

ORDINANCE NO. 190-12-150

AN ORDINANCE OF THE CITY OF LAUDERHILL CALLING FOR A REFERENDUM REGARDING THE PROPOSED AMENDMENT TO THE CITY OF LAUDERHILL CHARTER, ARTICLE III, LEGISLATIVE, SECTION 3.03, ELECTION AND TERM OF OFFICE, TO APPEAR ON THE GENERAL MUNICIPAL ELECTION BALLOT NOVEMBER 3, 2020 BASED UPON THE RECOMMENDATION OF THE CITY COMMISSION; ALLOWING AN ELECTED OFFICIAL THAT LEAVES OFFICE AS A RESULT OF TERM LIMITS TO AGAIN SERVE ON THE CITY COMMISSION FOR UP TO 8 YEARS SO LONG AS THEY REMAINED OUT OF OFFICE FOR AT LEAST 23 CONSECUTIVE MONTHS; PROVIDING THE BALLOT QUESTION TO BE USED IN THE REFERENDUM; AUTHORIZING THE CITY ATTORNEY TO MAKE MINOR MODIFICATIONS TO THE LANGUAGE IF NECESSARY TO MEET THE BALLOT QUESTION TECHNICAL REQUIREMENTS; PROVIDING THAT THE PROPOSED CHARTER AMENDMENT SHALL BE VALID IMMEDIATELY UPON CERTIFICATION OF THE ELECTION RESULTS BY THE SUPERVISOR OF ELECTIONS IF THE REFERENDUM RECEIVES A MAJORITY VOTE IN FAVOR OF THE AMENDMENT WITH A NOVEMBER 2022 EFFECTIVE DATE; PROVIDING THAT NOTICE REQUIREMENTS HAVE BEEN MET; DIRECTING THE CITY CLERK TO FORWARD COPIES OF THIS ORDINANCE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY COMMISSIONER HOWARD BERGER).

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1. That the City of Lauderhill Charter, Article III, Legislative, Section 3.03, Election and term of office, would be amended if the referendum receives a majority vote in favor of the amendment regarding term limits to read as follows:

Section 3.03. Election and term of office.

Section 3.03. - Election and term of office.

(a) The regular election of city commissioners shall be held on the first Tuesday after the first Monday in November of each even-

numbered calendar year, or as otherwise provided by the laws of the State of Florida.

(b) The terms of office of commissioners shall be staggered. At the regular city election in March, 1996, candidates shall run for seats 1, 2, and 3. At the regular city election in March, 1998, candidates shall run for seat 4 and the position of mayor. The position of mayor shall be the position heretofore designated as Seat 5. Each candidate shall, when qualifying, designate the seat, or the position of mayor, for which he or she is running. After the qualifying period closes, the candidate shall not change his or her designation.

(c) The candidate receiving the highest number of votes from the electors for each seat, or the position of mayor, shall be elected to that seat or position, and shall serve a term of four (4) years. Electors shall vote for only one (1) candidate for each seat and the position of mayor.

(d) After the qualifying period shall close, if there shall be only one candidate for a seat or the position of mayor, that candidate shall be the winner of the election, shall be so declared by the city commission and shall accept no further contributions.

(e) All candidates for city commission including the mayor shall be elected on a city-wide basis.

(f) Effective with the terms of the commissioners that commenced in the November 2006 election, an individual shall not be eligible for election as a commissioner for more than three consecutive four year terms.

(g) Service of any partial term shall not be considered in applying the term limit provisions. The exception stated in this section shall only apply when a city commissioner or mayor is initially elected or appointed to the city commission. All other terms of service on the city commission shall be cumulative, regardless of the seat.

(h) An elected official that leaves office as a result of term limits, shall be allowed to again serve on the city commission or as mayor, after remaining out of office for 23 consecutive months or longer. If an individual win's election as authorized by this Section (h), the individual shall be limited to a term of office of eight (8) years, whether cumulative or consecutive. The individual shall not be eligible to run for election on the Lauderhill City Commission again.

SECTION 2. That the proposed amendment to the Charter of the City of Lauderhill, Article III, Legislative, to amend Section 3.03, Election and term of office, is subject to a referendum being

submitted to the registered electors of the City of Lauderhill and a majority vote by the registered electors in favor of such amendment to the Charter.

SECTION 3. Pursuant to Florida Statutes, Section 166.031, the City of Lauderhill hereby calls for a referendum to be held on the November 3, 2020 General election ballot, to submit to the registered electors of the City of Lauderhill, the question of whether the Charter of the City of Lauderhill, Section 3.03 should be amended to allow prior serving elected officials who have left office as a result of term limits to be allowed to again serve on the city commission or as mayor for a maximum of 8 years so long as they have remained out of office for at least 23 consecutive months prior to taking office again.

SECTION 4. That the Ballot Title shall read:

REFERENDUM AMENDING CITY CHARTER, SECTION 3.03, TO AUTHORIZE ELECTED OFFICIALS WHO LEFT OFFICE DUE TO TERM LIMITS, TO BE QUALIFIED TO SERVE ON THE CITY COMMISSION AGAIN FOR A MAXIMUM OF 8 YEARS SO LONG AS THEY REMAINED OUT OF OFFICE FOR AT LEAST 23 CONSECUTIVE MONTHS.

SECTION 5. That the Ballot Summary and Question shall read as follows and shall offer the following two choices:

Shall the City of Lauderhill amend its Charter, Section 3.03, to allow prior serving elected officials who left office as a result of term limits to serve on the city commission again for a maximum of 8 years so long as they remained out of office for at least 23 consecutive months.

 YES. For amending the City Charter to allow elected officials who left office due to term limits to again serve on the city commission for a maximum of 8 years so long as they remained out of office for at least 23 consecutive months as described in Lauderhill Ord. 190-12-150.

 NO. Against amending the City Charter to allow elected officials who left office due to term limits to again serve on the city commission for a maximum of 8 years so long as they remained out of office for at least 23 consecutive months as described in Lauderhill Ord. 190-12-150.

SECTION 6. Providing that the City of Lauderhill shall pay for, and appropriate the necessary funds, to pay for the referendum.

SECTION 7. That the City Clerk and City Attorney are hereby authorized to make any amendments or changes to the Ballot Title, the Ballot Summary, the Ballot Question, or the referendum as may be required or necessitated based upon the rules, regulations, technical requirements, and policies of the Supervisor of Elections regarding the numbers of words, format, content, or form so long as the intent remains the same.

SECTION 8. That the City Manager and the City Attorney are hereby authorized to prepare and execute any and all documents necessary to fulfill the terms and intent of this Ordinance.

SECTION 9. That all notice requirements have been met.

SECTION 10. That the City Clerk is hereby directed to immediately provide a copy of this Ordinance to the chief administrative officer of Broward County, the Broward League of Cities, the newspapers and media; and to any other interested parties.

SECTION 11. That the effective date of the Charter Amendment, if approved by a majority vote of the referendum in favor of the amendment, shall become valid and codified immediately upon certification of the election result by the Supervisor of Elections if the referendum receives a majority vote in favor of the amendment, with the effective date of the change to take place during the first election in November 2022.

SECTION 12. That if the proposed amendment receives a majority vote in favor of the amendment, then the City Clerk shall forward a copy of this Ordinance to the Municipal Code Corporation for incorporation into the City of Lauderhill Charter and shall file the revised Charter with the Department of State.

SECTION 13. All ordinances or parts of ordinances, all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

SECTION 14. Should this ordinance or any part thereof be declared invalid by a Court of competent jurisdiction, the invalidity of any part of this ordinance shall not otherwise affect the validity of the remaining provisions of this ordinance, which shall be deemed to have been enacted without the invalid provision.

SECTION 15. This Ordinance shall be deemed effective upon its passage and adoption.

DATED this ____ day of _____, 2020.

PASSED on first reading this ____ day of _____, 2019.

PASSED AND ADOPTED on second reading this ____ day of _____, 2020.

PRESIDING OFFICER

ATTEST:

CITY CLERK

	FIRST READING	SECOND READING
MOTION	_____	_____
SECOND	_____	_____
M. BATES	_____	_____
R. CAMPBELL	_____	_____
D. GRANT	_____	_____
H. BERGER	_____	_____
K. THURSTON	_____	_____