MEMBER MUST BE OUT OF OFFICE BEFORE RUNNING FOR COUNCIL AGAIN. SHALL THE PALM BEACH GARDENS CHARTER BE AMENDED TO ESTABLISH THAT TERM LIMITED COUNCIL MEMBERS MUST BE OUT OF OFFICE FOR THREE YEARS PRIOR TO BEING RE-ELECTED, SUCH THAT THEY MAY NOT RUN FOR CITY COUNCIL AGAIN UNTIL THE SECOND REGULARLY SCHEDULED CITY MUNICIPAL ELECTION FOLLOWING THAT MEMBER LEAVING OFFICE.

SHALL THE ABOVE DESCRIBED QUESTION NO. 3 BE ADOPTED? \_\_\_ YES NO

 SECTION 3. The City Clerk shall cause a notice of this election called for the purpose of presenting the subject Charter revision to a vote of the electorate to be published in accordance with the provisions of Section 100.342, *Florida Statutes*, at least twice: once in the fifth week and once in the third week prior to the week in which the referendum is to be held; provided that the first publication shall take place at least 30 days before the date fixed for the referendum and shall be published in a newspaper of general circulation within the City.

**SECTION 4.** In accordance with Section 26-11 (a) of the City Code of Ordinances, the City Clerk shall cause a notice of election to be published in a newspaper of general circulation within the City at one time during the fourth week and at one time in the second week preceding the week in which the election is held.

**SECTION 5.** In accordance with Section 26-14 (d) of the City Code of Ordinances, the City Clerk shall publish a sample ballot in a newspaper of general circulation prior to the day of the election, but no more than ten days prior to the election. Such publication shall be conspicuous and not be included within the legal notices and advertisements being published per Chapter 50, *Florida Statutes*.

**SECTION 6.** All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

<u>SECTION 7.</u> Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

**SECTION 8.** Specific authority is hereby given to codify this Ordinance.

<u>SECTION 9.</u> This Ordinance shall become effective immediately upon adoption. The revised language in Section 4-1. of the Charter as set forth in Section 1 hereinabove shall become effective as of 12:01 a.m. on March 14, 2018, if the question to be voted upon provided hereinabove receives an affirmative vote of the majority of the valid votes cast and counted at the election held on March 13, 2018.

(The remainder of this page intentionally left blank)

1	PASSED this day of	, 2017, upon first reading.		
2 3 4 5	PASSED AND ADOPTED this second and final reading.	day of	4	, 2018, upon
6 7 8	CITY OF PALM BEACH GARDENS	FOR	AGAINST	ABSENT
9 10 11 12	BY: Maria G. Marino, Mayor			
13 14 15	Mark T. Marciano, Vice Mayor			
16 17 18	Carl Woods, Councilmember			
19 20 21 22	Matthew Jay Lane, Councilmember	42.00		
23 24	Rachelle A. Litt, Councilmember			
25 26 27	ATTEST:			
28 29 30 31 32	BY:Patricia Snider, CMC, City Clerk			
33 34 35	APPROVED AS TO FORM AND LEGAL SUFFICIENCY			
36 37 38 39	BY: R. Max Lohman, City Attorney			THE

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