

ORDINANCE NO. 2015-020

AN ORDINANCE 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 20, 2015, HEREBY AMENDING THE ENTIRE CHARTER TO PROVIDE FOR GENDER NEUTRALITY; BY AMENDING ARTICLE III, ENTITLED "CITY COMMISSION," BY AMENDING SECTION 301, ENTITLED "COMPOSITION; ELIGIBILITY; ELECTION AND TERMS OF OFFICE;" BY AMENDING SECTION 304, ENTITLED "PROHIBITIONS;" BY AMENDING SECTION 305, ENTITLED "VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES;" BY AMENDING SECTION 309, ENTITLED "PROCEDURE;" BY AMENDING SECTION 310, ENTITLED "ACTION REQUIRING AN ORDINANCE;" BY AMENDING SECTION 311, ENTITLED "ORDINANCES IN GENERAL;" BY AMENDING ARTICLE IV, "CITY MANAGER," BY AMENDING SECTION 402, ENTITLED "POWERS AND DUTIES OF THE CITY MANAGER;" BY AMENDING SECTION 403, ENTITLED "ACTING CITY MANAGER;" BY AMENDING ARTICLE V, ENTITLED "ESTABLISHMENT OF REQUIRED BOARDS AND COMMITTEES," BY AMENDING SECTION 505, ENTITLED "OTHER ADVISORY BOARDS AND COMMITTEES;" BY AMENDING ARTICLE VI, ENTITLED "FINANCIAL PROCEDURES," BY AMENDING SECTION 601, ENTITLED "SUBMISSION OF BUDGET AND BUDGET MESSAGE;" BY AMENDING ARTICLE VII, ENTITLED "REGISTRATION AND ELECTIONS," BY AMENDING SECTION 701, ENTITLED "COUNTY REGISTRATION BOOKS ADOPTED; QUALIFIED ELECTORS;" BY AMENDING SECTION 708, ENTITLED "ELECTIONS; HOW ARRANGED FOR; INSPECTORS AND CLERKS;" BY AMENDING SECTION 709, ENTITLED "RECIEPT OF RETURN—CERTIFICATES OF ELECTION;" BY AMENDING ARTICLE IX, ENTITLED "GENERAL PROVISIONS," BY AMENDING SECTION 904, ENTITLED "CITY ATTORNEY;" BY AMENDING SECTION 907, ENTITLED "CHARTER REVIEW; CHARTER REVIEW BOARD;" PROVIDING THAT A MAJORITY OF ELECTORS VOTING IN THE NOVEMBER 8, 2016 GENERAL

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**ELECTION APPROVE SUCH CHANGES; PROVIDING FOR THE FORM OF THE BALLOT; 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 20, 2015, 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, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:**

**Section 1:** That the City Charter of the City of Coconut Creek, Florida, is hereby amended by amending the entire City Charter to provide for gender neutrality throughout.

**Section 2:** That the City Charter of the City of Coconut Creek, Florida, is hereby amended by amending Article III thereof, entitled “City Commission,” by amending Section 301, entitled “Composition; Eligibility; Election and Terms of Office,” by amending Subsection c. 1., to remove obsolete date references; by amending Subsection c. 2., to provide for certification of election results by the Broward County Supervisor of Elections; by enacting a new Subsection d., entitled “Minimum Length of Residence,” to provide for a twelve (12) month residency requirement within the district for which a candidate is running for Commissioner notwithstanding a change in the district boundaries caused by the City’s re-districting procedure; by amending Section 304, entitled “Prohibitions,” by adding language to Subsection a. to include the prohibition against a Commissioner accepting employment as a paid lobbyist; by amending Section 305, entitled “Vacancies; Forfeiture of Office; Filling of Vacancies,” by adding

language to Subsection c. 3. to include a procedure that provides for an Acting Vice Mayor when the Mayor's seat is vacated and the Vice Mayor assumes the role of Acting Mayor; by amending Section 309, entitled "Procedure," by adding language to Subsection a. to include workshops among the other meetings already prescribed; by amending Section 310, entitled "Action Requiring an Ordinance," by amending Subsection f. to clarify that an ordinance is required to convey or lease land owned by the City; by amending Section 311, entitled "Ordinances in General," by amending Subsection b. to provide for consistency with state advertising requirements and by further amending Subsection c. to provide for an ordinance to be effective immediately upon the Commission's approval after second reading, to read and provide as follows:

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

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

- a. *Composition.* There shall be a City Commission of five (5) members, one member elected from each of the five (5) districts within the City. Each candidate for Commissioner shall be elected at large and shall be a resident of and be primarily domiciled at the time of filing in the district in which he/she has filed his/her candidacy. Each candidate shall execute and deliver to the City Clerk an affidavit of primary domicile at the time of filing his/her candidacy. Each candidate shall also provide two (2) proofs of identification showing the candidate's address of domicile, one being a Florida Driver's License or Florida State Identification Card, plus an electric bill or water bill, or other evidence of address. Each Commissioner shall at all times remain primarily domiciled in the district in which he/she is elected. The candidate in each district receiving the greatest number of votes, among all candidates from that district, shall be elected. Voters shall vote for only one candidate in each district.
- b. *Eligibility.* Only qualified voters, who have been residents of the City or residents of any land annexed into the City for a minimum of twelve (12) months prior to filing as a candidate for office, shall be eligible to hold the office of Commissioner.
- 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, two (2) Commissioners shall be elected, one each from districts A and D for four-year terms. Commencing with the elections in March, 2009, three (3) Commissioners shall be elected, one each from districts B, C, and E for four-year terms. ~~The terms of Commissioners from districts B, C, and E elected on March 8, 2005, shall be extended to four-year terms.~~

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2. Commissioners newly elected and/or re-elected in a duly certified election shall be sworn into office and seated at the next regularly scheduled Commission meeting 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.
- d. Minimum Length of Residence. Each candidate shall be a resident of and be primarily domiciled in his/her district in which he/she has filed his/her candidacy for at least twelve (12) months prior to filing as a candidate for office but for a change in district of said candidate due to redistricting by the City that has occurred within the preceding twelve (12) month period in which case the combined residency of the candidate's prior and current districts shall be considered for qualification.

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**Section 304. - Prohibitions.**

- a. Holding Other Office or Employment Except as Authorized by Law. No Commissioner shall hold any office in this City (other than Mayor or Vice Mayor) or serve as a City employee during the term for which he/she is elected to office or be employed as a paid lobbyist.
- 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 is empowered to appoint, but the Commission may express its views and freely discuss in session with the City Manager anything pertaining to appointment and removal of such person.
- c. Interference with Administration. Except as provided in this Charter with respect to investigations, the Commission and its members shall deal with persons who are subject to the City Manager solely through the City Manager and neither the Commission nor its members shall give what may be deemed to be orders to any such persons, either publicly or privately. Neither the Commission nor any of its members shall in any manner change or modify any administrative systems, procedures or methods installed and/or implemented by the City Manager or his/her appointed City officers and employees, but the Commission may express its views fully and freely on such matters and may openly discuss with the City Manager anything relevant pertaining to suggestions for the change or modification thereof.

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

- a. Vacancies. The office of Commissioner shall become vacant upon his/her death, resignation, removal from office in any manner authorized by law or forfeiture of his/her office.

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- 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, 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. 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.
  - 2. If a vacancy occurs more than three hundred sixty-five (365) calendar days before the expiration of the term of the former Commissioner, an election to fill said vacancy shall be held no sooner than sixty (60) days and no later than one hundred eighty (180) days of said vacancy. The Commissioner elected to fill the vacancy shall serve for the unexpired term of office and shall be a resident qualified voter of the same district in which the vacancy has occurred.
  - 3. If the vacated Commission seat is that of the Mayor or Vice Mayor, upon appointment or election of the new Commissioner, the Commission shall elect one of its members to hold the position(s) so vacated. In the instance that the Mayor's seat is vacated and the Vice Mayor assumes the role as Acting Mayor during the interim in accordance with Section 302 b.1. the Commission shall elect by a majority vote an Acting Vice Mayor who shall serve until appointment or election of the new Commissioner.

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**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 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. Notice of meetings to the public shall be in accordance and consistent with the laws of the State of Florida.

- b. *Rules and Minutes.* The Commission shall determine its own rules and order of business and shall provide for keeping minutes of its proceedings to include regular meetings, special meetings, and workshop meetings.
- 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 or authorize the conveyance or lease of any lands ~~of~~ owned by the City;
- g. Acquire by purchase, dedication or condemnation 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.**

- a. *Form.* Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. The enacting clause shall be "The City of Coconut Creek hereby ordains." Any ordinance which repeals or amends an existing ordinance or part of the City Code of Ordinances of the City of Coconut Creek shall set out in full the ordinance, sections or subsections to be repealed or amended.
- 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 shall, at least ~~ten (10)~~ 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.

- c. *Effective Date.* Except as otherwise provided in this Charter, every adopted ordinance shall become effective immediately upon approval after second reading ~~ten (10) days after adoption~~ or as otherwise specified therein.

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**Section 3:** That the City Charter of the City of Coconut Creek, Florida, is hereby amended by amending Article IV, entitled “City Manager,” by amending Section 402, entitled “Powers and Duties of the City Manager,” by amending Subsection h. to require the City Manager to make recommendations to the Commission concerning City matters; by further amending Section 402, Subsection k. to remove compulsory language and allow the City Manager the discretion to appoint a Deputy or Assistant City Manager, or not; by amending Section 403, entitled “Acting City Manager,” by amending the form and manner in which the City Manager shall designate an administrative officer to exercise the powers and duties of the City Manager in the event of temporary absence or disability of the City Manager; by amending Section 406, entitled “Appointment and Duties of the City Clerk,” by amending Subsection c. to remove the antiquated reference to a physical book, to read and provide as follows:

**ARTICLE IV. - CITY MANAGER**

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**Section 402. - Powers and Duties of the City Manager.**

The City Manager shall be the chief administrative officer of the City. He/She shall be responsible to the Commission for the administration of all City ~~matters~~affairs placed in his/her charge by or under this Charter. He/She shall have the following powers and duties:

- a. He/She shall appoint and, when he deems it necessary for the good of the City, suspend or remove any City employees and appointive administrative officers provided for, by or under this Charter, or personnel rules adopted pursuant to this Charter. He/She may authorize any administrative officer, who is subject to his/her direction and supervision, to exercise these powers with respect to subordinates in that officer's department, office or agency.

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- b. He/She shall direct and supervise the administration of all departments, officers, and agencies of the City, except as otherwise provided by this Charter, by City ordinance, or by law.
- c. He/She shall attend all City Commission meetings and shall have the right to take part in discussion, but shall not vote.
- d. He/She shall ensure that all laws, provisions of this Charter and acts of the Commission, subject to enforcement by him/her or by officers subject to his/her direction and supervision, are faithfully executed.
- e. He/She shall prepare and submit the annual budget and capital improvement program to the Commission.
- f. He/She shall submit to the Commission and make available to the public a complete report on the finances of the City within six (6) months after the end of each fiscal year.
- g. He/She shall make such other reports as the Commission may require concerning the operations of City departments, offices and agencies subject to his/her direction and supervision.
- h. He/She shall make ~~such~~ recommendations to the Commission concerning ~~the affairs of the City matters, as he deems desirable.~~
- i. The City Manager shall have the exclusive authority to place matters on the City Commission agenda, except in those instances where a majority of the Commission members at a regular meeting, special meeting, or workshop agree to place a matter on the City Commission agenda.
- j. He/She shall perform such other duties as specified in this Charter or in City ordinances or as may be required by the Commission.
- k. The City Manager ~~shall~~ may appoint one or more Deputy City Managers or Assistant City Managers.

**Section 403. - Acting City Manager.**

~~Subject to approval of the Commission~~ In the event of absence or disability, the Manager shall designate, by ~~letter~~ 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. During such absence or disability, the Commission may revoke such designation at any time and appoint another officer of the City to serve until the Manager shall return or his/her disability shall cease.

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**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.

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- 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 and secretary to the City Commission.
- c. The City Clerk shall authenticate by signature, and record in full, in a properly indexed ~~book~~ record kept for the purpose all ordinances 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 and appointed pursuant to the Charter and Ordinances of the City.
- e. The City Clerk shall appoint one or more Deputy City Clerks.  
The City Clerk of the City of Coconut Creek shall be the official representative of the City Commission in all transactions with the Supervisor of Elections of Broward County, Florida, in relation to matters pertaining to the use of registration books and records herein mentioned for holding such municipal elections.

**Section 4:** That the City Charter of the City of Coconut Creek, Florida, is hereby amended by amending Article V, entitled "Establishment of Required Boards and Committees," by amending Section 505, entitled "Other Advisory Boards and Committees," by providing for boards or committees to be created by ordinance, as follows:

**ARTICLE V. - ESTABLISHMENT OF REQUIRED BOARDS AND COMMITTEES**

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**Section 505. - [Other Advisory Boards and Committees.]**

The Commission may also establish such other advisory Board and Committees; ~~on an ad hoc basis;~~ by ordinance as it may deem necessary to further the City's interests.

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**Section 5:** That the City Charter of the City of Coconut Creek, Florida, is hereby amended by amending Article VI, entitled "Financial Procedures," by amending Section 601, entitled "Submission of Budget and Budget Message," by adding language to clarify the fiscal year as defined by law, as follows:

**ARTICLE VI. - FINANCIAL PROCEDURES**

**Section 601. - Submission of Budget and Budget Message.**

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Not later than the first day of August of each year the City Manager shall submit to the Commission a budget for the ensuing fiscal year (as defined by the Laws of the State of Florida) and a five (5) year Capital Improvement Program, and an accompanying message.

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**Section 6:** That the City Charter of the City of Coconut Creek, Florida, is hereby amended by amending Article VII, entitled “Registration and Elections,” by amending Section 701, entitled “County Registration Books Adopted; Qualified Electors,” by removing the outdated reference to physical registration books and by removing the incorrect reference to general elections; by amending Section 708, entitled “Elections; How Arranged For; Inspectors and Clerks,” by adding language to allow the City Clerk to contract with the Supervisor of Elections to provide staff and inspectors required by law to conduct local elections; by amending Section 709, entitled “Receipt of Return—Certificates of Election,” by providing that the results of the election shall be provided to the City Commission at the first regular meeting following receipt of the certified election results, to read and provide as follows:

**ARTICLE VII. - REGISTRATION AND ELECTIONS**

**Section 701. - County Registration ~~Books~~Records Adopted; Qualified Electors.**

City of Coconut Creek, in every municipal election, including referendum, special, primary and general elections does hereby adopt and shall use the registration ~~books and~~ records authorized by law to be used in the ~~general~~ elections of Broward County and State of Florida, as the official registration ~~books and~~ records of the City of Coconut Creek. An elector to vote in any City election shall register in the registration ~~books and~~ records of Broward County, Florida, in the manner and at such times and places as provided by law for registering of electors to vote in State and County elections.

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

The City Clerk shall make all necessary arrangements for the holding of all City elections. The City Clerk shall employ or contract with the Supervisor of Elections for 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 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.

**Section 709. - Receipt of Return—Certificates of Election.**

The results of voting at each polling place, when ascertained, shall be certified by the County Supervisor of Elections to the City Clerk, who shall transmit such return to the City Commission at the first regular meeting following receipt of the certified election results ~~the election~~. At such meeting the City Commission shall receive the return, and the result as shown by such return shall be entered into the minutes of the meeting. City Commissioners shall continue to hold their offices and discharge the duties thereof until their successors are elected, as certified by the County Supervisor of Elections to the City Clerk.

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**Section 7:** That the City Charter of the City of Coconut Creek, Florida, is hereby amended by amending Article IX, entitled "General Provisions," by amending Section 904, entitled "City Attorney," to provide the City Attorney with the authority to appoint such assistant city attorney(s) subject to the City Commission's approval and remove any assistant city attorney(s) with or without cause; by amending Section 907, entitled "Charter Review; Charter Review Board," by amending and extending the duration of the appointment to the board and time to complete the duties required from ninety (90) days to one hundred twenty (120) days, as follows:

**ARTICLE IX. - GENERAL PROVISIONS**

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**Section 904. - City Attorney.**

The Commission shall appoint a City Attorney and the City Attorney shall appoint such assistant City Attorneys as ~~it~~ he/she deems necessary subject to final approval by the City Commission. The City Attorney and assistant city attorney(s) who

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shall act as legal advisors to the City and all of its officers in matters relating to their official duties. The City Attorney shall approve, as to form, all contracts of the municipality before same shall become effective. Assistant City Attorneys shall perform those duties assigned them by the City Attorney. Assistant City Attorney(s) may be removed with or without cause by the City Attorney.

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

In January, 1980, and every 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 ~~ninety (90)~~ 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 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 ~~ninety (90)~~ one hundred twenty (120) days after their appointment.

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**Section 8:** 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 8, 2016.

**Section 9:** 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 8, 2016. 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."

**Section 10:** That the ballot question concerning the amendment of the entire City Charter relating to gender neutrality, amendments of Article III, Section 301 c. 1. and Article VII, Section 701 relating to obsolete and incorrect

references, amendment of Article III, Section 310 f. relating to typographical errors, amendments of Article IV, Section 406 c. and Article VII, Section 701 relating to technology format shall be in the following form:

**GENDER NEUTRALITY, DELETION OF OBSOLETE AND INCORRECT REFERENCES, TYPOGRAPHICAL ERRORS, AND CURRENT TECHNOLOGY FORMAT**

SHALL THE CHARTER OF THE CITY OF COCONUT CREEK BE AMENDED TO PROVIDE FOR GENDER NEUTRALITY, DELETION OF OBSOLETE AND INCORRECT REFERENCES, CORRECTION OF TYPOGRAPHICAL ERRORS, AND FOR THE CURRENT TECHNOLOGY FORMAT RELATING TO RECORDS? CURRENTLY, THE CHARTER IS NOT GENDER NEUTRAL, PROVIDES OBSOLETE AND INCORRECT REFERENCES, HAS TYPOGRAPHICAL ERRORS, AND PROVIDES FOR AN ANTIQUATED TECHNOLOGY FORMAT.

YES

NO

**Section 11:** That the ballot question concerning the amendments of Article III, Section 301 c. 2. relating to the swearing-in of Commissioners and Article VII, Section 709 relating to certified election results shall be in the following form:

**RECEIPT OF CERTIFIED ELECTION RESULTS**

SHALL THE CITY CHARTER BE AMENDED TO PROVIDE FOR ACTION AFTER THE CITY'S RECEIPT OF CERTIFIED ELECTION RESULTS FROM THE BROWARD COUNTY SUPERVISOR OF ELECTIONS? CURRENTLY, THE CHARTER DOES NOT ACCOUNT FOR THE DELAY BETWEEN THE ACTUAL ELECTION AND THE CERTIFICATION OF RESULTS BY BROWARD COUNTY SUPERVISOR OF ELECTIONS, WHICH COULD RESULT IN A LEGAL CHALLENGE IF A COMMISSIONER IS SWORN-IN OR RESULTS ARE PRESENTED PREMATURELY.

YES

NO

**Section 12:** That the ballot question concerning the amendments of Article III, Sections 301 d. and 304 a., shall be in the following form:

**REFINEMENT OF COMMISSIONER QUALIFICATIONS**

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SHALL THE CITY CHARTER BE AMENDED TO ADD A TWELVE (12) MONTH MINIMUM RESIDENCY REQUIREMENT WITHIN THE SPECIFIC DISTRICT FOR WHICH THE CITY COMMISSION CANDIDATE IS APPLYING TO REPRESENT AND PROHIBIT EMPLOYMENT OF ANY COMMISSIONER AS A PAID LOBBYIST? CURRENTLY, THERE IS NO DISTRICT-SPECIFIC RESIDENCY REQUIREMENT AND THE CHARTER IS SILENT AS TO THE PROHIBITION OF A COMMISSIONER BEING A PAID LOBBYIST.

YES

NO

**Section 13:** That the ballot question concerning the amendment of Article III, Section 305 c. 3., shall be in the following form:

**PROVIDE FOR AN ACTING VICE MAYOR**

SHALL THE CITY CHARTER BE AMENDED TO INCLUDE A PROCEDURE THAT PROVIDES FOR AN ACTING VICE MAYOR WHEN THE MAYOR'S SEAT IS VACATED AND THE VICE MAYOR ASSUMES THE ROLE OF ACTING MAYOR? THIS ADDRESSES A VACANCY OF THE VICE MAYORAL ROLE THAT IS CREATED WHEN THE VICE MAYOR TAKES OVER AS ACTING MAYOR.

YES

NO

**Section 14:** That the ballot question concerning the amendment of Article III, Section 309 a., shall be in the following form:

**AUTHORITY OF THE MAYOR TO CALL WORKSHOPS**

SHALL THE MAYOR'S AUTHORITY TO CALL WORKSHOP MEETINGS OF THE COMMISSION BE ADDED TO THE CITY CHARTER? CURRENTLY, THE MAYOR HAS THE AUTHORITY TO CALL SPECIAL AND EMERGENCY MEETINGS. THE AUTHORITY TO CALL WORKSHOP MEETINGS IS NOT DOCUMENTED IN THE CITY CHARTER.

YES

NO

**Section 15:** That the ballot question concerning the amendment of Article III, Sections 311 b. and 311 c., relating to advertising and ordinance effective date, amendment of Article VI, Section 601 relating to fiscal year, and amendment of Article VII, Section 708 relating to election services shall be in the following form:

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**MAKE CHARTER CONSISTENT WITH STATE LAWS AND COUNTY PROCEDURES**

SHALL THE CITY CHARTER BE AMENDED TO PROVIDE FOR CONSISTENCY WITH STATE LAWS AND COUNTY PROCEDURES? CURRENTLY, THE CITY'S CHARTER IS SILENT OR OTHERWISE PROVIDES LANGUAGE THAT IS INCONSISTENT WITH STATE LAWS AND COUNTY PROCEDURES REGARDING ADVERTISING OF ORDINANCES, THE CITY'S FISCAL YEAR, AND PROVISION OF ELECTION SERVICES.

YES

NO

**Section 16:** That the ballot question concerning the amendment of Article IV, Sections 402 h. relating to City Manager recommendations, 402 k. relating to mandatory appoint of Deputy or Assistant City Manager(s), and 403 relating to temporary absence of City Manager shall be in the following form:

**AMEND AND CLARIFY DUTIES AND RESPONSIBILITES OF CITY MANAGER**

SHALL THE CITY MANAGER MAKE RECOMMENDATIONS TO THE COMMISSION CONCERNING CITY MATTERS, HAVE DISCRETION TO APPOINT DEPUTY/ASSISTANT CITY MANAGER(S), AND PROVIDE THE COMMISSION WITH WRITTEN NOTICE DESIGNATING A QUALIFIED ADMINISTRATIVE OFFICER TO SERVE DURING TEMPORARY ABSENCE? CURRENTLY, THE CITY MANAGER CAN CHOOSE TO MAKE RECOMMENDATIONS TO THE COMMISSION AS DESIRABLE. THE CHARTER REQUIRES THE APPOINTMENT OF A DEPUTY/ASSISTANT WITHOUT REGARD TO BUDGET/NECESSITY, AND DOES NOT PROVIDE FOR IMMEDIATE COVERAGE DURING UNANTICIPATED ABSENCE.

YES

NO

**Section 17:** That the ballot question concerning the amendment of Article V, Section 505, shall be in the following form:

**CLARIFY PROCEDURE FOR COMMISSION TO ESTABLISH BOARDS AND COMMITTEES**

SHALL THE CITY CHARTER BE AMENDED TO AUTHORIZE THE COMMISSION TO ESTABLISH BOARDS AND COMMITTEES BY

ORDINANCE? CURRENTLY, THE CITY CHARTER AUTHORIZES THE COMMISSION TO CREATE BOARDS AND COMMITTEES ON AN AD HOC BASIS ONLY.

YES

NO

**Section 18:** That the ballot question concerning the amendment of Article IX, Section 904, shall be in the following form:

**CLARIFICATION OF AUTHORITY OF THE CITY ATTORNEY TO REMOVE ASSISTANT CITY ATTORNEY(S)**

SHALL THE CITY ATTORNEY POSSESS THE AUTHORITY TO REMOVE ASSISTANT CITY ATTORNEY(S)? CURRENTLY, THE AUTHORITY OF THE CITY ATTORNEY TO DO SO IS NOT DOCUMENTED IN THE CHARTER.

YES

NO

**Section 19:** That the ballot question concerning the amendment of Article IX, Section 907, shall be in the following form:

**EXTEND THE TIME FOR THE CHARTER REVIEW BOARD TO MEET AND COMPLETE ITS DUTIES**

SHALL THE CITY CHARTER BE AMENDED TO EXTEND THE DURATION OF TIME PROVIDED TO THE CHARTER REVIEW BOARD TO COMPLETE ITS DUTIES FROM NINETY (90) DAYS TO ONE HUNDRED TWENTY (120) DAYS? THIS AMENDMENT WOULD PROVIDE FOR A MORE REPRESENTATIVE AND DELIBERATIVE PROCESS IN REVIEWING AMENDMENTS TO THE CITY'S CHARTER.

YES

NO

**Section 20:** That if a ballot question is approved by a majority of the electors voting in said election the amendment shall be effective as of 12:01a.m., November 9, 2016.

**Section 21:** That in the event any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

**Section 22:** 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 23:** That all Ordinances or parts of Ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

**Section 24:** That this Ordinance shall be in full force and effect immediately upon its passage.

PASSED FIRST READING THIS 14th DAY OF May, 2015.

PASSED SECOND READING THIS 23rd DAY OF July, 2015.

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Rebecca A. Tooley, Mayor

Attest:

1<sup>st</sup>

2<sup>nd</sup>

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Leslie Wallace May  
City Clerk

Tooley	<u>Aye</u>	<u>Aye</u>
Belvedere	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>
Rydell	<u>Aye</u>	<u>Aye</u>

CODING: Words in ~~struck through~~ type are deletions from existing text.  
Words in underscored type are additions to existing text.  
A line of \*\*\* indicates existing text not shown.