

ORDINANCE 27, 2017

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3
4 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM
5 BEACH GARDENS, FLORIDA, ADOPTED IN ACCORDANCE WITH
6 SECTIONS 101.161 AND 166.031, *FLORIDA STATUTES*, CALLING
7 FOR A REFERENDUM TO BE HELD ON MARCH 13, 2018,
8 PROPOSING TO THE ELECTORATE OF THE CITY THAT THE CITY
9 CHARTER BE AMENDED AT SECTION 4-1. TO CHANGE EXISTING
10 CITY COUNCIL TERM LIMITS FROM TWO (2) CONSECUTIVE FULL
11 TERMS TO THREE (3) CONSECUTIVE FULL TERMS AND
12 PROVIDING THAT SUCH TERM LIMITS SHALL BE APPLIED
13 RETROACTIVELY TO SITTING CITY COUNCIL MEMBERS;
14 PROVIDING THAT THE REMAINDER OF THE CHARTER, AS MAY
15 BE AMENDED BY THE ELECTORATE, SHALL REMAIN IN FULL
16 FORCE AND EFFECT AS PREVIOUSLY ENACTED; PROVIDING
17 FOR SUBMISSION OF THE PROPOSED BALLOT QUESTION TO
18 THE ELECTORS OF THE CITY; SETTING FORTH THE FORM OF
19 THE QUESTION TO BE VOTED UPON AT SUCH ELECTION;
20 PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE,
21 AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE;
22 AND FOR OTHER PURPOSES.
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24
25 **WHEREAS**, the City Council of the City of Palm Beach Gardens directed the City
26 Attorney to review the City Charter and propose recommended changes to the City
27 Charter; and
28

29 **WHEREAS**, the City Council has reviewed the recommendations of the citizen
30 Charter Review Committee ("CRC"), and the City Council has determined that it would be
31 in the best interest of the City of Palm Beach Gardens to accept such recommendations;
32 and
33

34 **WHEREAS**, the City Council has concluded that the CRC's recommendation to
35 change the existing city council term limits from two (2) consecutive full terms to three (3)
36 consecutive full terms and calling for a referendum election in accordance with the
37 provisions of Section 166.031, *Florida Statutes*, for the electorate of the City of Palm
38 Beach Gardens to consider such amendment to the Charter is in the best interest of the
39 City of Palm Beach Gardens; and
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41 **WHEREAS**, the City Council deems approval of this Ordinance to be in the best
42 interest of the health, safety, and welfare of the residents and citizens of the City of Palm
43 Beach Gardens and the public at large.
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1 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**
2 **OF PALM BEACH GARDENS, FLORIDA, that:**

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4 **SECTION 1.** The proposed amendment to Section 4-1 of the City’s Charter shall
5 read as follows:
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7 The elective officers under this Charter shall be the five (5) members of the city
8 council. The selection of members of the city council shall be by groups to be known as
9 Groups 1, 2, 3, 4, and 5. The council members in Groups 2 and 4 shall, in the year 1977,
10 be elected for a term of three (3) years, and for three- (3) year terms thereafter; council
11 members in Groups 1, 3, and 5 shall be elected for a term of three (3) years in the year
12 1978 and for three- (3) year terms thereafter. The term of office of council members shall
13 commence on the first regularly scheduled meeting of the city council following the date
14 of their election and shall continue for three (3) years thereafter until their successors are
15 elected and qualified. No individual shall be elected to person may serve the office of as
16 a city council member for more than two (2) three (3) consecutive full terms. Service in a
17 term of office that commenced prior to the effective date of any term limit enacted on
18 council members will be credited against any term limitation approved by the Palm Beach
19 Gardens' electorate. This limitation shall apply retroactively to all city council members
20 who are holding office as of March 13, 2018.
21

22 **SECTION 2.** The Charter amendment proposed by this Ordinance shall be
23 submitted to the electors of the City of Palm Beach Gardens, Florida, at the general
24 municipal election to be held on the 13th day of March, 2018, in the form of the following
25 question:
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27 **CITY OF PALM BEACH GARDENS REFERENDUM QUESTION NO. 2**

28
29 **SHALL THE PALM BEACH GARDENS CHARTER BE AMENDED TO**
30 **PROVIDE FOR TERM LIMITS FOR CITY COUNCIL MEMBERS WHICH**
31 **SHALL BE EFFECTIVE RETROACTIVELY FOR ALL SITTING COUNCIL**
32 **MEMBERS; PROVIDING THAT NO PERSON MAY SERVE MORE THAN**
33 **THREE (3) CONSECUTIVE FULL TERMS.**

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

36
37 _____ YES

38
39 _____ 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.
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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.
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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.
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27 **SECTION 8.** Specific authority is hereby given to codify this Ordinance.
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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)
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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: _____	_____	_____	_____
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

