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ORDINANCE 27, 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 CHANGE THE EXISTING CITY COUNCIL TERM LIMITS FROM TWO (2) CONSECUTIVE FULL TERMS TO THREE (3) CONSECUTIVE FULL TERMS; 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 change the existing city council term limits from two (2) consecutive full terms to three (3) consecutive full terms 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)~~ three (3) consecutive full terms. Service in a term of office that
 14 commenced prior to the effective date of any term limit enacted on council members will
 15 be credited against any term limitation approved by the Palm Beach Gardens' electorate.
 16

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

22 **CITY OF PALM BEACH GARDENS REFERENDUM QUESTION NO. 2**
 23

24 **SHALL THE PALM BEACH GARDENS CHARTER BE AMENDED TO**
 25 **CHANGE THE EXISTING TERM LIMIT OF TWO (2) CONSECUTIVE**
 26 **FULL TERMS TO THREE (3) CONSECUTIVE FULL TERMS.**
 27

28 **SHALL THE ABOVE DESCRIBED QUESTION NO. 2 BE ADOPTED?**
 29

30 _____ YES
 31

32 _____ NO
 33

34 **SECTION 3.** The City Clerk shall cause a notice of this election called for the
 35 purpose of presenting the subject Charter revision to a vote of the electorate to be
 36 published in accordance with the provisions of Section 100.342, *Florida Statutes*, at least
 37 twice: once in the fifth week and once in the third week prior to the week in which the
 38 referendum is to be held; provided that the first publication shall take place at least 30
 39 days before the date fixed for the referendum and shall be published in a newspaper of
 40 general circulation within the City.
 41

42 **SECTION 4.** In accordance with Section 26-11 (a) of the City Code of Ordinances,
 43 the City Clerk shall cause a notice of election to be published in a newspaper of general
 44 circulation within the City at one time during the fourth week and at one time in the second
 45 week preceding the week in which the election is held.
 46

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

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

9
 10 **SECTION 7.** Should any section or provision of this Ordinance or any portion
 11 thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction
 12 to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.
 13

14 **SECTION 8.** Specific authority is hereby given to codify this Ordinance.
 15

16 **SECTION 9.** This Ordinance shall become effective immediately upon adoption.
 17 The revised language in Section 4-1 of the Charter as set forth in Section 1 hereinabove
 18 shall become effective as of 12:01 a.m. on March 14, 2018, if the question to be voted
 19 upon provided hereinabove receives an affirmative vote of the majority of the valid votes
 20 cast and counted at the election held on March 13, 2018.
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 23 (The remainder of this page intentionally left blank)
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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
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BY: _____	_____	_____	_____
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Maria G. Marino, Mayor

_____	_____	_____	_____
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Mark T. Marciano, Vice Mayor

_____	_____	_____	_____
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Carl Woods, Councilmember

_____	_____	_____	_____
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Matthew Jay Lane, Councilmember

_____	_____	_____	_____
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Rachelle A. Litt, Councilmember

ATTEST:

BY: _____

Patricia Snider, CMC, City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____

R. Max Lohman, City Attorney

