

PROPOSED ORDINANCE NO. 2020-08

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF PEMBROKE PINES AT ARTICLE III, ENTITLED "LEGISLATURE," AND IN PARTICULAR AMENDING SECTION 3.11 ENTITLED "VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES"; PROVIDING THAT THE QUALIFIED INDIVIDUAL APPOINTED TO FILL A COMMISSION VACANCY RESULTING FROM THE RESIGNATION OF A DISTRICT COMMISSIONER SHALL SERVE THE REMAINING BALANCE OF TERM OF THE DISTRICT COMMISSIONER WHOSE RESIGNATION CREATED THE VACANCY; PROVIDING THAT A DISTRICT COMMISSIONER WHO RESIGNS FROM THE CITY COMMISSION SHALL NOT BE ELIGIBLE TO BE APPOINTED TO FILL THE COMMISSION VACANCY RESULTING FROM SUCH RESIGNATION; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF PEMBROKE PINES, ON THE NOVEMBER 3, 2020 GENERAL ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE ADVERTISING OF THE REFERENDUM ELECTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; 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 of the City of Pembroke Pines seeks to propose an amendment to Section 3.11 of the City Charter, whereby an individual

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appointed to fill a vacancy on the City Commission resulting from the resignation of a district commissioner shall serve the remaining balance of the resigning commissioner's term and that the resigning commissioner may not be appointed to fill such vacancy; and

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

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

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 III, entitled "Legislative," shall be revised by amending Section 3.11 entitled "Vacancies; Forfeiture of Office; Filling of Vacancies" of the Charter of the City of Pembroke Pines, as follow:

SECTION 3.11 VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES.

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d. *Filling of vacancies.* Unless otherwise provided by law, if a vacancy occurs on the City Commission, the remaining members of the City Commission may, by majority vote, appoint a qualified individual to fill the vacancy on an interim basis. The City Commission shall adopt a resolution setting forth the process of appointing an interim member of the City Commission pursuant to this section. If the vacancy occurs as a result of the resignation of a district commissioner, the district commissioner who resigned their office and created the vacancy shall be ineligible to be appointed by the remaining members of the City Commission to fill the vacancy.

~~(4)~~ Appointment. Unless otherwise provided for herein, if there are less than one hundred eighty (180) days before the next municipal election, then the interim Commission member appointed to fill the vacancy shall serve until the next municipal election. If there are more than one hundred eighty days before the next municipal election, then the City Commission shall conduct a special election to fill the vacancy. The special election shall take place as soon as practicable, but no more than one hundred eighty (180) days from the date that the vacancy occurred. The individual elected to fill the vacancy at either the next municipal election or a special election called for that purpose shall only serve the unexpired term of the City Commission member whose position became vacant. If the vacancy occurs as a result of the resignation of a district commissioner, the interim commission member appointed to fill the vacancy shall serve the remaining term of the commission member whose seat became vacant.

~~(2)~~(1) In the event of a vacancy in the position of Mayor, the Vice Mayor shall forthwith commence to serve as acting Mayor until the Mayor's position is filled pursuant to this section. When the Vice Mayor becomes acting Mayor, the remaining members of the City Commission shall appoint a qualified individual from the Vice Mayor's district to serve as interim Commissioner. Once the vacancy in the position of Mayor is filled, the Vice Mayor shall return to his or her district position and the individual appointed to serve as interim Commissioner shall be removed from office. The

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Vice Mayor-designate shall serve as Vice Mayor when the Vice Mayor becomes acting Mayor.

- (3) In the event of the death, resignation, or removal of the Vice Mayor, the Commission shall, by majority vote, elect one (1) of the Commissioners to serve as Vice Mayor.

Section 3. The Ballot Title shall be as follows:

FILLING VACANCIES ON THE CITY COMMISSION RESULTING FROM RESIGNATION OF A DISTRICT COMMISSIONER

Section 4. At the General Municipal Election on November 3, 2020, 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:

Shall the Pembroke Pines Charter be amended to prohibit a district commissioner who has resigned from their position on the city commission from being appointed to fill the vacancy created by their resignation; and to provide that the qualified individual appointed to fill such vacancy shall serve the remaining balance of the term of the commissioner who has resigned?

This proposed Charter amendment will have no financial impact to the City.

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.

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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.

Section 7. **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 affecting the validity of the other provisions of this Ordinance.

Section 8. **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 9. **Effective Date.** This Ordinance shall take effect immediately upon its adoption.

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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 _____, 2020.

PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS ____ DAY OF _____, 2020.

CITY OF PEMBROKE PINES, FLORIDA

By: _____
MAYOR FRANK C. ORTIS

ATTEST:

MARLENE D. GRAHAM, CITY CLERK

ORTIS _____

APPROVED AS TO FORM:

CHANZES _____

GOOD _____

SCHWARTZ _____

OFFICE OF THE CITY ATTORNEY

SIPLE _____

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