

ORDINANCE NO. 2020-015

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CHARTER OF THE CITY OF COCONUT CREEK BY ACCEPTING THE PROPOSED AMENDMENTS TO THE CITY CHARTER AS ADOPTED BY THE CITY CHARTER REVIEW BOARD ON APRIL 28, 2020, HEREBY AMENDING ARTICLE III, "CITY COMMISSION," SECTION 301, "COMPOSITION; ELIGIBILITY; ELECTION AND TERMS OF OFFICE;" SECTION 302, "THE MAYOR AND VICE MAYOR;" SECTION 303, "GENERAL POWERS AND DUTIES; COMPENSATION;" SECTION 304, "PROHIBITIONS;" SECTION 305, "VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES;" SECTION 308, "INDEPENDENT AUDIT;" SECTION 309, "PROCEDURE;" SECTION 310, "ACTION REQUIRING AN ORDINANCE;" SECTION 311, "ORDINANCES IN GENERAL;" SECTION 312, "EMERGENCY ORDINANCES;" DELETING SECTION 314, "CODES OF TECHNICAL REGULATIONS;" ARTICLE IV, "CITY MANAGER," SECTION 401, "APPOINTMENT; COMPENSATION; QUALIFICATIONS;" SECTION 403, "ACTING CITY MANAGER;" DELETING SECTION 405, "REMOVAL;" AMENDING SECTION 406, "APPOINTMENT AND DUTIES OF THE CITY CLERK;" ARTICLE V, "ESTABLISHMENT OF REQUIRED BOARDS AND COMMITTEES," SECTION 501, "ORGANIZATION OF BOARDS AND COMMITTEES;" ARTICLE VI, "FINANCIAL PROCEDURES," SECTION 602, "COMMISSION ACTION ON BUDGET AND FIVE-YEAR CAPITAL PROGRAM;" SECTION 604, "LAPSE OF APPROPRIATIONS;" SECTION 605, "ADMINISTRATION OF BUDGET;" ARTICLE VII, "REGISTRATION AND ELECTIONS," SECTION 702, "ELECTION PRECINCTS AND POLLING PLACES; CITY TO DESIGNATE;" SECTION 705, "GENERAL LAWS TO APPLY;" DELETING SECTION 707, "CALLING AN ELECTION BY RESOLUTION;" AMENDING SECTION 708, "ELECTIONS; HOW ARRANGED FOR; INSPECTORS AND CLERKS;" ARTICLE VIII, "INITIATIVE, REFERENDUM, AND RECALL," SECTION 801, "GENERAL AUTHORITY;" SECTION 802, "COMMENCEMENT OF PROCEEDINGS; PETITIONER'S COMMITTEE; AFFIDAVIT;" SECTION 803, "PETITIONS;" SECTION 804, "PROCEDURE AFTER

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FILING;” SECTION 805, “REFERENDUM PETITIONS; SUSPENSION OF EFFECT OF ORDINANCE;” SECTION 806, “ACTION BY PETITIONS;” SECTION 807, “RESULTS OF ELECTION;” DELETING SECTION 809, “REPEAL;” AND ARTICLE IX, “GENERAL PROVISIONS,” AMENDING SECTION 907, “CHARTER REVIEW; CHARTER REVIEW BOARD;” AND SECTION 908, “AUTHORITY OF COMMISSION TO DIVIDE CITY INTO VOTING DISTRICTS; (RE-DISTRICTING BOARD);” PROVIDING THAT A MAJORITY OF ELECTORS VOTING IN THE NOVEMBER 3, 2020 GENERAL ELECTION APPROVE SUCH CHANGES; PROVIDING FOR THE FORM OF THE BALLOT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 907 of the Charter of the City of Coconut Creek, (hereinafter “City Charter”), the City Commission duly appointed a Charter Review Board; and

WHEREAS, said Charter Review Board has reviewed the City Charter and has presented to the City Commission its proposed amendments, dated April 28, 2020, detailed below, containing the alterations, revisions, and amendments that in the judgement of said Board are desirable; and

WHEREAS, Section 907 of the City Charter requires the City Commission to submit the amendments as proposed by the Charter Review Board to the electors of the City at the next general election; and

WHEREAS, pursuant to Chapter 166, Florida Statutes, said changes shall be effective if approved by the electors of the City of Coconut Creek by referendum.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

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Section 1: Ratification. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance.

Section 2: Amendment. That the City Charter of the City of Coconut Creek, Florida, is hereby amended pursuant to Section 907 of the City Charter, and subject to the approval of the electors, by amending Article III, "City Commission," Article IV, "City Manager," Article V, "Establishment of Required Boards and Committees," Article VI, "Financial Procedures," Article VII, "Registration and Elections," Article VIII, "Initiative, Referendum and Recall," and Article IX, "General Provisions," as follows:

ARTICLE III. - CITY COMMISSION

Section 301. - Composition; Eligibility; Election and Terms of Office.

- c. *Election and Terms.* The regular election of Commissioners shall be held in accordance with State of Florida Law on the second Tuesday in March in years when the Commissioners' terms have expired.
 - 1. Commencing with the elections in March, ~~2007~~2023, two (2) Commissioners shall be elected, one each from districts A and D for four-year terms expiring upon the certification of election results and the swearing in of their successor. Commencing with the elections in March, ~~2009~~2021, three (3) Commissioners shall be elected, one each from districts B, C, and E for four-year terms expiring upon the swearing in of their successor after certification of election results.
 - 2. Commissioners newly elected and/or re-elected in a duly certified election shall be sworn into office and seated at the second next regularly scheduled Commission meeting in March of election years, however if the certified election results have not been received prior to the meeting or the meeting is not held for any reason, the swearing in shall be held at the next regularly scheduled Commission Meeting or may be held at a special meeting noticed pursuant to state law after certification of the election results. In the event such meeting is not scheduled for the first Thursday following said election, a special Commission meeting shall be held no later than three (3) days from the date of the certification of the election by the Broward County Supervisor of Elections.
 - 3. Term Limits. No person may appear on a ballot for election after serving three (3) consecutive elected terms, whether the three (3) elected terms were for full or partial terms. Fulfillment of a term by appointment by the City Commission shall not count as an election subject to the previous limitation. Elections prior to November 2020 shall not count towards term limits. An individual who cannot be

elected to office pursuant to this section may subsequently appear on a ballot for reelection only after being out of office for at least one (1) full term.

Section 302. - The Mayor and Vice Mayor.

a. *Election.* After the swearing in seating of newly elected Commissioners, or, in years where there are no newly elected Commissioners, at the second regularly scheduled first Commission meeting ~~subsequent to the second Tuesday~~ in March, provided at least four (4) members are present, the Commission shall, as the first order of business, reorganize, to wit:

3. Commissioners shall not nominate themselves but they may second any nomination. Only elected Commissioners shall be eligible for the office of Mayor, except that if the incumbent Mayor, if having has served a two (2) consecutive full terms, he/she shall not be re-elected to a third consecutive ~~successive~~ term as Mayor.

6. The newly elected Mayor shall call for nominations for Vice Mayor, and election of Vice Mayor shall be held using the same procedure and eligibility requirements as for election of Mayor. If the incumbent Vice Mayor has served two (2) consecutive full terms, he/she shall not be eligible for a third consecutive term as Vice Mayor.

b. *Duties.*

1. The Mayor shall preside at meetings of the Commission, shall be recognized as head of the City Government for all ceremonial purposes but shall have no administrative duties except as specified in subparagraph b.2. below, or as prescribed by law. The Vice Mayor shall act as Mayor during the absence or disability of the Mayor, and likewise shall have no administrative duties. In the absence of the Mayor and Vice Mayor, the member with the longest tenure on the Commission shall ~~members present shall elect a temporary chairman to~~ preside at the meeting. In the event of a tie, the tie shall be decided by coin toss.

Section 303. - General Powers and Duties; Compensation.

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b. Three (3) Commission members shall be considered a quorum, except as provided in Section 302.a., and may do business for the City and may carry out all functions according to the law as if all members were present. A minimum of three (3) affirmative votes shall be required for an all actions to be undertaken by the City Commission, and, if any motion fails to achieve the affirmative vote of at least three (3) members of the Commission, then such motion shall be deemed to have failed and no action shall be taken by that motion. In the event that there are less than three (3) members of the Commission who are eligible to vote on a particular matter due to vacancy or required abstention pursuant to applicable state or county law, then the remaining member(s) of the Commission present may take action on a motion only upon unanimous affirmative vote.

d. Salaries and Compensation of Officers and Employees; and Bonds.

1. The Commission shall have the power to fix the salaries of all other officers and employees hired or appointed by the City Commission, of the City, whether elected, appointed or chosen, and to establish such bonds as in the opinion of the Commission are necessary for the faithful discharge of the duties of such officers and employees.

3. The Commission may authorize the payment to any City Commissioner, officer or employee hired or appointed by City Commission for travel and relevant expenses for any municipal service. All payments shall be based on acceptable evidence of actual expenses incurred.

Section 304. - Prohibitions.

b. *Appointments and Removals.* Neither the Commission nor any of its members shall in any manner dictate the appointment or removal of any person whom the City Manager or City Attorney is empowered to appoint, but the Commission may express its views and freely discuss in session with the City Manager or City Attorney anything pertaining to appointment and removal of such person.

Section 305. - Vacancies; Forfeiture of Office; Filling of Vacancies.

- b. *Forfeiture of Office* . A Commissioner shall forfeit his/her office if he/she (1) lacks at any time during his/her term of office any qualification of the office prescribed by this Charter or by law, (2) violates any express prohibition of this Charter, (3) is convicted of a felony, (4) fails to attend three (3) consecutive regular meetings of the Commission without being officially excused by the Commission at a meeting, or (5) fails to remain a resident of the district from which elected for the entire term of office.
- c. *Filling of Vacancies*. A vacancy on the Commission shall be filled in one of the following ways:
 - 1. If a vacancy occurs three hundred and sixty-five (365) or fewer calendar days before the expiration of the term of the former Commissioner, the Commission, by majority vote of the remaining members, shall appoint a qualified person to fill the vacancy within thirty (30) days of its occurrence, unless there is an election scheduled within one hundred eighty (180) days in which case the Commission may provide for the vacancy to be filled in the next election. Said appointee shall serve until the next regular City election and be a resident qualified voter of the same district in which the vacancy has occurred. Said appointee shall fulfill the requirements of Section 301b.

Section 308. - Independent Audit.

The Commission shall provide for an annual audit of City Accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by an independent certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The Commission may designate such accountant or firm, in accordance with state law and with a total contract term annually for a period not exceeding five (5) years. No accountant or firm shall perform the annual audit for more than five (5) consecutive years unless the new contract term provides a new lead auditor who has not worked on the City's audit in the previous five (5) years. a term that exceeds five (5) successive years. If the State makes such an audit, the Commission may accept it as satisfying the requirements of this section.

Section 309. - Procedure.

- a. *Meetings* . The Commission shall meet regularly at least once in every month at such times and places as the Commission may prescribe by rule. The Commission may cancel any meeting(s) upon a vote taken at any prior regularly scheduled meeting. Special or emergency meetings, or workshops, may be held on the call of the Mayor, the City Manager or three (3) or more members of the City Commission, and, whenever practicable, upon no less than forty-eight (48) ~~twenty-four (24)~~ hours' notice to each member. Only the person or persons who set a special or emergency

meeting shall have the power to cancel said meeting. All meetings shall be public, except as provided by state law. Notice of meetings to the public shall be in accordance and consistent with the laws of the State of Florida.

- c. *Voting*. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the minutes. In the absence of a quorum, the members present may adjourn from time to time. Notwithstanding anything to the contrary set forth in this Charter, adjournment under this Section shall constitute a regular meeting within the meaning of Section 309(a). ~~No Commissioner shall vote, nor be considered to be in attendance at any Commission meeting, except in person.~~

Section 310. - Action Requiring an Ordinance.

In addition to other acts required by law or by specific provisions of this Charter, the following actions shall be by ordinance which:

- a. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- b. Levy taxes, with respect to the property tax levied by adoption of the budget;
- c. Grant, renew or extend a franchise;
- d. Regulate the rate charged for water and wastewater services;
- e. Authorize the borrowing of money;
- f. Convey or lease for an initial term of ten (10) years or more or authorize the conveyance or lease for an initial term of ten (10) years or more, of any lands owned by the City;
- g. Acquire by purchase, dedication or condemnation a fee simple interest in real property;
- h. Adopt with or without amendment ordinances proposed under the initiative power;
- i. Amend or repeal any ordinance previously adopted except as otherwise provided in this Charter; and
- j. ~~Adopt or amend an administrative code.~~

Section 311. - Ordinances in General.

- b. *Procedure* . A proposed ordinance shall be read by title, ~~or in full~~, on at least two (2) separate days, at either regular or special meetings of the Commission and notice shall be provided in accordance with state law. ~~, at least seven (7) days prior to~~

adoption, be noticed once in a newspaper of general circulation in the City. 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 City 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.

Section 312. - Emergency Ordinances.

To meet a public emergency affecting life, health, property or the public peace, the Commission may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any utility for its services or authorize the borrowing of money except as provided in other sections of this Charter. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain after the enacting clause, a declaration stating that an emergency exists and describing it in clear specific terms. An emergency ordinance may be adopted with or without amendments or rejected at the meeting at which it is introduced, but an affirmative vote of at least four (4) members shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify and shall expire as stated in the ordinance itself or in accordance with state law. ~~Every emergency ordinance, except one made pursuant to other provisions of this Charter, shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this~~ Expiration of an emergency ordinance shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinance. An ordinance adopted while the City is under a state, county or local state of emergency, which is adopted following the procedure for ordinances in general under Section 311 of this Charter, shall not be considered an "emergency ordinance" and shall not be subject to the restrictions, or expiration requirements of this Section.

~~Section 314. - Codes of Technical Regulations.~~

~~The Commission may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:~~

- a. ~~The requirements for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and,~~
- b. ~~A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the City Clerk. Copies of any adopted code of technical regulations shall be made available by the City Clerk for distribution or for purchase at a reasonable price.~~

ARTICLE IV. - CITY MANAGER

Section 401. - Appointment; Compensation; Qualifications.

- b. ~~The City Manager need not be a resident of the City or State when appointed, but may reside outside the City thereafter only with the approval of a majority of the Commission.~~

Section 403. - Acting City Manager.

In the event of absence or disability, the Manager shall designate, by writing addressed to the City Commission and ~~filed with the City Clerk,~~ a qualified City administrative officer to exercise the powers and perform the duties of the Manager during his/her temporary absence or disability. In the event ~~During~~ such absence or disability exceeds a period of two (2) months, the Commission may revoke such designation at any time and designate ~~appoint~~ another officer of the City to serve until the Manager shall return or his/her disability shall cease no longer prevents him/her from performing his/her duties.

~~Section 405. - Removal. Reserved.~~

~~The Commission may remove the Manager from office for just cause in accordance with the following procedures:~~

- a. ~~The Commission shall adopt by affirmative vote of a majority of all of its members, a preliminary resolution which must state the reasons for removal and then may suspend the Manager from duty for a period not to exceed forty-five~~

~~(45) days. A copy of the resolution shall be delivered by the Commission to the Manager within three (3) days.~~

- ~~b. Within five (5) days after a copy of the resolution has been delivered by the Commission to the City Manager, he/she may file with the Commission a written request for a public hearing. This hearing shall be held at a Commission meeting not earlier than fifteen (15) days, nor later than thirty (30) days, after the request is filed. The City Manager may file with the Commission a written reply not later than five (5) days before the hearing.~~
- ~~c. The Commission may adopt a final resolution of removal, which may be made effective immediately by affirmative vote of a majority of all its members, at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the Manager, if he/she has not requested a public hearing, or at any time after the public hearing if he/she has requested one.~~
- ~~d. The Manager shall continue to receive his/her salary until the effective date of a final resolution of removal.~~

Section 406. - Appointment and Duties of the City Clerk.

- a. A City Clerk shall be appointed by the City Manager and shall perform such duties as are prescribed by law, and as are assigned by this Charter, ~~by the City Commission or by the City Manager.~~
- b. The City Clerk shall be keeper of the City Seal ~~and the public records.~~ The City Clerk shall also serve as administrator of City Elections, administrator of the City's records management program, and municipal corporate secretary to the ~~City Commission.~~
- c. The City Clerk shall authenticate by signature, and record in full, in a properly indexed record kept for the purpose all ordinances and resolutions enacted by the Commission. Regulations adopted by the Commission shall be maintained in a permanent record.
- d. The City Clerk shall administer the oath of office to all persons elected, appointed to City advisory boards/committees, and sworn law enforcement personnel. ~~appointed pursuant to the Charter and Ordinances of the City.~~
- e. The City Clerk shall appoint one or more Deputy City Clerks, who shall perform those duties assigned them by the City Clerk and, in the City Clerk's temporary absence or disability, shall perform the duties of the City Clerk.
- f. The City Clerk ~~of the City of Coconut Creek~~ shall be the filing officer ~~official representative of the City Commission in all transactions with the Supervisor of Elections of Broward County, Florida,~~ in relation to all matters pertaining to the use of registration books and records herein mentioned for holding such municipal elections.

g. The Clerk may create, reproduce, convert and store the City public records in the most economical and efficient manner available and in the best interest of the City as provided by state law and the Florida Administrative Code absent any lawful or administrative exemptions to the contrary.

ARTICLE V. - ESTABLISHMENT OF REQUIRED BOARDS AND COMMITTEES

Section 501. - Organization of Boards and Committees.

Boards and Committees created in accordance with this Charter shall elect their officers from the appointed members and shall determine their rules of procedure subject to the provisions of this Charter that apply. Any vacancy on a Board or Committee shall be filled as provided by ordinance ~~by appointment by a majority vote of the Commission.~~ Nominees to all Boards and Committees appointed by the Commission are not required to reside in the District represented by the nominating Commissioner except for Charter Review Board and Redistricting Board.

ARTICLE VI. - FINANCIAL PROCEDURES

Section 602. - Commission Action on Budget and Five-Year Capital Improvement Program.

b. *Five-Year Capital Improvement Program.*

Notice and Hearing. The Commission shall provide notice and public hearing on the capital improvement program in accordance with state law. ~~publish in one or more newspapers of general circulation in the City a notice of adoption stating:~~

- ~~1. The times and places where copies of the capital program are available for inspection by the public, and~~
- ~~2. The time and place, not less than two (2) weeks after such publication of notice, for a public hearing on the capital program.~~

c. *Adoption.* The Commission by resolution or ordinance shall adopt the budget and capital improvement program with or without amendment after the public hearing. The adoption must be on or before the beginning of the fiscal year.

Section 604. - Lapse of Appropriations.

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Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if five (5) ~~three (3)~~ years pass without disbursement from or encumbrance of the appropriation.

Section 605. - Administration of Budget.

b. *Payments and Obligations Prohibited.* No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the manager or his/her designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are available to cover the claim or meet the obligation when it becomes due and payable. Any authorization or payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he/she shall also be liable to the City for any amount so paid. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year; ~~provided that such action is made or approved by ordinance.~~

ARTICLE VII. - REGISTRATION AND ELECTIONS

Section 702. - Election Precincts and Polling Places; ~~City to Designate.~~

Election precincts and polling places shall be as established pursuant to the laws of the State of Florida.

Section 705. - General Laws to Apply.

All general laws of the State of Florida relating to elections and registration of persons qualified to vote therein which are not ~~inconsistent or~~ in conflict with the provisions hereof or the ordinances of the City, shall be applicable to the City of Coconut Creek.

Section 707. -- Calling an Election by Resolution. Reserved.

All elections shall be called by resolution of the City Commission, adopted not less than thirty (30) days before such election, and shall be conducted under the provisions of the General Election Laws of the State and this Charter.

Section 708. - Elections; How Arranged For; Notice Inspectors and Clerks.

The City Clerk shall make all necessary arrangements for the holding of all City elections. The City Clerk may ~~shall employ or~~ contract with the Broward County Supervisor of Elections for administrative services to conduct municipal elections within the City. ~~a sufficient number of clerks and inspectors to adequately staff each polling place, and shall employ or contract with the Supervisor of Elections for at least four (4) pollworkers at each polling place. The City Commission shall state in the resolution calling each election, the different offices to be filled or questions to be decided, and shall state the address of every polling place. The City Clerk shall provide notice in accordance with state law. cause the notice of election to be published in a newspaper of general circulation in accordance with the laws of the State of Florida once in the second week and once in the fourth week prior to the week in which the election is to be held. The official ballot shall be published in a newspaper of general circulation on the Sunday immediately preceding the election, in not less than one-quarter page size. The ballot advertisement shall state:~~

~~"NOTICE OF CITY ELECTION, CITY OF COCONUT CREEK, FLORIDA: The following is the official ballot of the City of Coconut Creek, Florida. Persons wishing further information may contact the City Clerk's office at City Hall during normal business hours."~~

~~The month, day and year of the election and the City Clerk's name, City Hall address and telephone number shall be included in the advertisement.~~

ARTICLE VIII. - INITIATIVE, REFERENDUM AND RECALL

Section 801. - General Authority.

- a. Power to Initiate or Repeal an Ordinance~~Initiative~~. The qualified voters of the City shall have power to propose ordinances for adoption or to require repeal of any adopted ordinance following the procedures of this Article. ~~to the Commission and, if the Commission fails to adopt an ordinance so proposed without any change in substance, the proposed ordinance shall be placed on the ballot of the next regularly scheduled City general election for adoption or rejection by the electors of the City, provided that~~

b. Limitations. ~~s~~Such power to initiate shall not extend to the budget or capital improvement program or any ordinance relating to appropriation of money, levy of taxes or salaries of City officers or employees and such power to repeal an ordinance

~~b. Referendum. The qualified voters of the city shall have power to require reconsideration by the Commission of any adopted ordinance and, if the Commission fails to repeal an ordinance so reconsidered, to approve or reject it at a City election, provided that such power shall not extend to any emergency ordinance relating to appropriation of money, nor to the levy of taxes, the budget, or the capital improvement program except on capital improvement projects financed by tax revenue certificates for water and sewer systems, or any emergency ordinance relating to appropriation of money or levy of taxes. There shall be at least thirty (30) days' notice of the referendum or special election by publication in a newspaper of general circulation at least twice, one in the fifth week and once in the third week prior to the week in which the referendum is to be held.~~

Section 802. - Commencement of Proceedings; Petitioner's Committee; Affidavit.

Any fifty (50) qualified voters may commence initiative or repeal referendum proceedings by filing with the City Clerk an affidavit stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be repealed~~reconsidered~~. Promptly after the affidavit of the petitioner's committee is filed, the City Clerk shall issue the appropriate blank petition forms ~~blanks~~ to the petitioner's committee.

Section 803. - Petitions.

a. ~~Number of signatures. Initiative and referendum petitions must be signed by a minimum of five (5) percent of the total number of registered electors as of the preceding municipal election.~~

~~b. Form and Content. All pages of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall also contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.~~

~~b.e. Affidavit of Circulator. Each page of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he/she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his/her presence, that he/she believes them to be genuine signatures of the persons whose names they purport to be and that each signatory had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.~~

~~cd. Time for Filing Petition to Initiate or Repeal an Ordinance. Initiative and Referendum Petitions. Initiative and Repeal Referendum Petitions signed by a minimum of five (5)~~

percent of the total number of registered voters as of the preceding election must be filed within ninety (90) days after the affidavit of the petitioner's committee is filed with the City Clerk, ~~who shall provide the forms for the petition.~~

Section 804. - Procedure After Submittal of PetitionFiling.

- a. *Certificate of Clerk; Amendment.* Within twenty (20) days after the signed petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying the deficiencies if it is insufficient, ~~the particulars wherein it is defective~~ and shall promptly send a copy of the certificate to the petitioner's committee by certified mail with return receipt requested. A petition certified insufficient for lack of the required number of valid signatures may be amended once ~~within fifteen (15) days~~, if the petitioner's committee files a notice of intention to amend it with the Clerk within two (2) days after receiving the copy of his/her certificate and files a supplementary petition which shall comply with the requirements of subsections (b) and (c) of Section 803 within fifteen (15) days of receipt of the Clerk's certification. ~~and w~~Within five (5) days after an amended petition ~~it is filed,~~ the Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioner's committee by certified mail with return receipt requested as in the case of an original petition. If a petition or ~~of~~ amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioner's committee does not elect to amend or request Commission review under subsection ~~(b.)~~ of this section within the time required, the Clerk shall promptly present his/her certificate to the Commission and the certificate shall then be a final determination as to the sufficiency of the petition.

Section 805. - Repeal Referendum Petitions; Suspension of Effect of Ordinance.

When a ~~referendum~~ petition for repeal of an ordinance is filed with the City Clerk, the ordinance sought to be repealed ~~reconsidered~~ shall be suspended from taking effect. Such suspension shall terminate when:

- a. There is final determination of insufficiency of the petition, or
- b. The petitioner's committee withdraws the petition, ~~or~~
- c. The Commission repeals the ordinance, or
- d. A referendum for the repeal of an ordinance pursuant to 801(b) fails.

Section 806. - Action by Petitions.

- a. *Action by Commission.* When an initiative or repeal referendum petition has been finally determined sufficient, the Commission shall promptly consider the proposed initiative ordinance or repeal of the referred ordinance in the manner provided in

~~Section 311 of this Charter or reconsider the referred ordinance by voting its repeal.~~
If the Commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City, unless same would violate state or federal law.

- b. *Submission to Voters.* The vote of the City on an ordinance proposed for adoption or referred for repeal ordinance shall be held not less than thirty (30) days and not later than one (1) year from the date of the final Commission vote thereon and shall be noticed in accordance with state law. If no regular City election is to be held within the period prescribed in the subsection, the Commission shall provide for a special election otherwise, the vote shall be held at the same time as such regular election, except that the Commission may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the ordinance proposed for adoption or referred for repeal ordinance shall be made available at the polls.

Section 807. - Results of Election.

- b. *Repeal Referendum.* If a majority of the qualified electors voting on an ordinance referred for repeal ordinance vote to repeal the ordinance against it, it shall be considered repealed upon certification of the election results.
- c. *Amendment or Repeal of Initiated Ordinance.* An ordinance of the City of Coconut Creek which has been enacted after a favorable vote of a majority of the electors shall not, for a period of five (5) years, be amended or repealed by the City Commission unless such amendment or repeal is approved by a majority of the electors voting in a referendum called for that purpose

~~Section 809. -- Repeal.~~

~~An Ordinance of the City of Coconut Creek which has been enacted after a favorable referendum vote of a majority of the electors shall not be amended or repealed by the City Commission unless a majority of the electors voting in a referendum called for that purpose shall approve the proposed amendment or repeal.~~

ARTICLE IX. - GENERAL PROVISIONS

Section 907. - Charter Review; Charter Review Board.

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In ~~April~~ January, 2030~~1980~~, and every ten (10) ~~five (5)~~ years thereafter, the Commission shall in January appoint a Charter Review Board consisting of five (5) electors of the City, one (1) from each district, holding no other office, appointment or employment in the government of the City of Coconut Creek except on advisory bodies of the City. In addition, the Commission may appoint a Charter Review Board at any other time as it may deem necessary or desirable. Such Board shall review the Municipal Charter, and within one hundred twenty (120) days after such appointment, submit to the Commission such alteration, revisions, and amendments, if any, to this Charter, as in its judgment are desirable. The Commission shall submit to the electors not later than the next succeeding general election, special election, or municipal election any such proposed alterations, revisions, or amendments. The members appointed to said Board shall serve without compensation and their terms shall expire one hundred twenty (120) days after their appointment.

Section 908. - Authority of Commission to Divide City into Voting Districts; (Re-Districting Board).

The Commission, by ordinance and in accordance with the Laws of the State of Florida shall divide the City into voting districts. The Commission, by the same procedure and laws, may re-district the City. The City Commission shall establish and appoint a Re-Districting Board, consisting of five (5) electors of the City holding no other office, except on advisory bodies of the City, one (1) from each district, by July 15, 2026, and again by July 15, 2032 ~~every five (5) years commencing on or by August 1, 2008~~ and each succeeding ten (10)~~five (5)~~ years thereafter. The City Commission shall, however, have the right to appoint a Re-Districting Board at any time upon a determination that population variances between districts require action. The terms of the members thereof shall expire one hundred twenty (120) ~~ninety (90)~~ days following appointment. The Re-Districting Board shall within one hundred twenty (120) ~~ninety (90)~~ days of appointment submit a report to the City Commission outlining the need for a re-districting, if any, and the recommendations with regard thereto. The City Commission shall, upon a determination by it of the need to re-district, amend by ordinance the boundaries of the existing voting districts.

Section 3: Election. That the proposed City Charter amendments shall be placed on the ballot of the general election which shall be held in the City of Coconut Creek, Florida, on Tuesday, November 3, 2020.

Section 4: Election Notice. Pursuant to the requirements of law, appropriate notice of said general municipal election shall be published by the City Clerk at least thirty (30) days prior to the election on November 3, 2020. The publication shall be made at least twice, once in the fifth week and once in the third week prior to the week in which the election is to be held. Said notice shall recite that: "The complete text of the City Charter as proposed to be revised by the City Commission is available for inspection as City Hall, 4800 West Copans Road, Coconut Creek, Florida, between the hours of 7:00

a.m. and 6:00 p.m., Monday through Thursday and shall be available online at the City's website www.coconutcreek.net.”

Section 5: Form of Ballot. That the form of ballot for the Charter Amendments provided for in Section 2 of this ordinance shall be substantially as follows:

1. SCHEDULING OF SEATING OF COMMISSIONERS AND EXPIRATION OF TERMS OF OFFICE

SHALL THE CHARTER BE REVISED TO REQUIRE SWEARING IN AND SEATING OF NEW COMMISSIONERS AT THE SECOND MEETING IN MARCH TO ALLOW TIME FOR CERTIFICATION OF ELECTION RESULTS BY THE BROWARD COUNTY SUPERVISOR OF ELECTIONS AND CLARIFY THAT EXPIRATION OF COMMISSIONER TERMS IS UPON SWEARING IN OF THEIR SUCCESSOR? CURRENTLY, THE CHARTER IS SILENT ON THE EXPIRATION OF COMMISSIONER TERMS.

YES

NO

2. TERM LIMITS FOR CITY COMMISSIONERS

SHALL THE CHARTER BE AMENDED TO LIMIT THE ELECTION OF ANY INDIVIDUAL TO NO MORE THAN THREE CONSECUTIVE ELECTED TERMS (PARTIAL OR FULL TERMS) FOR COMMISSIONERS ELECTED AFTER NOVEMBER 2020? THIS PROVIDES THAT A PERSON MAY RUN AGAIN ONLY AFTER HAVING AT LEAST ONE FULL TERM OUT OF OFFICE. CURRENTLY, THERE ARE NO TERM LIMITS.

YES

NO

3. TIMING AND SELECTION OF MAYOR AND VICE MAYOR, AND DESIGNATION OF TEMPORARY CHAIRPERSON

SHALL THE CHARTER BE AMENDED TO MOVE THE TIMING OF THE COMMISSION'S SELECTION OF MAYOR AND VICE MAYOR TO COINCIDE WITH THE SWEARING IN OF COMMISSIONERS AFTER ELECTION, AND ALLOW THEM TO SERVE IN THOSE CAPACITIES FOR UP TO, BUT NO MORE THAN, TWO CONSECUTIVE ONE-YEAR TERMS, AND TO DESIGNATE A TEMPORARY CHAIRPERSON TO RUN A COMMISSION MEETING WHERE BOTH THE MAYOR AND VICE MAYOR ARE ABSENT? CURRENTLY, THE LIMIT IS ONE, ONE-YEAR TERM.

YES

NO

4. CLARIFICATION OF CITY COMMISSION VOTING REQUIREMENTS

SHALL THE CHARTER BE AMENDED TO REQUIRE THREE AFFIRMATIVE VOTES BY THE CITY COMMISSION TO TAKE ANY ACTION AND IF LESS THAN THREE COMMISSIONERS ARE AVAILABLE DUE TO VACANCY OR REQUIRED ABSTENTION, THEN THOSE AVAILABLE COMMISSIONERS MUST VOTE UNANIMOUSLY? THE CHARTER CURRENTLY DOES NOT ADDRESS THESE SITUATIONS AND COURTS HAVE DETERMINED THAT SPECIFIC INFORMATION FOR THESE SITUATIONS SHOULD BE PROVIDED.

YES

NO

5. CLARIFICATION OF DUTIES AND AUTHORITY OF THE CITY COMMISSION

SHALL THE CHARTER BE AMENDED TO CLARIFY THE COMMISSION'S DUTY TO AUTHORIZE SALARIES AND TRAVEL EXPENSES FOR COMMISSIONERS AND EMPLOYEES HIRED BY THE COMMISSION, CLARIFY ITS DUTY TO EXCUSE THE ABSENCE OF A COMMISSIONER AT A DULY NOTICED COMMISSION MEETING AND TO CLARIFY THAT THE COMMISSION SHALL HAVE NO AUTHORITY TO APPOINT OR REMOVE SOMEONE APPOINTED BY THE CITY ATTORNEY? THE CURRENT LANGUAGE IS NOT CLEAR AND CREATES CONFLICT WITH OTHER PROVISIONS OF THE CHARTER.

YES

NO

6. PROCESS FOR FILLING A VACANT COMMISSION SEAT

SHALL THE CHARTER BE AMENDED TO PROVIDE THAT THE COMMISSION MAY CHOOSE TO FILL A COMMISSION SEAT VACANCY AT AN ELECTION, INSTEAD OF BY APPOINTMENT, IF AN ELECTION IS ALREADY SCHEDULED TO OCCUR WITHIN 180 DAYS OF THE VACANCY? CURRENTLY THE CHARTER REQUIRES APPOINTMENT BY THE COMMISSION WITHIN 30 DAYS, EVEN IF THERE IS AN ELECTION ALREADY SCHEDULED WITHIN 180 DAYS THAT COULD OPERATE TO FILL THE VACANCY.

YES

NO

7. MAKE CHARTER CONSISTENT WITH STATE LAWS AND COUNTY REQUIREMENTS

SHALL THE CITY CHARTER BE AMENDED TO PROVIDE CONSISTENCY WITH STATE LAWS AND COUNTY PROCEDURES, INCLUDING THE DELETION OF SECTIONS THAT ARE SUPERSEDED BY STATE LAW? CURRENTLY, THE

CITY'S CHARTER PROVIDES LANGUAGE THAT DUPLICATES OR IS INCONSISTENT WITH STATE LAWS AND COUNTY REQUIREMENTS REGARDING PUBLIC NOTICE, DUTIES OF THE MAYOR, DESIGNATION OF THE 'CAPITAL PROGRAM', WHICH SHOULD BE THE 'CAPITAL IMPROVEMENT PROGRAM', SCHEDULING OF AND PROCEDURES FOR ELECTIONS.

YES

NO

8. EMERGENCY ORDINANCES AND REQUIREMENTS FOR COMMISSIONERS TO BE PHYSICALLY PRESENT TO PARTICIPATE AND VOTE

SHALL THE CITY CHARTER BE AMENDED TO PROVIDE THAT EMERGENCY ORDINANCES EXPIRE AS PROVIDED BY STATE LAW AND DELETE REQUIREMENT THAT COMMISSIONERS BE PHYSICALLY PRESENT TO BE CONSIDERED IN ATTENDANCE OR VOTE? CURRENTLY, THE CHARTER PROVIDES THAT EMERGENCY ORDINANCES EXPIRE 61 DAYS AFTER ADOPTION WHICH IS INCONSISTENT WITH STATE LAW. IT ALSO REQUIRES THE PHYSICAL PRESENCE OF COMMISSIONERS IN ORDER TO PARTICIPATE OR VOTE ON ANY ITEM WHICH CREATES ISSUES IN EMERGENCY SITUATIONS.

YES

NO

9. LIMITATIONS IMPOSED ON SELECTION OF INDEPENDENT AUDITOR

SHALL THE CHARTER BE AMENDED TO ALLOW AN AUDITING FIRM TO SERVE AS AUDITOR TO THE CITY FOR CONSECUTIVE TERMS, PROVIDED THAT IN ORDER TO SERVE THE CITY FOR MORE THAN FIVE CONSECUTIVE YEARS THE FIRM MUST PROVIDE A NEW LEAD AUDITOR WHO HAS NOT WORKED ON THE CITY'S AUDIT IN THE PREVIOUS FIVE-YEAR PERIOD? CURRENTLY, THE CHARTER PROHIBITS AN AUDITING FIRM FROM REBIDDING AFTER SERVING FOR FIVE YEARS.

YES

NO

10. CLARIFICATION OF ACTIONS REQUIRING AN ORDINANCE

SHALL THE CHARTER BE AMENDED TO REQUIRE AN ORDINANCE FOR LEASES GREATER THAN TEN YEARS AND FOR ACQUISITION OF FEE SIMPLE REAL PROPERTY INTERESTS AND TO DELETE THE REQUIREMENT THAT ADMINISTRATIVE AND TECHNICAL REGULATIONS, AND CONTRACTS OR LEASES EXTENDING BEYOND THE FISCAL YEAR BE APPROVED BY ORDINANCE? CURRENTLY, ALL LEASES, INCLUDING SHORT TERM LEASES, ALL PROPERTY INTEREST ACQUISITIONS INCLUDING EASEMENTS,

ADMINISTRATIVE CODES, TECHNICAL REGULATIONS AND AGREEMENTS EXTENDING BEYOND THE FISCAL YEAR REQUIRE AN ORDINANCE.

YES

NO

11. CITY MANAGER RESIDENCY AND REMOVAL PROCEDURES

SHALL THE CITY CHARTER BE AMENDED TO REMOVE THE REQUIREMENT THAT A CITY MANAGER RESIDE WITHIN THE CITY OF COCONUT CREEK UNLESS RESIDENCY OUTSIDE THE CITY IS APPROVED BY A MAJORITY OF THE CITY COMMISSION, AND DELETE PROCEDURES FOR REMOVAL OF THE CITY MANAGER WHICH ARE ADDRESSED BY STATE LAW AND EMPLOYMENT CONTRACT?

YES

NO

12. AMENDMENT AND CLARIFICATION OF PROCEDURE FOR DESIGNATION OF SHORT TERM ACTING CITY MANAGER

SHALL THE CHARTER BE AMENDED TO REMOVE THE FORMAL REQUIREMENT FOR THE CITY MANAGER TO FILE A DESIGNATION OF AN ACTING MANAGER WITH THE CITY CLERK IN THE EVENT OF HIS/HER TEMPORARY ABSENCE OR DISABILITY AND REQUIRING THE MANAGER INSTEAD TO SEND THE DESIGNATION DIRECTLY TO THE COMMISSION; AND AMENDED TO GIVE THE COMMISSION LIMITED AUTHORITY TO REJECT THE CITY MANAGER'S ACTING DESIGNEE, IF THE MANAGER'S ABSENCE EXCEEDS TWO MONTHS?

YES

NO

13. AMENDMENT AND CLARIFICATION OF DUTIES OF THE CITY CLERK AND DEPUTY CITY CLERK

SHALL THE CHARTER BE AMENDED TO PROVIDE AUTHORITY FOR DEPUTY CITY CLERK(S) TO PERFORM DUTIES OF CITY CLERK, IF NEEDED AND TO REVISE THE CITY CLERK'S DUTIES TO AUTHORIZE ADMINISTRATION OF OATHS TO COMMISSION, BOARDS, COMMITTEES AND SWORN LAW ENFORCEMENT, UPDATE PUBLIC RECORDS PROCEDURES CONSISTENT WITH STATE LAW AND CURRENT TECHNOLOGY, AND ADMINISTER MUNICIPAL ELECTIONS? CURRENTLY, THE CHARTER LACKS CLARITY ON THESE CITY FUNCTIONS.

YES

NO

14. ORGANIZATION OF BOARDS AND COMMITTEES

SHALL THE CHARTER BE AMENDED TO ELIMINATE CONFLICT AND DUPLICATION IN THE APPOINTMENT PROCEDURES AND RESIDENCY QUALIFICATIONS FOR BOARD AND COMMITTEE MEMBERS? CURRENTLY, THE CHARTER PROVIDES ONLY PARTIAL APPOINTMENT PROCEDURES, WHICH ARE PROVIDED IN DETAIL IN THE CITY CODE OF ORDINANCES, AND CREATES CONFLICTS WHEN APPLIED TO THE CHARTER REVIEW AND REDISTRICTING BOARDS.

YES

NO

15. LAPSE OF APPROPRIATIONS

SHALL THE CHARTER BE AMENDED TO PROVIDE THAT APPROPRIATIONS SHALL BE DEEMED ABANDONED IF FIVE YEARS PASS WITHOUT DISBURSEMENT OR ENCUMBRANCE OF THE APPROPRIATION? CURRENTLY, THE CHARTER REQUIRES ABANDONMENT OF APPROPRIATIONS WITHIN THREE YEARS, IF NOT DISBURSED OR ENCUMBERED, WHICH REDUCES THE EFFECTIVENESS OF LONG RANGE FINANCIAL PLANNING.

YES

NO

16. INITIATIVE, REFERENDUM AND RECALL

SHALL THE CHARTER BE AMENDED TO CLARIFY PROCEDURES TO: INITIATE OR REPEAL ORDINANCES BY VOTE OF THE CITY'S VOTERS; REQUIRE THAT PETITIONS TO INITIATE SUCH AN ELECTION BE SIGNED BY FIVE PERCENT OF THE REGISTERED VOTERS AS OF THE PRECEDING ELECTION INSTEAD OF THE PRECEDING MUNICIPAL ELECTION; AND REQUIRE THAT ACTIONS APPROVED THROUGH SUCH A PROCESS REMAIN INTACT FOR FIVE YEARS? CURRENTLY, PROCEDURES ARE CONFUSING AND REQUIRE REFERENDUM TO AMEND AN ORDINANCE APPROVED BY REFERENDUM.

YES

NO

17. CHARTER REVIEW BOARD

SHALL THE CHARTER BE AMENDED TO REQUIRE REVIEW OF THE CITY CHARTER EVERY TEN YEARS BEGINNING IN APRIL 2030, WITH RECOMMENDED CHANGES PRESENTED TO THE VOTERS AT THE NEXT GENERAL, SPECIAL OR MUNICIPAL ELECTION? CURRENTLY, THE CHARTER IS REVIEWED EVERY FIVE YEARS WITH CHANGES PRESENTED TO THE VOTERS ONLY AT THE FOLLOWING GENERAL OR MUNICIPAL ELECTION.

YES

NO

18. REDISTRICTING BOARD

SHALL THE CHARTER BE AMENDED TO CONVENE THE REDISTRICTING BOARD IN JULY 2026, JULY 2032, AND EVERY TEN YEARS THEREAFTER; AND PROVIDE THE REDISTRICTING BOARD 120 DAYS TO CONDUCT THEIR EVALUATION? CURRENTLY, THE REDISTRICTING BOARD HAS ONLY 90 DAYS TO CONDUCT AN EVALUATION, AND REDISTRICTING EVALUATIONS ARE REQUIRED EVERY FIVE YEARS, BUT ARE NOT NEEDED AS FREQUENTLY BASED ON THE BUILT-OUT NATURE OF THE CITY.

YES

NO

Section 6: That if a ballot question is approved by a majority of the electors voting in said election the charter amendment to which it relates shall be effective as of 12:01a.m., November 4, 2020.

Section 7: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 8: Severability. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 9: Codification. That the provisions of this ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 10: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 14TH DAY OF MAY, 2020.

PASSED SECOND READING THIS 28TH DAY OF MAY, 2020.

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Louis Sarbone, Mayor

Attest:

Leslie Wallace May, City Clerk

	<u>1st</u>	<u>2nd</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Belvedere	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>

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