

PROPOSED ORDINANCE 2024-16

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA, SUBMITTING TO REFERENDUM AMENDMENTS TO THE CHARTER OF THE CITY OF PEMBROKE PINES AT ARTICLE IV, ENTITLED "ADMINISTRATION," AND IN PARTICULAR AMENDING SECTION 4.03 "ACTING CITY MANAGER" PERTAINING TO APPOINTMENT AND REMOVAL OF ACTING CITY MANAGER; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF PEMBROKE PINES, IN A SPECIAL ELECTION TO BE CONDUCTED WITH THE MARCH 11, 2025 MUNICIPAL ELECTION AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE ADVERTISING OF THE REFERENDUM ELECTION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 166, Florida Statutes, as amended, provides for a methodology of Charter amendments supplementary to and not in conflict with the Charter of the City of Pembroke Pines, Florida; and

WHEREAS, Chapter 166, Florida Statutes, as amended, provides that such an amendment may be submitted to a referendum vote by the City Commission of the City of Pembroke Pines, Florida, in an ordinance format; and

WHEREAS, the City Commission has held a public hearing in accordance with Florida law; and

WHEREAS, the City Commission deems the proposed amendments to the City Charter, as detailed herein, to be in the best interests of the citizens and residents of the City.

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, THAT:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. Article IV, entitled "Administration," shall be revised by amending Section 4.03 entitled "ACTING CITY MANAGER" of the Charter of the City of Pembroke Pines, as follow:

SECTION 4.03 ACTING CITY MANAGER.

By letter filed with the Commission, the Manager shall designate a qualified City Administrative Officer to exercise his powers and perform the duties of Manager during his/her temporary absence or disability. During such absence or disability, the Commission may remove the designated acting City Manager by an affirmative vote of at least ~~four (4)~~ three (3) members of the City Commission and appoint another officer of the City, by a ~~four-fifths (4/5ths)~~ three – fifths (3/5) vote, to serve until the Manager returns or his/her disability ceases.

SECTION 3. The Ballot Title shall be as follows:

APPOINTMENT OR REMOVAL OF ACTING CITY MANAGER BY THE CITY COMMISSION

SECTION 4. At the Special Election to be conducted with the March 11, 2025, Municipal Election in Broward County, the following question shall be placed on the ballot for consideration by the qualified electors of the City of Pembroke Pines, Florida, and shall read as follows:

The City Charter of Pembroke Pines currently provides that the Acting City Manager shall be appointed or removed by a four – fifths

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(4/5) vote of the members of the City Commission. Shall the Charter be amended to provide for the appointment or removal of the Acting City Manager by a three – fifths (3/5) vote of the members of the City Commission?

YES NO

SECTION 5. Advertisement. The City Clerk of the City of Pembroke Pines is hereby authorized and directed to advertise the referendum election contemplated herein all in accordance with the Code of Ordinances of the City of Pembroke Pines, Florida, as well as the State of Florida Election Code and to coordinate with the Broward County Supervisor of Elections office the submittal of this Ordinance to referendum to be voted on at the Special Election to be conducted with the March 11, 2025, Municipal Election.

SECTION 6. Codification. It is the intention of the City Commission of the City of Pembroke Pines that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Pembroke Pines, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention if the question set forth above in Section 4 is approved by the majority of votes cast by the electorate on at the Special Election to be conducted with the March 11, 2025, Municipal Election.

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SECTION 7. Conflicts. All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 8. Severability. If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way effecting the validity of the other provisions of this Ordinance.

SECTION 9. Effective Date. This Ordinance shall take effect immediately upon adoption by the City Commission and signature by the Mayor and shall be submitted to referendum as set forth herein.

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BEEN INTENTIONALLY LEFT BLANK.**

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**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS ___ DAY OF
_____, 2024.**

**PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE
PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS ___ DAY OF
_____, 2024.**

CITY OF PEMBROKE PINES, FLORIDA

By: _____
MAYOR ANGELO CASTILLO

ATTEST:

DEBRA ROGERS, CITY CLERK

CASTILLO _____

APPROVED AS TO FORM:

GOOD _____

HERNANDEZ _____

RODRIGUEZ _____

OFFICE OF THE CITY ATTORNEY

SCHWARTZ _____