

CITY OF MARGATE

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, AUTHORIZING AND DIRECTING A REFERENDUM TO BE IMPLEMENTED BY THE ADMINISTRATION FOR THE ELECTION OF NOVEMBER 4, 2014, ESTABLISHING THE SUBJECT OF THE REFERENDUM TO BE AS FOLLOWS: CHARTER AMENDMENT FOR CITY MANAGER, BROWARD COUNTY SUPERVISOR OF ELECTIONS, AND DESIGNATING ACTING CITY MANAGER; PROVIDING FOR REPEAL, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1: That the City Administration is hereby authorized and directed, and the appropriate County authorities are authorized and directed, to place special referendum questions on the November 4, 2014 ballot, providing for the questions to be applicable only to the City of Margate.

SECTION 2: The form of the question to be placed on the ballot as referred to above shall appear as follows:

QUESTION

"Charter amendment for City Manager, Broward County Supervisor of Elections, and designating Acting City Manager."

"Shall the Charter of the City of Margate be amended for advertising procedures for City ordinances; clarifying Manager as City Manager; clarifying Supervisor of Elections as Broward Supervisor; allowing the City Manager to designate, by letter filed with the City Clerk, distributed to the City Commission, a qualified City employee as Acting City Manager in his temporary absence?"

FOR _____

AGAINST _____

SECTION 3: That the referendum election called for by this ordinance shall be a binding referendum. Upon passage of the

question framed in Section 2 of this ordinance, Section 3.18 of the Charter of the City of Margate shall be amended to provide:

Section 3.18. Ordinances and resolutions.

"Ordinance" means an official, legislative action of the Ceommission, which action is a regulation of a general and permanent nature and enforceable as a local law.

A "resolution" is an expression of the Ceommission on matters of official concern, opinion or administration, of a temporary character, or a provision for the disposition of a particular item of the administrative business of the governing body.

(1) *Form.* Each ordinance or resolution shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be clearly stated in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act, section, subsection or paragraph of a section or subsection.

(2) *Procedure.* A proposed ordinance shall be read by title or in full on the first reading, and by title or in full on the second reading on at least two (2) separate days, at either regular or special meetings of the Ceommission. At least ~~seven (7)~~ ten (10) days prior to ~~first~~ second reading, a proposed ordinance shall be advertised once in a newspaper of general circulation in the Ceity or as otherwise provided for by law. The notice of proposed enactment shall state the date, time and place of the meeting, the title or titles of proposed ordinances and the place or places within the Ceity where such proposed ordinances may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

(3) *Effective date.* Except as otherwise provided in this Charter, every adopted ordinance shall become effective ten (10) days after adoption or as otherwise specified therein.

1 (4) *Action requiring an ordinance.* In addition to other acts
2 required by law or by specific provision of this Charter to be
3 done by ordinance, those acts of the Ceity Ceommission shall be
4 by ordinance which:

5 (a) Adopt or amend an administrative code or
6 establish, alter or abolish any Ceity department or
7 agency;
8

9 (b) Establish a rule or regulation the violation of
10 which carries a penalty;
11

12 (c) Levy taxes authorized by general law;
13

14 (d) Grant, renew or extend a franchise;
15

16 (e) Set service or user charges for municipal
17 services or granting administrative authority for such
18 charges;
19

20 (f) Authorize the borrowing of money not inconsistent
21 with the limitations in the constitution and general
22 law of the state;
23

24 (g) Convey or lease or authorize by administrative
25 action the conveyance or lease of any lands of the
26 Ceity;
27

28 (h) Amend or repeal any ordinance previously adopted.
29
30

31 SECTION 4: That the referendum election called for by this
32 ordinance shall be a binding referendum. Upon passage of the
33 question framed in Section 2 of this ordinance, Section 4.16 of
34 the Charter of the City of Margate shall be amended to provide:
35

36 **Section 4.16. Acting Ceity Mmanager.**

37 By letter filed with the Ceity Celerk, and distributed to
38 the City Commission, the City Mmanager shall designate, subject
39 to the approval of the commission, a qualified Ceity

1 administrative officer to exercise the powers and perform the
2 duties of Ceity ~~M~~anager during his temporary absence or
3 disability. During such absence or disability, the Ceommission
4 may revoke such designation at any time and appoint another
5 officer of the Ceity to serve until the City ~~M~~anager shall
6 return or his disability shall cease.

7
8
9 SECTION 5: That the referendum election called for by this
10 ordinance shall be a binding referendum. Upon passage of the
11 question framed in Section 2 of this ordinance, Section 5.03 of
12 the Charter of the City of Margate shall be amended to provide:

13 **Section 5.03. Capital program.**

14 The City ~~M~~anager shall prepare and submit with the regular
15 budget a five-year capital program which the Ceommission may
16 adopt by resolution.

17 The capital program shall include: A general summary; a
18 list of all capital improvements which are proposed to be
19 undertaken during the five (5) fiscal years next ensuing; cost
20 estimates; methods of financing and recommended time schedules
21 for such improvements; and the estimated annual cost of
22 operating and maintaining the facilities to be constructed or
23 acquired.

24 The above information may be revised and extended each year
25 with regard to capital improvements still pending or in process
26 of construction or acquisition.

27 SECTION 6: That the referendum election called for by this
28 ordinance shall be a binding referendum. Upon passage of the
29 question framed in Section 2 of this ordinance, Section 5.05 of
30 the Charter of the City of Margate shall be amended to provide:

31 **Section 5.05. Amendments after adoption.**

32 (1) *Supplemental appropriations.* If during the fiscal year the
33 manager certifies that there are available for appropriation
34 revenues in excess of those estimated in the budget, the
35 Ceommission by ordinance adopted by no less than a four-fifths

1 vote may make supplemental appropriations for the year up to the
2 amount of such excess.
3

4 (2) *Reduction of appropriations.* If at any time during the
5 fiscal year it appears probable to the City Manager that the
6 revenues available will be insufficient to meet the amount
7 appropriated, he/she shall report to the Commission without
8 delay, indicating the estimated amount of the deficit, any
9 remedial action taken by him/her and his/her recommendations as
10 to any other steps to be taken. The Commission shall then take
11 such further action as it deems necessary to prevent or minimize
12 any deficit, and for that purpose it may by ordinance reduce one
13 or more appropriations.
14

15 (3) *Transfer of appropriations.* At any time during the fiscal
16 year, the City Manager may transfer part or all of any
17 unencumbered appropriation balance among programs within a
18 department, office or agency, and upon written request approved
19 by the Commission, the City Manager may transfer part or all
20 of any unencumbered appropriation balance from one department,
21 office or agency to another.
22

23 (4) *Limitations; effective date.* No appropriation for debt
24 service may be reduced or transferred, and no appropriation may
25 be reduced below any amount required by law to be appropriated
26 or by more than the amount of the unencumbered balance thereof.
27 The supplemental and emergency appropriations and reduction or
28 transfer of appropriations authorized by this section may be
29 made effective immediately upon adoption.
30

31 (5) *Emergency appropriations.* To meet a public emergency
32 affecting life, health, property or the public peace, the
33 Commission may make emergency appropriations. Such
34 appropriations may be made by emergency ordinance in accordance
35 with the provisions in Section 3.17(5). To the extent that there
36 are no available unappropriated revenues to meet such
37 appropriations, the Commission may by such emergency ordinance
38 authorize the issuance of emergency notes, which may be renewed
39 from time to time, but the emergency notes and renewals of any
40 fiscal year shall be paid not later than the last day of the

1 fiscal year next succeeding that in which the emergency
2 appropriation was made.

3
4 SECTION 7: That the referendum election called for by this
5 ordinance shall be a binding referendum. Upon passage of the
6 question framed in Section 2 of this ordinance, Section 6.07 of
7 the Charter of the City of Margate shall be amended to provide:
8

9 **Section 6.07. Initiative and referendum.**

10 (1) Any proposed ordinance, including ordinances for repeal of
11 ordinances then in effect or which have been enacted but not yet
12 effective, may be submitted to the Ceity Ceommission by a
13 petition signed by at least ten (10) per cent of the total
14 number of registered voters in the Ceity.
15

16 (2) Notwithstanding the above, no ordinance regarding any
17 budgetary matter, capital program, appropriation of money, levy
18 of taxes, or salaries of Ceity officers or employees shall be
19 subject to initiative and referendum under this section.
20

21 (3) All petitions circulated with respect to any proposed
22 ordinance shall be uniform in character, shall contain the
23 proposed ordinance in full, and shall have printed or written
24 thereon the names of five (5) electors who shall be officially
25 regarded as filing the petition and shall constitute a committee
26 of the petitioners for all purposes under this section.
27

28 (4) Said five (5) electors shall present to the Ceity Celerk of
29 the City of Margate their proposed ordinance and shall have
30 sixty (60) days from the date of presentation to the Ceity
31 Celerk in which to gather petitions for the ordinance which they
32 propose.
33

34 (5) Each signer of the petition shall sign his/her name in ink
35 or indelible pencil and shall place on the petition opposite
36 his/her name the date of his signature. The signatures of any
37 such petition need not be appended to one paper, but to each
38 such paper shall be attached an affidavit by the circulator
39 thereof stating the number of signers to such part of the

1 petition and that each signature and date appended to the paper
2 is the genuine signature and date of the person whose name and
3 time it purports to be, and that it was made in the presence of
4 the affiant on the date indicated.
5

6 (6) All papers comprising an initiative petition shall be
7 assembled and filed with the Ceity Celerk after the requisite
8 number of petitions have been gathered, and the Ceity Celerk
9 shall proceed to forward same to the Broward Ceounty Ssupervisor
10 of Eelections for certification. The five (5) electors who have
11 been officially regarded as filing the petition shall be
12 responsible for payment of any and all certification fees for
13 same.
14

15 (7) The Ceity Celerk shall submit the above petition to the
16 Ceity Ceommission, after certification by the Broward County
17 Supervisor of Elections, at its next regular meeting, and
18 provisions shall be made by the Ceity Celerk for public hearings
19 upon the proposed ordinance in accordance with the laws of the
20 Ceity.
21

22 (8) The Ceity Ceommission shall at once proceed to consider
23 such petition and shall take final action thereon within sixty
24 (60) days after the date of submission by the City Clerk. If the
25 Ceity Ceommission rejects any of the substance of the provisions
26 of the proposed ordinance, as set forth in the petition, the
27 Ceity Celerk shall at once cause notice of the filing of such
28 petition and the refusal of the Ceity Ceommission to pass said
29 ordinance to be published in a newspaper of general circulation
30 published in the City of Margate, and the Ceity Ceommission
31 shall at once proceed to submit the passage of the ordinance to
32 the majority vote of the qualified electors of the CeCeity
33 voting in the next municipal or general election, whichever
34 occurs first. Said proposed ordinance shall only appear on the
35 Ceity ballot if it has met all laws and provisions established
36 by both the State of Florida and Broward County, Florida.
37

38 (9) After the matter submitted to referendum is approved by a
39 majority of the electors voting in said referendum, the
40 concerned ordinance at issue shall become effective immediately

1 and shall be an ordinance of the City of Margate with the full
2 force and effect of law as if adopted by the Ceity Ceommission
3 of the City of Margate.
4

5 (10) Any ordinance adopted pursuant to this Charter section may
6 be repealed by the Ceity Ceommission of the City of Margate only
7 after one year from its effective date has transpired.
8

9
10
11 SECTION 8: That all ordinances or parts of ordinances in
12 conflict herewith be and the same are hereby repealed to the
13 extent of such conflict.
14

15 SECTION 9: If any part, section, subsection, paragraph,
16 subparagraph, sentence, phrase, clause, term, or work of this
17 ordinance is declared unconstitutional by the valid judgment or
18 decree of any court of competent jurisdiction of such
19 unconstitutionality shall not affect any other part,
20 section, subsection, paragraph, subparagraph, sentence, phrase,
21 clause, term or word of this ordinance.
22

23 SECTION 10: It is the intention of the City Commission that
24 the provisions of this ordinance shall become and be made a part
25 of the City of Margate Code, and that the sections of this
26 ordinance may be renumbered or relettered and the word
27 "ordinance" may be changed to "section", "article" or such
28 other appropriate word or phrase in order to accomplish such
29 intentions.
30

31 SECTION 11: That this ordinance shall become effective
32 immediately upon adoption at its second reading.
33

34 PASSED ON FIRST READING THIS _____ DAY OF _____.

35 PASSED ON SECOND READING THIS _____ DAY OF _____.

36
37
38 ATTEST:
39
40

JOSEPH J. KAVANAGH
CITY CLERK

MAYOR LESA PEERMAN

RECORD OF VOTE - 1ST READING RECORD OF VOTE - 2ND READING

Talerico	_____	Talerico	_____
Donahue	_____	Donahue	_____
Ruzzano	_____	Ruzzano	_____
Simone	_____	Simone	_____
Peerman	_____	Peerman	_____