

1 CITY OF MARGATE  
2  
3 ORDINANCE NO. \_\_\_\_\_  
4

5 AN ORDINANCE OF THE CITY OF MARGATE,  
6 FLORIDA, AUTHORIZING AND DIRECTING A  
7 REFERENDUM TO BE IMPLEMENTED BY THE  
8 ADMINISTRATION FOR THE ELECTION OF NOVEMBER  
9 4, 2014, ESTABLISHING THE SUBJECT OF THE  
10 REFERENDUM TO BE AS FOLLOWS: CHARTER  
11 AMENDMENT FOR CITY MANAGER, BROWARD COUNTY  
12 SUPERVISOR OF ELECTIONS, AND DESIGNATING  
13 ACTING CITY MANAGER; PROVIDING FOR REPEAL,  
14 PROVIDING FOR SEVERABILITY, PROVIDING FOR  
15 CODIFICATION; PROVIDING FOR AN EFFECTIVE  
16 DATE.  
17  
18

19 BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF  
20 MARGATE, FLORIDA:  
21

22 SECTION 1: That the City Administration is hereby  
23 authorized and directed, and the appropriate County authorities  
24 are authorized and directed, to place special referendum  
25 questions on the November 4, 2014 ballot, providing for the  
26 questions to be applicable only to the City of Margate.  
27

28 SECTION 2: The form of the question to be placed on the  
29 ballot as referred to above shall appear as follows:  
30

31 QUESTION  
32

33 "Charter amendment for City Manager, Broward County Supervisor  
34 of Elections, and designating Acting City Manager."  
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36 "Shall the Charter of the City of Margate be amended for  
37 advertising procedures for City ordinances; clarifying Manager  
38 as City Manager; clarifying Supervisor of Elections as Broward  
39 Supervisor; allowing the City Manager to designate, by letter  
40 filed with the City Clerk, distributed to the City Commission, a  
41 qualified City employee as Acting City Manager in his temporary  
42 absence?"  
43

44 FOR \_\_\_\_\_  
45 AGAINST \_\_\_\_\_  
46

47 SECTION 3: That the referendum election called for by this  
48 ordinance shall be a binding referendum. Upon passage of the  
1

CODING: Words in ~~struck through type are deletions from~~  
~~existing text; Words in underscored type are additions.~~

1 question framed in Section 2 of this ordinance, Section 3.18 of  
2 the Charter of the City of Margate shall be amended to provide:  
3

4 **Section 3.18. Ordinances and resolutions.**

5 "Ordinance" means an official, legislative action of the  
6 Co~~e~~mission, which action is a regulation of a general and  
7 permanent nature and enforceable as a local law.

8 A "resolution" is an expression of the Co~~e~~mission on  
9 matters of official concern, opinion or administration, of a  
10 temporary character, or a provision for the disposition of a  
11 particular item of the administrative business of the governing  
12 body.

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

20  
21 (2) *Procedure.* A proposed ordinance shall be read by title or in  
22 full on the first reading, and by title or in full on the second  
23 reading on at least two (2) separate days, at either regular or  
24 special meetings of the Co~~e~~mission. At least seven (7) ten (10)  
25 days prior to first second reading, a proposed ordinance shall  
26 be advertised once in a newspaper of general circulation in the  
27 Ce~~i~~ty or as otherwise provided for by law. The notice of  
28 proposed enactment shall state the date, time and place of the  
29 meeting, the title or titles of proposed ordinances and the  
30 place or places within the Ce~~i~~ty where such proposed ordinances  
31 may be inspected by the public. Said notice shall also advise  
32 that interested parties may appear at the meeting and be heard  
33 with respect to the proposed ordinance.

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

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

(a) Adopt or amend an administrative code or establish, alter or abolish any City department or agency;

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

(c) Levy taxes authorized by general law;

(d) Grant, renew or extend a franchise;

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

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

(g) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the City;

(h) Amend or repeal any ordinance previously adopted.

SECTION 4: 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 4.16 of the Charter of the City of Margate shall be amended to provide:

## Section 4.16. Acting Ceity Manager.

By letter filed with the City Clerk, and distributed to the City Commission, the City Manager shall designate, subject to the approval of the commission, a qualified City

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

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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 Manager shall prepare and submit with the regular  
15      budget a five-year capital program which the Co~~mm~~ission 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      Co~~mm~~ission by ordinance adopted by no less than a four-fifths

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

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

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

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

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

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

SECTION 7: 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 6.07 of the Charter of the City of Margate shall be amended to provide:

## Section 6.07. Initiative and referendum.

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

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

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

(4) Said five (5) electors shall present to the City Clerk of the City of Margate their proposed ordinance and shall have sixty (60) days from the date of presentation to the City Clerk in which to gather petitions for the ordinance which they propose.

(5) Each signer of the petition shall sign his/her name in ink or indelible pencil and shall place on the petition opposite his/her name the date of his signature. The signatures of any such petition need not be appended to one paper, but to each such paper shall be attached an affidavit by the circulator 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 City Clerk after the requisite  
8 number of petitions have been gathered, and the City Clerk  
9 shall proceed to forward same to the Broward County Supervisor  
10 of Elections 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.

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

21  
22 (8) The City Commission 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 City Commission rejects any of the substance of the provisions  
26 of the proposed ordinance, as set forth in the petition, the  
27 City Clerk shall at once cause notice of the filing of such  
28 petition and the refusal of the City Commission to pass said  
29 ordinance to be published in a newspaper of general circulation  
30 published in the City of Margate, and the City Commission  
31 shall at once proceed to submit the passage of the ordinance to  
32 the majority vote of the qualified electors of the City  
33 voting in the next municipal or general election, whichever  
34 occurs first. Said proposed ordinance shall only appear on the  
35 City ballot if it has met all laws and provisions established  
36 by both the State of Florida and Broward County, Florida.

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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 City Commission  
3 of the City of Margate.

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

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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.

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15 SECTION 9: If any part, section, subsection, paragraph,  
16 subparagraph, sentence, phrase, clause, term, or word 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.

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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.

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

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34 PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_.

35 PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_.

36  
37  
38 ATTEST:

1                   JOSEPH J. KAVANAGH  
2                   CITY CLERK

MAYOR LESA PEERMAN

4                   RECORD OF VOTE - 1ST READING   RECORD OF VOTE - 2ND READING  
5

6                   Talerico	_____	Talerico	_____
7                   Donahue	_____	Donahue	_____
8                   Ruzzano	_____	Ruzzano	_____
9                   Simone	_____	Simone	_____
10                  Peerman	_____	Peerman	_____