

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO ARTICLE III, ENTITLED "LEGISLATIVE " AND SPECIFICALLY SECTION 3.02, "QUALIFICATIONS OF COMMISSIONERS", SUBSECTION B "TERM LIMITATIONS" AND SECTION 3.04 "ELECTIONS AND TERMS" OF THE CHARTER OF THE CITY OF MARGATE, FLORIDA, TO ABOLISH TERM LIMITS FOR THE MAYOR AND COMMISSIONERS; 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 to propose amendments to the City's Charter relating to terms of office for the Mayor and City Commissioners and for term limits for the City's elected officials; 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

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November 6, 2018 General Election , to amend Article III, of the Charter to abolish limits on terms of office for Mayor or Commission.

**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 III, entitled "Legislative" of the Charter of the City of Margate, Florida, shall, subject to approval of the electors, be amended as follows:

Section 3.02. - Qualifications of Commissioners.

A. Elector/Residency: Any qualified City of Margate elector whose principal place of residence is in the City of Margate and who has resided continuously in the City for twelve (12) months prior to qualifying as a candidate for the office shall be eligible to hold the office of City Commissioner.

B. Term Limitations: Effective with the terms of Commissioners that commenced in November 2012, there shall be no limit on the number of terms a Commissioner may serve.

Section 3.04. - Election and terms.

Each City Commission seat shall be assigned a number from one (1) to five (5). Each City Commission seat shall be filled separately and candidates for the City Commission shall designate, at the time of qualifying, the seat for which they shall run—one (1) through five (5). A candidate receiving the highest total of votes for the seat which he/she qualified for shall be elected to the Margate City Commission for said seat.

City Commissioners shall serve until their successors are elected and seated in accordance with the ordinances of the City of Margate.

Section 3. The Ballot Title shall be as follows:

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## CHARTER AMENDMENT-UNLIMITED TERMS OF OFFICE

Section 4. At the November 6, 2018 General Election the following explanation and question shall be placed on the ballot for consideration by the qualified electors of the City of Margate, Florida, and shall read as follows:

Members of the City Commission are currently limited to serving no more than three consecutive four year terms in office. Shall section of Article III "Legislative" of the City Charter which reference or relate to term limitations be amended to eliminate term limits for Members of the City Commission?

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. Pursuant to Section 166.031(1), Florida Statutes, the City Commission of the City of Margate hereby calls a referendum election to be conducted with the State of Florida General Election on November 6, 2018, for the purpose of placing the referendum to a vote of the electors of the City of Margate.

### Section 7.

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 8.

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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 9.

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 \_\_\_\_\_ DAY OF JUNE, 2018.**

\_\_\_\_\_  
JOSEPH J. KAVANAGH  
CITY CLERK

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

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

Peerman	<u>NO</u>
Simone	<u>NO</u>
Ruzzano	<u>YES</u>
Caggiano	<u>YES</u>
Schwartz	<u>YES</u>

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

Peerman	_____
Simone	_____
Ruzzano	_____
Caggiano	_____
Schwartz	_____

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