

ORDINANCE NO. 2025-018

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 16, 2025, HEREBY AMENDING ARTICLE I, "INCORPORATION, BOUNDARIES AND CHARTER," SECTION 106, "RULES OF CONSTRUCTION;" ARTICLE III, "CITY COMMISSION," SECTION 303, "GENERAL POWERS AND DUTIES; COMPENSATION;" SECTION 304, "PROHIBITIONS;" ARTICLE VI, "FINANCIAL PROCEDURES," SECTION 604, "LAPSE OF APPROPRIATIONS;" ARTICLE VIII, "INITIATIVE, REFERENDUM AND RECALL," SECTION 801, "GENERAL AUTHORITY;" SECTION 802, "COMMENCEMENT OF PROCEEDINGS; PETITIONER'S COMMITTEE; AFFIDAVIT;" SECTION 803, "PETITIONS;" SECTION 806, "ACTION BY PETITIONS;" SECTION 807, "RESULTS OF ELECTION;" ARTICLE IX, "GENERAL PROVISIONS," SECTION 906, "AMENDMENTS TO CHARTER;" AND SECTION 907, "CHARTER REVIEW; CHARTER REVIEW BOARD;" PROVIDING THAT A MAJORITY OF ELECTORS VOTING IN THE NOVEMBER 3, 2026 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 on January 9, 2025; and

**WHEREAS**, said Charter Review Board has reviewed the City Charter and has presented to the City Commission its proposed amendments, dated April 16, 2025, 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:**

**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 I, "Incorporation, Boundaries and Charter," Article III, "City Commission," Article VI, "Financial Procedures," Article VIII, "Initiative, Referendum and Recall," and Article IX, "General Provisions," as follows:

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## **ARTICLE I. – INCORPORATION, BOUNDARIES AND CHARTER**

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### **Section 106. - Rules of Construction.**

- a. The singular includes the plural and vice versa.
- b. Words used in the present or past tense include the future as well as the present and past.
- c. The words "written" or "in writing," may include any form of reproduction or communication, except oral.
- d. References to "days" shall mean calendar days unless the specified time is fifteen (15) days or less, then it shall mean business days.

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## **ARTICLE III. - CITY COMMISSION**

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### **Section 303. - General Powers and Duties; Compensation.**

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

1. The Commission has the power to fix the salaries of ~~all other officers and employees~~ the City Manager and City Attorney hired or appointed by the City Commission, and to establish such bonds as in the opinion of the Commission are necessary for the faithful discharge of the City Manager's and City Attorney's duties ~~of such officers and employees~~.

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**Section 304. - Prohibitions.**

- a. *Holding Other Office or Employment Except as Authorized by Law.* Commission members must not hold any office in this City (other than Mayor or Vice Mayor), or serve as an officer on a homeowner or condominium association board within the City, or serve as a City employee during the term for which he/she is elected to office or be employed as a paid lobbyist.

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**ARTICLE VI. – FINANCIAL PROCEDURES**

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**Section 604. – Lapse of Appropriations.**

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) years pass without disbursement from or encumbrance of the appropriation~~ so determined by the City Commission through the annual budget process.

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**ARTICLE VIII. – INITIATIVE, REFERENDUM AND RECALL**

**Section 801. – General Authority.**

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- b. *Limitations.* Such power to initiate shall not extend to the budget or capital improvement program or any ordinance relating to the Land Development Code or Comprehensive Plan or any ordinance related thereto or to appropriation of money, levy of taxes or salaries of City officers or employees and such power to repeal an ordinance 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.

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

- a. Any fifty (50) qualified voters may commence initiative or repeal 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.
- b. The proposed initiative ordinance or ordinance sought to be repealed shall be reviewed by the City Attorney, or designee, within fifteen (15) days of submittal for consistency with the City Charter, Comprehensive Plan, City Code of Ordinances and applicable city, county, state and federal laws and requirements. If the City Attorney determines the proposed amendment is facially invalid, inconsistent, or creates conflicts with any other applicable legal authority, the petition shall be returned to the Petitioner, together with a notice of deficiency specifying the deficiencies or conflicts. The Petitioner will thereafter have a period of thirty (30) days from the date of the notice of deficiency within which to submit a revised petition addressing such deficiencies. The City Attorney shall review any subsequent resubmissions pursuant to this paragraph and provide a finding of consistency or deficiency within fifteen (15) days of any resubmission. Petitioner may submit a revised petition addressing identified deficiencies no more than three (3) times after the initial submittal. If the petition is determined deficient after the third (3rd) re-submittal, the petition shall be deemed withdrawn. Petitioner may initiate a new petition pursuant to this Section 802, with new affidavits pursuant to Section 802(a), no sooner than thirty (30) days after a prior petition is deemed withdrawn.
- c. ~~Promptly after the affidavit of the petitioner's committee is filed,~~ If the City Attorney determines the petition is consistent, the City Clerk shall promptly issue the appropriate blank petition forms to the petitioner's committee.

## Section 803. – Petitions.

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- c. *Time for Filing Petition to Initiate or Repeal an Ordinance.* Initiative and Repeal 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~~ blank petition forms are provided to petitioner by the City Clerk.

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## Section 806. – Action by Petitions.

- a. *Action by Commission.* When an initiative or repeal 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. 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)~~ sixty (60) 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 qualified voters of the City on an ordinance proposed for adoption or for repeal 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 general election or 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 for repeal shall be made available at the polls.

#### **Section 807. - Results of Election.**

- a. *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Commission. If conflicting ordinances are approved at the same election, ~~the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict~~ they shall be implemented as provided in Section 906, "Amendments to Charter".

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#### **ARTICLE IX. - GENERAL PROVISIONS**

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#### **Section 906. - Amendments to Charter.**

- a. The Charter may be amended by any one of the following:
- a~~1~~. As provided by the Florida Statutes.
  - b~~2~~. By a Charter Review Board as provided for in Section 907 of this Article.
- b. In the event that there is more than one Charter Amendment on a ballot at the same election and the results of the elections on those Charter Amendments creates a conflict between the approved Charter Amendments, then each Charter Amendment shall go into effect in respect to the provisions that are not in conflict and, where there is conflict, the one receiving the highest affirmative vote shall prevail as to the provisions in conflict.

#### **Section 907. - Charter Review; Charter Review Board.**

In January, ~~1980~~ [2030/2032], and every ~~five (5)~~ [six (6)/eight (8)] years thereafter, the Commission will in January appoint a Charter Review Board consisting of five (5) electors

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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. Commencing with the reorganization of the City Commission on March 13, 2029 and thereafter, the composition of the Charter Review Board will include an appointed elector from each of the four (4) districts, and one (1) appointed elector who is selected by the Elected Mayor and resides in any district of the City; all of whom must not hold any 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, having the required composition as stated herein. Such Board must 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 will submit to the electors not later than the next succeeding general election or municipal election any such proposed alterations, revisions, or amendments. The members appointed to said Board will serve without compensation and their terms will expire one hundred twenty (120) days after their appointment

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**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, 2026.

**Section 4: Election Notice.** That 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, 2026. 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 at 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](http://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. Clarifying Calculation of "Days" and Confirming Commission Sets City Manager and City Attorney Salaries**

Shall the Charter be amended to provide general clarification, by specifying when references to "days" means calendar days and when it means business days and clarifying that the officers the City Commission sets salaries for are the City Manager and City Attorney?

Yes ☐

No ☐

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**2. Prohibiting Mayor or Commissioners from Serving on Homeowner or Condominium Board During Their Commission Term**

Shall the general powers and duties of the Mayor and City Commission be amended to prohibit the Mayor and City Commissioners from simultaneously serving as an officer on a homeowner or condominium association board located within the City while they are serving as the Mayor or a City Commissioner?

Yes ☐

No ☐

**3. Authorizing City Commission to Determine During Budget Process Whether Appropriations Should be Abandoned**

Shall the Charter be amended to remove the current five-year automatic lapse of unspent appropriations and instead authorize the City Commission to determine, during the annual budget process, which appropriations shall be deemed abandoned? Currently, the Charter requires abandonment of appropriations within five years, if not disbursed or encumbered, which reduces the effectiveness of long range financial planning.

Yes ☐

No ☐

**4. Revising Initiative, Referendum and Recall Procedures**

Shall the Charter be amended to revise the initiative and repeal procedures to provide that the Land Development Code, Comprehensive Plan and related ordinances are not subject to the referendum process; define a procedure for validation of the form of a petition or ordinance; and a methodology for addressing conflicting Charter amendments approved by the voters?

Yes ☐

No ☐

**5. Charter Review Board**

Shall the Charter be amended to require review of the City Charter every six/eight years beginning in April 2030/2032 in order to align with the general election schedule? Currently, the Charter is reviewed every five years, which often does not align with a scheduled election thereby creating a delay in voter consideration of the board's recommendations.

Yes ☐

No ☐

**Section 6: 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 7: 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 8: 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 9: Effective Date.** That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025.

PASSED SECOND READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025.

\_\_\_\_\_  
Jacqueline Railey, Mayor

Attest:

\_\_\_\_\_  
Joseph J. Kavanagh, City Clerk

	<u>1<sup>st</sup></u>	<u>2<sup>nd</sup></u>
Railey	_____	_____
Wasserman	_____	_____
Welch	_____	_____
Rydell	_____	_____
Brodie	_____	_____