ORDINANCE NO. 2012 - 10

AN ORDINANCE OF THE CITY OF HALLANDALE BEACH, FLORIDA, PROVIDING FOR A REFERENDUM ELECTION TO BE HELD ON NOVEMBER 6, 2012 TO DETERMINE WHETHER ARTICLE IV. "ELECTIONS AND REFERENDUMS," DIVISION 2. "REFERENDUM AND INITIATIVE", SECTION 4.11, "PETITIONS;" SECTION 4.12, "PROCEDURE FOR FILING;" SECTION 4.13, "REFERENDUM PETITIONS; SUSPENSION OF EFFECT OF ORDINANCE;" AND SECTION 4.14, "ACTION ON PETITIONS," OF THE CITY CHARTER SHALL BE AMENDED TO DELETE TIME LIMITATIONS FOR REFERENDUM PETITIONS; TO EXPAND THE TIMEFRAMES FOR REVIEW OF PETITIONS; TO CLARIFY WHEN A REFERENDUM ELECTION SHALL BE HELD; DELETING WITHDRWAL LANGUAGE; AND DELETING THE PROVISION THAT PROVIDES FOR THE SUSPENSION OF THE EFFECT OF A CHALLENGED ORDINANCE; 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 Charter Review Committee established pursuant to Section 2-121 of the Hallandale Beach Code of Ordinances has recommended that provisions relating to referendum petitions be streamlined; 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

WHEREAS, the City Commission desires to submit the question of amending the City Charter to a vote of the electorate at a referendum called for such purpose pursuant to Section 166.031, Florida Statutes.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF HALLANDALE BEACH, FLORIDA:

SECTION 1. The City Commission hereby calls for and orders the holding of a referendum election to be held at the same time of the General Election on November 6, 2012, to determine whether the amendment to the City's Charter, appearing in Sections 1 and 2 of this Ordinance, shall be approved by a majority of votes cast in such election. All qualified electors of the City of Hallandale Beach shall be entitled and permitted to vote in the referendum. The referendum election shall be held and conducted in the manner prescribed by law for all elections.

It is proposed that the City Charter referred to below be amended to read, if approved by the electorate, as follows:

ARTICLE IV. – ELECTIONS AND REFERENDUMS

DIVISION 2: - REFERENDUM AND INITIATIVE

Section 4.11: - Petitions.

(1) *Number of signatures.* Initiative and referendum petitions must be signed by qualified electors of the city equal in number to at least ten (10) percent of the total number of qualified electors registered to vote at the last regular city election.

(2) *Format and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(3) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof, stating that he personally circulated the paper, the number of signatures thereof, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

Section 4.12: - Procedure for filing.

(1) *Certificate of clerk; amendment.* Within twenty (20) days after an initiative or referendum petition is filed, the city clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient; the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. Grounds for insufficiency are only those specified in section 4.11. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the city clerk within five (5) business days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of

subsections (1), (2) and (3) of section 4.11, and within seven (7) days after it is filed, the city clerk shall complete a certificate as to the sufficiency of the petition to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request commission review under subsection (2) of this section within the time required, the city clerk shall promptly present the certificate to the commission and the certificate shall be a final determination as to the sufficiency of the petition.

(2) *Commission review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within five (5) business days after receiving the copy of such certificate, file a request that it be reviewed by the commission; the commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the commission's determination shall then be a final determination as to the sufficiency of the petition.

Section 4.14: - Action on petitions.

(1) *Action by commission.* When an initiative or referendum petition has been finally determined sufficient, the commission shall promptly consider the proposed initiative ordinance in the manner provided in article V or reconsider the referred ordinance by voting its repeal. If the commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days, it shall submit the proposed or referred ordinance to the electors of the city.

(2) *Submission to electors.* The vote of the city on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than sixty (60) days from the date that the recall petition was determined sufficient. If no regular city election is to be held within the period prescribed in this subsection, the commission may provide for a special election, or at the next scheduled election. Copies of the proposed or referred ordinance shall be made available at the polls and at the city clerk's office.

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

EXPAND THE RIGHT OF PEOPLE TO REPEAL, ADOPT AND AMEND ORDINANCES

Shall the City Charter be amended to delete the time limitations for referendum petitions; to expand the timeframes for review of petitions; to clarify when a referendum election shall be held; to delete the provision permitting withdrawal of petitions; and to delete the section providing for the suspension of the effect of an ordinance sought to be reconsidered?

_____ 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 1st reading on April 18, 2012.

PASSED AND ADOPTED on 2nd reading on May 2, 2012.

MAYOR-COMMISSIONER

ATTEST:

CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY
FORM

V. LYNN WHITFIELD
CITY ATTORNEY

	VOTE AYE/NAY
Mayor Cooper	✓/___
Vice Mayor Sanders	✓/___
Comm. Lewy	✓/___
Comm. London	ABSENT
Comm. Ross	✓/___