

ORDINANCE NO. 2018-4

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO ARTICLE IV, ENTITLED "CITY MANAGER" AND SPECIFICALLY SECTION 4.08 ENTITLED "POWER AND DUTY OF THE CITY MANAGER OF THE CHARTER OF THE CITY OF MARGATE, FLORIDA, TO ADD "CHIEF OF THE POLICE DEPARTMENT" AND "CHIEF OF THE FIRE RESCUE DEPARTMENT" AND ASSISTANT CITY MANAGER TO THE LIST OF POSITIONS THAT THE CITY COMMISSION RESERVES TO ITSELF THE POWER OF APPOINTMENT, SUSPENSION AND REMOVAL; PROVIDING FOR A NOTICE OF AN ADVERTISEMENT OF THE REFERENDUM ELECTION TO BE PUBLISHED IN ACCORDANCE WITH LAW; PROVIDING THAT THIS ORDINANCE WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF MARGATE, FLORIDA, AT THE NOVEMBER 6, 2018 GENERAL ELECTION, AND SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Chapter 166, Florida Statutes, as amended, provides for a methodology of Charter amendments supplementary to and not in conflict with the Charter of the City of Margate, Florida; and

WHEREAS, Chapter 166, Florida Statutes, as amended, provides that such an amendment may be submitted to a referendum vote by the City Commission of the City of Margate, Florida, in an ordinance format; and

WHEREAS, the City Commission has determined it is in the best interest of the public for the Commission to have to reserves to itself the power of appointment, suspension and remove of the Chief of the Police Department and the Chief of the Fire Rescue Department; and the Assistant City Manager; and,

WHEREAS, the City Commission recommended that proposed amendments to the City's Charter be put before the registered voters of the City in a duly called referendum at the

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November 6, 2018 General Election, to amend Article III, of the Charter as hereinafter described.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA, THAT:**

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Article IV, entitled "City Manager" of the Charter of the City of Margate, Florida, shall, subject to approval of the electors, be amended as follows:

Section 4.08. - Powers and duties of city manager.

The City Manager shall be the chief administrative and executive officer of the City. He/she may head one or more departments and shall be responsible to the City Commission for the proper administration of all affairs of the City. To that end he/she shall have the power and shall be required to:

(a) Appoint and, when necessary for the good of the City, suspend or remove all employees of the City except as otherwise provided by the City Charter or law, and except as he/she may authorize the head of a department or office to suspend or remove subordinates in such department or office.

This power of appointment, suspension and removal shall include the power to appoint and suspend or remove all department heads in the City, except that the City Commission reserves to itself the power of appointment, suspension and removal of the following:

- (1) The attorneys for the City; and
- (2) The City Clerk for the City; and
- (3) The Chief of the Police Department; and
- (4) The Chief of the Fire Rescue Department
- (5) The Assistant City Manager

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Section 3. Pursuant to the authority provided in Section 166.031 (1), Florida Statutes, the City, at November 6, 2018 General Election, submits the following referendum ballot title:

**CHARTER AMENDMENT AUTHORITY TO APPOINT, SUSPEND, REMOVE  
POLICE CHIEF, FIRE CHIEF, ASSISTANT CITY MANAGER**

Section 4. Pursuant to the authority provided in Section 166.031 (1), Florida Statutes. The City, at November 6, 2018 General Election, submits the following referendum explanation and question:

The Chiefs of the Police Department and Fire Rescue Department and Assistant City Manager are currently subject to appointment, suspension and removal by the City Manager. Shall Section (a) of Article IV the City Charter be amended to provide that the City Commission rather than the City Manager have authority to appoint, suspend and remove the Chief of the Police Department and the Chief of the Fire Rescue Department and Assistant City Manager?

YES  NO

Section 5. The City Clerk of the City of Margate is hereby authorized and directed to advertise the referendum election contemplated herein all in accordance with the Code of Ordinances of the City of Margate, Florida, as well as the State of Florida Election Code.

Section 6. If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 7.

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That all Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

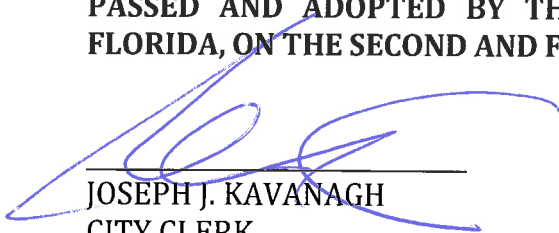
Section 8.

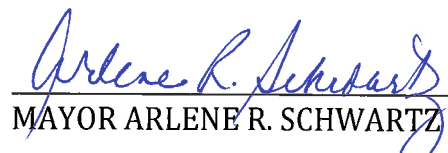
That this Ordinance shall take effect immediately upon adoption.

The amended charter as set forth in Section 2 above shall be effective upon approval by the electorate of the City at the November 6, 2018, election.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA, ON THE FIRST READING, THIS 16<sup>TH</sup> DAY OF MAY, 2018.**

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA, ON THE SECOND AND FINAL READING, THIS 6<sup>TH</sup> DAY OF JUNE, 2018.**

  
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JOSEPH J. KAVANAGH  
CITY CLERK

  
\_\_\_\_\_  
MAYOR ARLENE R. SCHWARTZ

Record of vote - 1<sup>ST</sup> Reading

Peerman     NO  
Simone       NO  
Ruzzano      YES  
Caggiano     YES  
Schwartz     YES

Record of vote - 2<sup>nd</sup> Reading

Peerman     NO  
Simone       NO  
Ruzzano      YES  
Caggiano     YES  
Schwartz     YES

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