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**ORDINANCE NO. 2012 - 18**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING ARTICLE III, CITY COMMISSION, DIVISION 2, POWERS AND DUTIES; SECTION 3.08, INVESTIGATIONS OF THE CITY CHARTER; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A CODIFICATION CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A REPEAL CLAUSE; PROVIDING A CONFLICT CLAUSE; AND FOR ALL OTHER PURPOSES.**

**WHEREAS**, Article VIII, "Charter Amendment" Section 8.01 (1) of the Charter of the City of Hallandale Beach and Section 166.021(4) of the Florida Statutes permit the amendment of certain provisions of the city charter without referendum and a vote of the electors; and

**WHEREAS**, pursuant to the Code of Ordinances of the City of Hallandale Beach a Charter Review Committee was convened to recommend any proposed changes to the City Commission; and

**WHEREAS**, the Charter Review Committee recommended that Section 3.08 "Investigations", of Article III "City Commission" of the City Charter be amended to eliminate outdated language which makes it a misdemeanor if any person fails or refuses to obey a lawful order issued by the commission under this provision; and

**WHEREAS**, the City of Hallandale Beach is pre-empted from establishing this misdemeanor and the language is unenforceable; and

**WHEREAS**, amending this section of the city charter by ordinance is not in violation of any special law, general law or the city charter and in the best interest of the City.

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

**SECTION 1.** Article III "City Commission, " Division 2. Powers and Duties;" Section 3.08, "Investigations," is hereby amended to read as:

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**Sec. 3.08: Investigations.**

The commission may make investigations into the affairs of the city and the conduct of any city department, election, office, or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence.

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**SECTION 2. 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or parts of City Code Sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict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 3. 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 4. Codification.**

Upon adoption, this ordinance shall be codified and become a part of the Charter of the City of Hallandale Beach.

**SECTION 5.** This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED on 1<sup>st</sup> Reading on June 20, 2012.

PASSED AND ADOPTED on 2<sup>nd</sup> Reading on August 1, 2012.

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