

**PROPOSED ORDINANCE 2024-22**

**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 4.02 “CITY MANAGER – APPOINTMENT; REMOVAL; COMPENSATION” PERTAINING TO REMOVAL OF HEARING PROCESS FOR THE REMOVAL OF 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 4.02 entitled "CITY MANAGER – APPOINTMENT; REMOVAL; COMPENSATION" of the Charter of the City of Pembroke Pines, as follow:

**SECTION 4.02 CITY MANAGER – APPOINTMENT; REMOVAL;  
COMPENSATION.**

(a) *Appointment.* The Commission shall appoint a City Manager. Said appointment shall be by a four- fifths (4/5ths) vote of Commission members.

(b) *Removal.* The Commission may remove the City Manager by a four-fifths-(4/5ths) vote of all Commission members. ~~Upon demand by the Manager, a public hearing may be held prior to a final vote on the removal of the City Manager. At least ten (10) days prior to such public hearing the Commission shall present the City Manager with a written statement of the reasons for such dismissal. The decision of the Commission at any such public hearing shall be final and conclusive and no appeal shall lie therefrom.~~

~~—(1) At any such hearing the discharged City Manager shall have the right to be represented by his/her counsel and shall have the right to subpoena and introduce such witnesses in his/her behalf as he/she may require.~~

~~—(2) In the event the City Manager should be reinstated by the City Commission at any such public hearing, the Commission shall pay the City Manager the necessary costs and expenses reasonably incurred in offering his/her defense to the charges preferred.~~

(c) Compensation and benefits of the City Manager shall be fixed by the City Commission.

(d) The City Manager shall furnish a surety bond to be approved by the Commission, and in such amount as the Commission may fix. Said bond to be conditioned on the faithful performance of his/her duties. The premium of the bond shall be paid by the City.

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**SECTION 3.** The Ballot Title shall be as follows:

PUBLIC HEARING PROCEDURE FOR REMOVAL OF CITY MANAGER

**SECTION 4.** At the Special Election to be conducted with the General Election on 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 for a procedure for the City Manager to request and participate in a public hearing prior to final removal from their position. Shall the Charter be amended to eliminate the public hearing process for the removal of the City Manager by 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

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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.

**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 \_\_\_\_\_