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ORDINANCE NO. 2012 - 06

AN ORDINANCE OF THE CITY OF HALLANDALE BEACH, FLORIDA, PROVIDING FOR A REFERENDUM ELECTION TO BE HELD ON NOVEMBER 6, 2012 TO DETERMINE WHETHER TO AMEND ARTICLE III, "CITY COMMISSION", DIVISION 2. "POWERS AND DUTIES", SECTION 3.05: "CITY COMMISSION; POWERS; COMPOSITION", ARTICLE IV, "ELECTIONS AND REFERENDUMS", DIVISION 1. "REGULAR AND SPECIAL ELECTIONS", SECTION 4.01: "CITY ELECTIONS GENERALLY", SECTION 4.06: "REGULAR AND SPECIAL ELECTIONS", AND SECTION 4.07: "ELECTION OF COMMISSIONERS", TO PROVIDE THAT CITY COMMISSIONERS SHALL BE ELECTED CITY-WIDE IN DESIGNATED NUMBERED SEATS; PROVIDING FOR THE VOTING SCHEDULE, PROVIDING FOR REFERENDUM APPROVAL; PROVIDING FOR NOTICE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Section 166.031, Florida Statutes, provides the methods by which a municipality may amend its charter; and

**WHEREAS**, Section 166.031, provides that the governing body of a municipality may, by ordinance, submit to the electors of such municipality proposed amendments of the Charter of such municipality at an election held for that purpose; and

**WHEREAS**, the City Charter currently provides that city commissioners, other than the Mayor, are elected under a system whereby candidates receiving the greatest number of votes are declared elected until the number declared elected equals the number of commission offices to be filled at that election; and

**WHEREAS**, the City Commission recommends that Sections 3.05, 4.01, 4.06 and 4.07 of the City Charter be amended to provide that city commissioners be elected city-wide in designated numbered seats; and

**WHEREAS**, the City Commission of the City of Hallandale Beach, Florida has met, deliberated, and publicly conferred on the proposal contained herein to amend the City's Charter; and



83 (4) *Nonpartisan elections.* All nominations and elections for the office of city  
84 commissioner shall be conducted on a nonpartisan basis without regard for the  
85 designation of a political party affiliation for any nominee or any nominating petition  
86 or ballot.  
87

88 **Section 4.06: - Regular and Special Elections.**  
89

90 (1) City election. A general city election for the purpose of electing members to the city  
91 commission shall be held on the first Tuesday after the first Monday in November of  
92 each even-numbered year.  
93

94 **Section 4.07: - Election of commissioners.**  
95

96 At each general city election commencing in 2005 and thereafter, there shall be  
97 elected a Mayor and commissioners at large as follows: Candidates for Mayor  
98 receiving the greatest number of votes shall be declared elected. Between January  
99 1, 2013 and June 1, 2013, the city commission shall by ordinance assign numbers to  
100 each commission seat. Thereafter, candidates for city commission in a general or  
101 special election from each numbered commission seat receiving the greatest number  
102 of votes cast for that seat shall be declared elected. All commissioners shall be  
103 elected for four-year terms which shall be staggered so that, alternately, two (2) or  
104 three (3) commissioners are elected every two (2) years.

105 When, as the result of a vacancy or vacancies in the commission occurring under  
106 section 3.09, it becomes necessary to elect an additional commissioner or  
107 commissioners to fill an unexpired term or terms, the candidates from each  
108 numbered commission seat who receive the greatest number of votes shall be  
109 declared elected to the unexpired term or terms until the vacancy or vacancies have  
110 been filled. When necessary, a tie between two (2) or more candidates in any  
111 election for the office of Mayor or city commissioner shall be decided by lot, to be  
112 conducted in public by the city clerk.

113 If any duly qualified candidates are unopposed, no election shall be held and the  
114 candidates shall take office as if elected by popular vote.  
115

116 **SECTION 2. Form of Ballot.** The form of the ballot for the Charter amendment provided  
117 for herein shall be as follows:

118  
119 **CITY COMMISSIONERS TO BE ELECTED TO DESIGNATED NUMBERED SEATS IN**  
120 **NOVEMBER**  
121

122 Currently, candidates for the office of city commission receiving the greatest number of  
123 votes cast are elected for the vacancies appearing on the ballot. Shall Article III, Section  
124 3.05, and Article IV, Section 4.01, 4.06, and 4.07 of the City Charter be amended to  
125 provide that commissioners be elected to designated numbered commission seats and  
126 electors will be entitled to vote for one (1) candidate for each numbered commission  
127 seat?

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\_\_\_\_\_ Yes, for approval  
\_\_\_\_\_ No, for rejection

**SECTION 3. Voting Schedule.** Voting shall take place between the hours of 7:00 a.m. and 7:00 p.m. at the locations to be designated as provided by law.

**SECTION 4. Notice.** The City Clerk of the City of Hallandale Beach is hereby authorized and directed to advertise the referendum election contemplated herein and to take all appropriate actions necessary to carry out the provisions of this Ordinance.

**SECTION 5. Conflict.** All ordinances or parts of ordinances, all City Code sections or parts of City Code Sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 6. Severability.** Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

**SECTION 7. Inclusion in City Charter.** Upon approval by a majority of electors voting in the referendum election, the Charter amendment contained in Section 1 of this Ordinance shall be deemed immediately adopted and incorporated into the City Charter. Following adoption, the City Clerk shall organize by subject matter and file the revised Charter with the Florida Department of State, as required by Section 166.031(2), Florida Statutes.

**SECTION 8.** The Broward County Supervisor of Elections is requested to canvass the ballots and certify same, and in turn, certify the election results to the Hallandale Beach City Clerk. The City Clerk shall declare the results thereof, and such returns shall be recorded in the minutes of the City Commission at the first meeting after certification.

**SECTION 9.** This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED on 1<sup>st</sup> reading on April 18, 2012.

PASSED AND ADOPTED on 2<sup>nd</sup> reading on May 2, 2012.

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MAYOR-COMMISSIONER

ATTEST:

  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY  
FORM

  
V. LYNN WHITFIELD  
CITY ATTORNEY

VOTE  
AYE/NAY

Mayor Cooper	<input checked="" type="checkbox"/>
Vice Mayor Sanders	<input checked="" type="checkbox"/>
Comm. Lewy	<input checked="" type="checkbox"/>
Comm. London	<input checked="" type="checkbox"/>
Comm. Ross	<input checked="" type="checkbox"/>