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ORDINANCE 32, 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 RE-ELECTED TO CITY COUNCIL FOR THE REMAINDER OF THEIR NATURAL LIFE; 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 concluded that it is advisable to amend the City Charter such that any council member who has left office due to term limit shall not be eligible to be re-elected in perpetuity 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 shall not be eligible to be re-elected to city  
17 council for the remainder of their natural life.

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

23  
24           **CITY OF PALM BEACH GARDENS REFERENDUM QUESTION NO. 3**

25  
26           **THE CURRENT CITY COUNCIL TERM LIMITS CONSTITUTE A LIFE**  
27 **TIME BAN FROM RE-ELECTION ONLY ON THOSE PERSONS WHO**  
28 **WERE IN OFFICE WHEN TERM LIMITS WERE ESTABLISHED. SHALL**  
29 **THE PALM BEACH GARDENS CHARTER BE AMENDED TO**  
30 **ESTABLISH THAT ANY COUNCIL MEMBER WHO HAS LEFT OFFICE**  
31 **DUE TO TERM LIMITS SHALL NOT BE ELIGIBLE TO BE RE-ELECTED**  
32 **TO CITY COUNCIL FOR THE REMAINDER OF THEIR NATURAL LIFE.**

33  
34           **SHALL THE ABOVE DESCRIBED QUESTION NO. 3 BE ADOPTED?**

35  
36           \_\_\_\_\_ YES

37  
38           \_\_\_\_\_ NO

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

8  
9           **SECTION 4.** In accordance with Section 26-11 (a) of the City Code of Ordinances,  
10 the City Clerk shall cause a notice of election to be published in a newspaper of general  
11 circulation within the City at one time during the fourth week and at one time in the second  
12 week preceding the week in which the election is held.

13  
14           **SECTION 5.** In accordance with Section 26-14 (d) of the City Code of Ordinances,  
15 the City Clerk shall publish a sample ballot in a newspaper of general circulation prior to the  
16 day of the election, but no more than ten days prior to the election. Such publication shall  
17 be conspicuous and not be included within the legal notices and advertisements being  
18 published per Chapter 50, *Florida Statutes*.

19  
20           **SECTION 6.** All ordinances or parts of ordinances in conflict be and the same are  
21 hereby repealed.

22  
23           **SECTION 7.** Should any section or provision of this Ordinance or any portion  
24 thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction  
25 to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

26  
27           **SECTION 8.** Specific authority is hereby given to codify this Ordinance.

28  
29           **SECTION 9.** This Ordinance shall become effective immediately upon adoption.  
30 The revised language in Section 4-1. of the Charter as set forth in Section 1 hereinabove  
31 shall become effective as of 12:01 a.m. on March 14, 2018, if the question to be voted  
32 upon provided hereinabove receives an affirmative vote of the majority of the valid votes  
33 cast and counted at the election held on March 13, 2018.

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36   (The remainder of this page intentionally left blank)

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2017, upon first reading.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2018, upon second and final reading.

<b>CITY OF PALM BEACH GARDENS</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSENT</b>
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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

