

COMMISSION AGENDA REPORT

COMMISSION MEETING DATE: 07-10-2012 AGENDA ITEM: O-07
COMMISSION REPORT NO: 12-1146
PREPARED BY:

Harry Stewart 07-03-2012 14:45:53 DEPT: City Attorney Office
DEPARTMENT DIRECTOR'S SIGNATURE

Paul G. Bangel, Senior Assistant City Attorney, (954) 828 - 5001
AUTHOR'S NAME, TITLE, AND TELEPHONE NUMBER

Lee R. Feldman 07-05-2012 18:28:05
CITY MANAGER'S SIGNATURE

TITLE 1: CHARTER AMENDMENT - ARTICLES III AND VII

TITLE 2: GOVERNMENT OF CITY AND FORM OF GOVERNMENT AND ELECTIONS

SUBJECT:

Amending City Charter, Articles III and VII - Government of City and Form of Government and Elections, conditioned on approval by the voters.

REQUESTED ACTION (STAFF RECOMMENDATION - CONTENT OF MOTION):

Introduce ordinance on first reading.

REGULAR AGENDA

CONFERENCE

- | | | | |
|--|---|--|---|
| <input type="radio"/> Motion | <input type="radio"/> Motion for Discussion | <input type="radio"/> Old/New Business | <input type="radio"/> City Commission Reports |
| <input type="radio"/> Public Hearing | <input checked="" type="radio"/> Ordinance | <input type="radio"/> Exec Closed Door | <input type="radio"/> City Manager Reports |
| <input type="radio"/> Resolution | <input type="radio"/> Presentation | <input type="radio"/> Conference Reports | |
| <input type="radio"/> Purchase | <input type="radio"/> Citizen Presentation | <input type="radio"/> Advisory Boards | |
| <input type="radio"/> Consent Resolution | | | |

Public Notice Advertised:

FUNDS APPROPRIATION/TRANSFER (provide index code, subobject, and title of subobject):

\$52,782.00 - CLK010201 3299

FOR PROCUREMENT ITEMS ONLY

PROCUREMENT REFERENCE NO: TRANSACTION TYPE:

BIDS SOLICITED/RECEIVED: WBE: LATE BID:

Vendor: MBE: NO BID:

Amount: Details:

Procurement Recommendation:

Description of Exhibits:

1. Resolution No. 12-100	2. Draft Ordinance	3.
4.	5.	6.
7.	8.	9.

EXHIBITS: AVAILABLE VIA HARDCOPY:**Exhibit #s:****PRIOR COMMISSION/BOARD ACTION: (attach additional file if necessary)**

11/22/11 - Charter Revision Board Meeting: Discussed the subject of amending City Charter, Art. VI, Civil Service System. Motion made, second and carried by a vote of 3-1.

04/24/12 - Charter Revision Board Meeting: Discussed the subject of amending City Charters, Article III and VII, Government of City and Form of Government, and Elections. Motions made, seconded and carried by votes of 4-0.

05/01/12 - Discussed amendments to Articles III, VI and VII of the City Charter, as recommended by the Charter Revision Board.

05/15/12 - Discussed amendments to Articles III, VI and VII of the city Charter, as recommended by the Charter Revision Board.

06/05/12 - Introduced resolution authorizing Broward County Supervisors of Elections to place proposed City Charter amendment on November 6, 2012, General Election ballot - amend City Charter to eliminate municipal primary elections and provide for municipal elections in November 2018 and every four years thereafter and provide four-year terms for Mayor and Commissioners beginning in November 2018. Motions made, seconded and carried by votes of 5-0.

BACKGROUND/DETAIL:

If the corresponding ballot question is approved by the voters, the proposed ordinance would amend the Charter of the City of Fort Lauderdale, Florida, to eliminate municipal primary elections, to provide for municipal elections in conjunction with the general election in November 2018 and every four years thereafter, to provide for the mayor and commissioners elected in 2015 to serve until their successors are elected and qualified in the November 2018 election, and to provide for four-year terms for the mayor and commissioners beginning in 2018.

Attorney's Initials:**PGB**

RESOLUTION NO. 12-100

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY OF FORT LAUDERDALE ON NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY OF FORT LAUDERDALE FOR THEIR APPROVAL OR DISAPPROVAL THE PROPOSAL TO AMEND THE CHARTER OF THE CITY OF FORT LAUDERDALE TO ELIMINATE MUNICIPAL PRIMARY ELECTIONS, TO PROVIDE FOR MUNICIPAL ELECTIONS IN NOVEMBER 2018 AND EVERY FOUR YEARS THEREAFTER, AND TO PROVIDE FOR FOUR-YEAR TERMS FOR MAYOR AND COMMISSIONERS BEGINNING IN NOVEMBER 2018.

WHEREAS, Article VII, Section 7.11 of the Charter of the City of Fort Lauderdale provides that special elections may be called by Resolution of the City Commission at any time provided 30 days intervene between the date of the adoption of such Resolution and the date of such election; and

WHEREAS, the City Commission has recommended that the Charter of the City of Fort Lauderdale be amended and that the proposals to amend said Charter be submitted to the electors on November 6, 2012; and

WHEREAS, it is the desire of the City Commission to submit to the electorate of the City of Fort Lauderdale at the next election the proposal to amend the City's Charter to eliminate municipal primary elections, to provide for municipal elections in November 2018 and every four years thereafter, to provide for the term of mayor and commissioners elected in 2015 to run through November 2018, and to provide for four-year terms for mayor and commissioners beginning in November 2018; and

WHEREAS, Section 166.031, Florida Statutes, provides that a governing body of a municipality may by ordinance submit to the electors of the municipality a proposed amendment to all or any part of its Charter, which proposed amendment shall be submitted to a vote of the electorate at the next general election held within the municipality or at a special election called for such purpose,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That a special election is hereby called to be held in conjunction with the general election to be held on November 6, 2012, for the purpose of submitting to the electors of the City of Fort Lauderdale for their approval or disapproval the proposal to amend the Charter of the City of Fort Lauderdale, which proposal shall be submitted to the electors in a ballot to be used in the special election, said ballot to be in substantially the following form and shall hereinafter referred to as the "Ballot":

Charter Amendment No. _____
Municipal Elections

Should the Charter of the City of Fort Lauderdale be amended to eliminate municipal primary elections and to provide for municipal elections in conjunction with the general election in November 2018 and every four years thereafter, to provide for the mayor and commissioners elected in 2015 to serve until their successors are elected and qualified in the November 2018 election, and to provide for four-year terms for the mayor and commissioners beginning in 2018?

☐ YES
☐ NO

SECTION 2. That said special election shall be held at the same polling places in the several precincts, respectively, in the City as the polling places for the general election to be held on the same day. The inspectors and clerks who shall conduct said special election ("Election Officials") shall be the same as those selected and appointed for the general election. The polling places for the special election shall be open from 7:00 a.m. to 7:00 p.m. on the same day. In accordance with the Constitution and the laws of the State of Florida, all qualified electors of the City shall be entitled and permitted to vote in the special election.

SECTION 3. Voting Instructions. Electors desiring to vote for the amendment to the Charter shall be instructed to do so by marking the box adjacent to the words "YES, for approval" following the statement of the question relating to the amendment to the Charter. Electors desiring to vote against the amendment to the Charter shall be instructed to do so by marking the box adjacent to the words "NO, for rejection" following the statement of the question relating to the amendment to the Charter.

SECTION 4. Printing of Ballot. The City Clerk is hereby authorized and directed to deliver a form of the Ballot set forth herein to the Supervisor of Elections of Broward County ("Supervisor") for printing; to ascertain that the wording of the Ballot is correctly printed thereon:

and to ensure that any reprinting, if necessary, is ordered by the Supervisor, all within such time as is necessary to allow compliance with any mailing requirements imposed by law in connection with absentee ballots.

SECTION 5. Absentee Ballots. Absentee ballots containing the questions set forth in Section 1 above shall be prepared for the use of absent, qualified electors entitled to cast such Ballots in the referendum in accordance with Chapter 101, Florida Statutes.

SECTION 6. Special Election Procedure. The special election shall be held and conducted in the manner prescribed by law for holding general elections in the City. The Election Officials at each polling place in the several precincts, respectively, shall prepare and file return of such special election and deliver the same to Broward County Canvassing Board for canvassing in the manner provided by applicable law. Said returns shall be certified to the City Commission of the City ("Commission"), which shall declare the results thereof and record the same in its minutes along with the number of qualified electors of the City who voted at the special election on the questions proposed and the number of votes cast for and against approval of the questions on the Ballot. The Commission shall certify the results of said special election to the Florida Department of State in the manner provided by applicable law.

SECTION 7. Qualified Electors. The Supervisor is hereby authorized and requested to make up and certify a list of the names of all qualified electors residing in the City. A certified copy of such list shall be furnished to the City Clerk and filed among the records of the Commission.

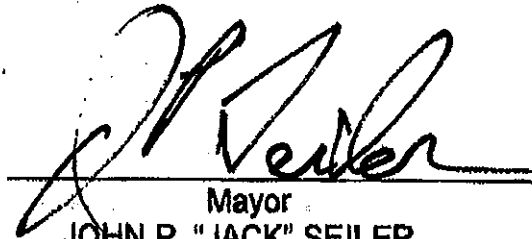
SECTION 8. Notice of Special Election. The City Clerk shall prepare a notice of the special election in the manner required by law to be published together with an appropriate caption in such form as the City Clerk shall determine, in the Sun-Sentinel, a newspaper of general circulation in the City, once in the fifth, third, second and first weeks prior to the week in which the special election is to be held, the first publication to be not less than 30 days prior to the date of such special election. The City Clerk shall secure from the publisher of said newspaper an appropriate affidavit of proof that the notice has been duly published, and said affidavit shall be made a part of the record of the Commission.

SECTION 9. Severability. In the event that any word, phrase, clause, sentence or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, clause, phrase, sentence or paragraph hereof.

SECTION 10. Repealing Clause. All resolutions in conflict or inconsistent herewith hereby are repealed insofar as any conflict or inconsistency exists herewith.

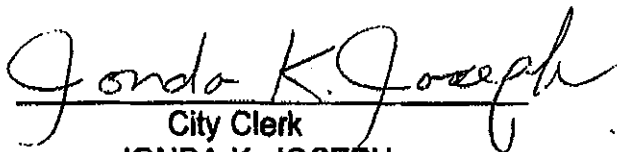
SECTION 11. Effective Date. This Resolution shall take effect immediately upon its adoption.

ADOPTED this the 5th day of June, 2012.



Mayor
JOHN P. "JACK" SEILER

ATTEST:



City Clerk
JONDA K. JOSEPH

COMM2012/Resos\June05\12-100

ORDINANCE NO. C-12-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR THE ELIMINATION OF MUNICIPAL PRIMARY ELECTIONS, PROVIDING FOR MUNICIPAL ELECTIONS IN CONJUNCTION WITH THE GENERAL ELECTION IN NOVEMBER 2018 AND EVERY FOUR YEARS THEREAFTER, PROVIDING FOR THE MAYOR AND COMMISSIONERS ELECTED IN 2015 TO SERVE UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED AS A RESULT OF THE NOVEMBER 2018 ELECTION, PROVIDING FOR FOUR-YEAR TERMS FOR THE MAYOR AND COMMISSIONERS BEGINNING IN 2018, PROVIDING FOR A BALLOT MEASURE, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, the Charter Revision Board has recommended to the City Commission that certain amendments be made to the Charter of the City of Fort Lauderdale; and

WHEREAS, the City Commission has approved certain changes to the City's Charter to be submitted for voter approval;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 3.02 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

Sec. 3.02. - Creation, composition and term of commission.

There is hereby created a city commission composed of one (1) mayor-commissioner and four (4) city commissioners all of whom shall be elected in the manner provided in this charter, shall take office on the first Tuesday following their election, and who, beginning in the year 2018, shall hold office for a term of ~~three~~four (34) years, or until their successors are elected and qualified. The term of the mayor-commissioner and four (4) city commissioners that commences in the

year 2015 shall be extended until such time as their successors are elected and qualified as a result of the 2018 election. No person who has been elected to the office of mayor-commissioner or to the office of city commissioner for three (3) consecutive terms shall be qualified for nomination or election to that office for the succeeding term. This limitation shall apply to terms which commence after the regular election of March 7, 2000. The mayor-commissioner and the four (4) city commissioners are sometimes referred to herein as commissioners or the city commission.

SECTION 2. That Section 3.10 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

Sec. 3.10. - Special meeting to seat a new member.

On the first Tuesday following the election of a new member, elected at other than a ~~triennial~~quadrennial regular election, the commission shall meet to receive such new member.

SECTION 3. That Section 7.05 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby repealed, to wit:

Sec. 7.05. - ~~Primary election~~Reserved.

~~Beginning with 1988, and every third year thereafter, a regular municipal primary election shall be held on the second Tuesday of February for the purpose of nominating, from those persons qualifying in accordance with section 7.14 hereof, nominees for the office of mayor-commissioner and city commissioner unless such primary is made unnecessary pursuant to section 7.06.~~

~~Qualified electors of the City of Fort Lauderdale shall vote for not more than one (1) candidate for the office of mayor-commissioner.~~

~~Qualified electors residing within a commission district shall vote for not more than one (1) candidate for the office of city commissioner from that district and shall not be entitled to vote for candidates for city commission from any other commission district.~~

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~~The two (2) candidates for the office of mayor commissioner receiving the highest number of votes shall be nominated for the office of mayor commissioner and the two (2) candidates for the office of city commissioner receiving the highest number of votes in each district shall be nominated for the office of city commissioner from that district. However, if any candidate for mayor commissioner or city commissioner receives fifty (50) percent plus one (1) of the votes cast in a primary election for that office, such candidate shall be declared elected to that office and there shall be no regular municipal election for the office for which he was a candidate.~~

SECTION 4. That Section 7.06 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby repealed, to wit:

~~Sec. 7.06. - When primary election unnecessary~~Reserved.

~~Should the number of candidates qualifying for the office of mayor commissioner or city commissioner be not more than two (2) candidates for any such office, then, and in that event, no primary election for that office shall be held. When the time for qualifying for such primary election has passed, the city clerk shall certify such fact to the city commission, and the city commission shall declare such persons to be nominated for the office of mayor commissioner or city commissioner and have their names printed in the appropriate manner on the ballot for the next regular or special municipal election. However, if there are more than two (2) candidates for the office of mayor commissioner or city commissioner and if those candidates have qualified for a primary election as provided for in this charter, then it shall be the duty of the city commission to hold a primary election.~~

SECTION 5. That Section 7.09 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby repealed, to wit:

~~Sec. 7.09. - Special municipal primary election~~Reserved.

~~A special municipal primary election for the purpose of nominating candidates for the office of mayor commissioner or city commissioner,~~

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~~to fill a vacancy or vacancies on account of death, removal, forfeiture, disqualification, resignation or other cause, except as provided in section 7.08 above, shall be held within sixty (60) days after such vacancy occurs; and the city commission, by resolution, shall fix the time for qualifying for office and of holding such special municipal primary election, which shall not be less than forty five (45) days after adoption of the resolution calling such election.~~

SECTION 6. That Section 7.07 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

Sec. 7.07. - General election; regular municipal election.

Beginning in the year with 19882018, and every ~~third~~fourth year thereafter, a regular municipal election shall be held on the ~~second~~ Tuesday after the first Monday in MarchNovember for the purpose of electing a mayor-commissioner and four (4) city commissioners. However, should only one (1) candidate qualify for the office of mayor-commissioner or city commissioner, then, and in that event, no regular election for that office shall be held and the city clerk shall certify such fact to the city commission and the city commission shall declare such person(s) to be elected to the office of mayor-commissioner or city commissioner.

Qualified electors shall vote for not more than one (1) candidate for the office of mayor-commissioner.

Qualified electors residing within a commission district shall vote for not more than one (1) candidate for the office of city commissioner from that district and shall not be entitled to vote for candidates for city commission from any other commission district.

The nominee receiving the highest number of votes shall be elected to the office for which he was a candidate.

The mayor-commissioner and the city commissioners elected at such election shall serve for terms of ~~three~~four (34) years each beginning on the ~~third~~ Tuesday in MarchNovember following their election and shall serve until their successors are elected and qualified.

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SECTION 7. That Section 7.08 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

Sec. 7.08. - Filling vacancies in commission.

When there shall exist a vacancy or vacancies in the office of city commissioner, and less than eighteen (18) months ensue before the time provided under this charter for holding the next regular ~~triennial~~quadrennial municipal ~~primary~~election, then such vacancy or vacancies for the unexpired term shall be filled by appointment by resolution adopted by a majority of the remaining members of the city commission; and the person or persons so appointed must possess all of the qualifications of a member of the city commission.

If a vacancy or vacancies occur in the office of city commissioner, and eighteen (18) months or more ensue before the time provided for holding the next regular ~~triennial~~quadrennial municipal ~~primary~~election, or, if a vacancy should occur at any time in the office of mayor-commissioner then a special municipal ~~primary~~ and election shall be called to fill such vacancy or vacancies.

SECTION 8. That Section 7.10 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

Sec. 7.10. - Special municipal elections to elect mayor-commissioner or city commissioners.

A special municipal election for the purpose of electing the mayor-commissioner or a member or members of the city commission, to fill a vacancy or vacancies in the city commission, on account of death, removal, resignation or other cause, shall be held two (2) weeks after the special municipal ~~primary~~-election, in the same manner as provided herein for a regular ~~triennial~~quadrennial election. The city commission may call the ~~special municipal primary election and the special municipal election~~ by the same resolution. Such resolution shall specify the length of the unexpired term or terms to be filled, and the time of taking office of the elected mayor-commissioner, city commissioner or commissioners; which mayor-commissioner, city commissioner or

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commissioners shall hold office until their successors, elected in regular ~~triennial~~quadrennial municipal elections, shall take office.

SECTION 9. That Section 7.12 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

Sec. 7.12. - Elections—How arranged for; creation of districts.

The city commission shall make all necessary arrangements for holding all city elections, and shall declare the result thereof. The city commission shall adopt a resolution calling any ~~triennial~~quadrennial ~~primary~~ election or special ~~primary~~ election, except as otherwise provided for, stating therein where the same shall be held, and naming the different offices to be filled or questions to be decided, and shall cause the notice of election to be published once each week for two (2) consecutive weeks preceding the day of election in a newspaper published in the city, the first publication or posting to be not less than ten (10) days prior to said election.

Not later than April 1, 1987 the city commission shall, by ordinance, adopt, create and establish four (4) separate and distinct geographical commission districts. Except as is provided herein for noncontiguous parcels, the four (4) districts to be created and established by the city commission shall be of contiguous territory and as approximately equal in population as is practicable. If there are parcels of land which are within the corporate limits of and which are part of the City of Fort Lauderdale, but which parcels are not contiguous to any other parcel or tract of land which is within the corporate limits of the City of Fort Lauderdale, then such noncontiguous parcel(s) shall either be made part of one (1) of the districts to be created as provided for herein or if such parcel(s) has a population approximately equal to the other commission districts to be created, then such parcel(s) may be a commission district. In creating and establishing the four (4) city commission districts, the city commission shall use the most recent United States Census data to determine population figures. After the receipt of the published information of each decennial census, the city commission shall reestablish the boundaries of the four (4) commission districts so that the districts shall be as approximately equal in population as is practicable.

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Beginning in 1988 all electors of the City of Fort Lauderdale shall be entitled to vote for candidates for the office of mayor-commissioner; however, only the electors of each commission district shall be entitled to vote for candidates for city commissioner from that district.

SECTION 10. That this ordinance shall not take effect unless the same is approved by a majority of the electors of the City of Fort Lauderdale voting at the election to be held on November 6, 2012. The ballot measure to be submitted shall be in substantially the following form:

Charter Amendment No. _____
Municipal Elections

Should the Charter of the City of Fort Lauderdale be amended to eliminate municipal primary elections and to provide for municipal elections in conjunction with the general election in November 2018 and every four years thereafter, to provide for the mayor and commissioners elected in 2015 to serve until their successors are elected and qualified in the November 2018 election, and to provide for four-year terms for the mayor and commissioners beginning in 2018?

☐ YES

☐ NO

SECTION 11. That if any ~~clause, section or other part of this Ordinance~~ shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 12. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 13. That this Ordinance shall be in full force and effect ten days from the date of certification by the Supervisor of Elections for Broward County, Florida, of approval by the electors, except that, in the event of such certification by the Supervisor of Elections for Broward County, Florida, of approval by the electors, provisions of this Ordinance affecting municipal

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primary elections shall be in full force and effect on the first Tuesday following the 2015 municipal election.

PASSED FIRST READING this the _____ day of _____, 2012.

PASSED SECOND READING this the _____ day of _____, 2012.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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