

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 QUALIFICATIONS, ELECTION OF COMMISSIONERS, OATH, AND ELECTION OF MAYOR AND VICE MAYOR; 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 qualifications, election of Commissioners, oath, and election of Mayor and Vice Mayor"

"Shall the Charter of the City of Margate be amended to provide for: 1 year residency qualification to run for Commissioner; an amended oath of office for commissioners; no election for a seat where there is only 1 duly qualified candidate; drawing of lots to decide election where there is a tie vote for election to a seat; and for choosing of Mayor and Vice Mayor in the month of November or as soon thereafter?"

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 3.02 of the Charter of the City of Margate shall be amended to provide:

Section 3.02. Qualifications of commissioners.

- A. *Elector/Residency:* Any qualified City of Margate ~~Broward County~~-elector whose principal place of residence is in the City of Margate and who has resided continuously in the City for twelve (12)~~six (6)~~ months prior to qualifying as a candidate for the office shall be eligible to hold the office of City ~~County~~ Commissioner.
- B. *Term Limitations:* Effective with the terms of Commissioners that commenced in November 2012, an individual shall not be eligible for election as a Commissioner for more than three consecutive four-year terms. Service as a Commissioner prior to the terms that commenced in November 2012 shall not be considered in applying the term limitations of this Section. Service of a two-year term, or any other partial term subsequent to November 2012, shall not be considered in applying the term limitation provisions of this Section.

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 3.05 of the Charter of the City of Margate shall be amended to provide:

Section 3.05. Oath of office.

~~Before entering upon~~ Upon entering the duties of their respective offices, officers shall each take and subscribe substantially to the following oath: "I do solemnly swear or affirm that I am a registered voter and a resident in the City of Margate, as shown by the public records of Broward County, Florida. I further swear that I will support, protect and defend the Constitution and government of the United States, and the Constitution of the State of Florida, and that I will well and faithfully perform the duties of my office of the said City of Margate upon which I am about to enter, so help me God."

1 SECTION 5: That the referendum election called for by this
2 ordinance shall be a binding referendum. Upon passage of the
3 questions framed in Section 2 of this ordinance, Section 3.07 of
4 the Charter of the City of Margate shall be amended to provide:

5 **Section 3.07. Mayor and vice-mayor.**

6 ~~When there is an election for a City Commissioner in the~~
7 ~~month of November, On the third Wednesday of each March, up to~~
8 ~~November 2012 and thereafter on the third Wednesday of each~~
9 ~~November, T~~he Ceity Ceommission shall, at a Commission meeting
10 in November or as soon as practical thereafter, elect from among
11 its members a Mmayor who shall serve for one (1) year. The
12 Mmayor, if so elected by the Ceity Ceommission, may serve
13 another one (1) year in the same office for a total not to
14 exceed two (2) years in succession. The Mmayor shall preside at
15 meetings of the Ceommission and shall be recognized as head of
16 Ceity government for all ceremonial purposes; by the Governor
17 for purposes of military law and civil disaster; for execution
18 of contracts, deeds and other documents as provided for in
19 Article IV, Section 4.10; for service of process; and as the
20 Ceity official designated to represent the Ceity in all
21 agreements with other governmental entities or certifications to
22 other governmental entities, but shall have no administrative
23 duties except as required to carry out the responsibilities
24 herein. The Vvice-Mmayor shall be chosen in the same manner as
25 the Mmayor and may serve up to a total of two (2) successive
26 terms if chosen by the Ceity Ceommission. The Vvice-Mmayor shall
27 act as Mmayor during the absence or disability of the Mmayor.
28 Should both the mayor and Vvice-Mmayor not be present at a
29 Ceommission meeting, the member of the Ceommission with greatest
30 longevity shall preside at the meeting.

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34 SECTION 6: That the referendum election called for by this
35 ordinance shall be a binding referendum. Upon passage of the
36 question framed in Section 2 of this ordinance, Section 6.05 of
37 the Charter of the City of Margate shall be amended to provide:

38 **Section 6.05. Election of Ceommissioners.**

(1) Candidates for each seat for City Commissioner receiving the greatest number of votes shall be declared elected.

(2) Single Candidates. No election for any City Commission seat shall be required in any election if there is only one duly qualified candidate for that seat. The duly qualified candidate shall be deemed elected.

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 6.06 of the Charter of the City of Margate shall be amended to provide:

Section 6.06. Tie votes.

~~In the event of a tie vote between two (2) or more candidates for any elective office, the tie shall be resolved by a runoff election held according to the provisions of an election ordinance.~~ In case two or more persons receive an equal and highest number of votes for the same seat for City Commission, such persons shall draw lots to determine who shall be elected to the office.

SECTION 8: That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

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

SECTION 9: It is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the City of Margate Code, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such

1 intentions.

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

5
6 PASSED ON FIRST READING THIS _____ DAY OF _____.

7 PASSED ON SECOND READING THIS _____ DAY OF _____.

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9
10 ATTEST:

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12 _____
13 JOSEPH J. KAVANAGH
14 CITY CLERK

_____ MAYOR LESA PEERMAN

15
16 RECORD OF VOTE - 1ST READING RECORD OF VOTE - 2ND READING

17
18 Talerico _____ Talerico _____
19 Donahue _____ Donahue _____
20 Ruzzano _____ Ruzzano _____
21 Simone _____ Simone _____
22 Peerman _____ Peerman _____
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