

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

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:

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

3
4 The elective officers under this Charter shall be the five (5) members of the city
5 council. The selection of members of the city council shall be by groups to be known as
6 Groups 1, 2, 3, 4, and 5. The council members in Groups 2 and 4 shall, in the year 1977,
7 be elected for a term of three (3) years, and for three- (3) year terms thereafter; council
8 members in Groups 1, 3, and 5 shall be elected for a term of three (3) years in the year
9 1978 and for three- (3) year terms thereafter. The term of office of council members shall
10 commence on the first regularly scheduled meeting of the city council following the date
11 of their election and shall continue for three (3) years thereafter until their successors are
12 elected and qualified. No individual shall be elected to the office of council member for
13 more than two (2) consecutive full terms. ~~Service in a term of office which commenced~~
14 ~~prior to the effective date of any term limit enacted on council members will be credited~~
15 ~~against any term limitation approved by the Palm Beach Gardens' electorate. Any council~~
16 ~~member who has left office due to term limits must be out of office for three (3) years prior to being~~
17 ~~elected again, such that they shall not be eligible to file or qualify to run for city council again until~~
18 ~~the second regularly scheduled Palm Beach Gardens municipal election following that council~~
19 ~~member leaving office.~~

20
21 **SECTION 2.** The Charter amendment proposed by this Ordinance shall be
22 submitted to the electors of the City of Palm Beach Gardens, Florida, at the general
23 municipal election to be held on the 13th day of March, 2018, in the form of the following
24 question:

25
26 **CITY OF PALM BEACH GARDENS REFERENDUM QUESTION NO. 3**

27
28 **THE CURRENT CHARTER DOES NOT SPECIFY HOW LONG A TERM**
29 **LIMITED COUNCIL MEMBER MUST BE OUT OF OFFICE BEFORE**
30 **RUNNING FOR COUNCIL AGAIN. SHALL THE PALM BEACH**
31 **GARDENS CHARTER BE AMENDED TO ESTABLISH THAT TERM**
32 **LIMITED COUNCIL MEMBERS MUST BE OUT OF OFFICE FOR THREE**
33 **YEARS PRIOR TO BEING RE-ELECTED, SUCH THAT THEY MAY NOT**
34 **RUN FOR CITY COUNCIL AGAIN UNTIL THE SECOND REGULARLY**
35 **SCHEDULED CITY MUNICIPAL ELECTION FOLLOWING THAT**
36 **MEMBER LEAVING OFFICE.**

37
38 **SHALL THE ABOVE DESCRIBED QUESTION NO. 3 BE ADOPTED?**

39
40 _____ YES

41
42 _____ NO

PASSED this _____ day of _____, 2017, upon first reading.

PASSED AND ADOPTED this _____ day of _____, 2018, upon second and final reading.

CITY OF PALM BEACH GARDENS FOR AGAINST ABSENT

BY: _____

Maria G. Marino, Mayor

Mark T. Marciano, Vice Mayor

Carl Woods, Councilmember

Matthew Jay Lane, Councilmember

Rachelle A. Litt, Councilmember

ATTEST:

BY: _____

Patricia Snider, CMC, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: _____

R. Max Lohman, City Attorney

