



Legislation Details (With Text)

File #: ORD 2022-010 **Name:** Chapter 8, Elections, Amendment - Filling of Vacancies
Type: Ordinance **Status:** Passed
File created: 6/22/2022 **In control:** City Commission
On agenda: 9/8/2022 **Final action:** 9/8/2022
Title: AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 8, "ELECTIONS," ARTICLE V, "ELECTION ADMINISTRATION," BY AMENDING SECTION 8-104, "VACANCIES; GENERALLY AND IN CANDIDACY," TO PROVIDE THE PROCESS FOR FILLING VACANCIES UPON APPROVAL BY THE MAJORITY OF ELECTORS VOTING IN THE MARCH 14, 2023, MUNICIPAL ELECTION OF THE BALLOT ITEM SUBMITTED AS PART OF THE REFERENDUM ORDINANCE NO. 2022-011. (SECOND READING)(PUBLIC HEARING)

Sponsors:

Indexes: Amendment, City Commission, Code of Ordinances, Election, Ordinance, Vacancy

Code sections: 8-104 - Vacancies; generally and in candidacy, Chapter 8, - Elections

Attachments: 1. ORDINANCE 2022-010-Code Amdt. Section 8-104-Commission Vacancies, 2. BACKUP-Comparison from 1st Reading to 2nd Reading

Date	Ver.	Action By	Action	Result
9/8/2022	1	City Commission		
8/25/2022	1	City Commission		
7/14/2022	1	City Commission		

AGENDA ITEM REPORT

TITLE:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 8, "ELECTIONS," ARTICLE V, "ELECTION ADMINISTRATION," BY AMENDING SECTION 8-104, "VACANCIES; GENERALLY AND IN CANDIDACY," TO PROVIDE THE PROCESS FOR FILLING VACANCIES UPON APPROVAL BY THE MAJORITY OF ELECTORS VOTING IN THE MARCH 14, 2023, MUNICIPAL ELECTION OF THE BALLOT ITEM SUBMITTED AS PART OF THE REFERENDUM ORDINANCE NO. 2022-011. (SECOND READING)(PUBLIC HEARING)

BACKGROUND:

This item was approved on First Reading at the August 25, 2022, City Commission Meeting.

Section 166.031(6), Fla. Stat., states, "Each municipality shall, by ordinance or charter provision, provide procedures for filling a vacancy in office caused by death, resignation, or removal from office. Such ordinance or charter provision shall also provide procedures for filling a vacancy in candidacy caused by death, withdrawal, or removal from the ballot of a qualified candidate following the end of the qualifying period which leaves fewer than two candidates for an office." Pursuant to Section 166.031, Fla. Stat., and Ordinance No. 2022-011 (hereinafter the "Referendum Ordinance"), a proposed Charter amendment will be submitted to the electors of the City of Coconut Creek at the

March 14, 2023, Municipal Election. The Referendum Ordinance seeks to clarify the Charter and make it consistent with state law by combining Charter Sections 305 and 713 together, and requiring that vacancies in the office of Commissioner be filled by vote of the electors (rather than by appointment), with the procedures for such elections codified within the City's Code of Ordinances.

DISCUSSION:

In accordance with the Referendum Ordinance, the procedures for elections to fill vacancies are proposed to be codified within the City's Code of Ordinances, Section 8-104, as proposed herein. This ordinance shall become effective only upon the approval by the majority of electors voting in the March 14, 2023, Municipal Election approving the ballot item set forth in the Referendum Ordinance.

RECOMMENDATION:

Staff recommends approval of this ordinance.

FISCAL IMPACT: N/A