

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2014-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, SECTION 7, ENTITLED "ELECTIONS," TO REMOVE SECTION 7 WHICH RELATES TO ELECTION PROCEDURES, FROM THE CHARTER, AND CONVERT THEM INTO AN ORDINANCE OF THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES, AS A SPECIAL ELECTION WITH THE TOWN'S GENERAL MUNICIPAL ELECTION ON MARCH 10, 2015, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING THAT SHOULD THE AMENDMENT BE APPROVED BY THE ELECTORATE OF THE TOWN, THE ELECTION PROVISIONS OF SECTION 7 OF THE TOWN CHARTER SHALL BE AN ORDINANCE OF THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CHARTER AND CODE; PROVIDING FOR CONFLICTS; 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 Town of Loxahatchee Groves, Florida; and

WHEREAS, Chapter 166, Florida Statutes, as amended, provides that such an amendment may be submitted to a referendum vote by the Town Council of the Town of Loxahatchee Groves, Florida, in an ordinance format; and

WHEREAS, Section 7 of the Town Charter contains provisions for the conduct of elections within the Town, but such portions are customarily in the form of ordinances; and,

WHEREAS, removing the election provisions from the Charter and converting them into an ordinance will provide the Town Council with the ability to amend in the event of changes in

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state election laws, changes in state election dates, and application by the Supervisor of Elections; and,

WHEREAS, the Town Clerk has recommended that the provisions of Section 7 of the Town Charter be converted into an ordinance of the Town; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, 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 7, entitled "Elections," of the Charter of the Town of Loxahatchee Groves, Florida shall be amended as follows:

Section 7 – Elections – The provisions of this Section have been converted into an ordinance of the Town of Loxahatchee Groves by approval of the Electors of the Town at the March 10, 2015, special referendum election.

Section 7. Elections.—

~~(1) ELECTORS.— Any person who is a resident of the town, who has qualified as an elector of this state, and who registers in the manner prescribed by law shall be an elector of the town.~~

~~(2) NONPARTISAN ELECTIONS.— All elections for the town council members shall be conducted on a nonpartisan basis without any designation of political party affiliation.~~

~~(3) ELECTION DATES.— A special election shall be held on the second Tuesday in March 2007, and regular elections shall be held on the second Tuesday in March of each election year, provided as follows:~~

~~(a) For the two council member seats that received the highest number of votes in the March 2007~~

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~~election, the next election to fill the council member seats shall be held on the second Tuesday in March after the first Monday in March in 2010, and every 3 years thereafter.~~

~~(b) For the two council member seats that received the next highest number of votes in the March 2007 election, the next election to fill the council member seats shall be held on the second Tuesday in March after the first Monday in March in 2009, and every 3 years thereafter.~~

~~(c) For the remaining council member seat, the next election to fill the council member seat shall be held on the second Tuesday in March after the first Monday in March in 2008, and every 3 years thereafter.~~

~~(d) Such town elections shall be general town elections.~~

~~(4) RUNOFF ELECTIONS. — In the event no candidate for an office receives a majority of the votes cast for such office, the person receiving the largest number of votes cast will be elected. In the event two candidates receive an equal number of votes, a runoff election shall be held on the fourth Tuesday in March.~~

~~(5) TOWN CANVASSING BOARD. — The town canvassing board shall be composed of those members of the town council who are not candidates for reelection and the town clerk, who shall act as chair. At the close of the polls of any town election, or as soon thereafter as practicable, the canvassing board shall meet at a time and place designated by the chair and shall proceed to publicly canvass the vote as shown by the returns then on file in the office of the town clerk, and then shall publicly canvass the absentee elector ballots. The canvassing board shall prepare and sign a certificate containing the total number of votes cast for each candidate or other measure voted upon. The certificate shall be placed on file with the town clerk.~~

~~(6) SPECIAL ELECTIONS. — Special municipal elections, when required, shall be held in the same manner as regular elections, except that the town council, by ordinance, shall fix the time for holding such elections consistent with this charter and state law.~~

~~(7) GENERAL ELECTION. —~~

~~(a) The ballot for the general election shall contain the names of all qualified candidates for each respective council member seat and shall instruct electors to cast one vote for each council member seat, with a maximum of one vote per candidate. The candidate for each council member seat receiving the most votes shall be the duly elected council member for that designated council member seat.~~

~~(b) No election for any council member seat shall be required in any election if there is only one duly qualified candidate for the council member seat.~~

~~(c) If more than one candidate for a designated council member seat receive an equal and highest~~

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~~number of votes, the candidates for the office receiving the highest vote in the general election shall run again in the runoff election.~~

~~(d) The candidate receiving the highest number of votes cast for the designated council member seat in the runoff election shall be elected to the designated council member seat. If the vote at the runoff election results in a tie, the outcome shall be determined by lot.~~

~~(e) The term of office of any elected official shall commence immediately after the election.~~

~~(f) All elected officers, before entering upon their duties, shall take and subscribe to the following oath of office:~~

~~“I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the state, and the charter of the Town of Loxahatchee Groves; that I am duly qualified to hold office under the Constitution of the State and the charter of the Town of Loxahatchee Groves; and that I will well and faithfully perform the duties of council member upon which I am now about to enter.”~~

~~(g) The election laws of the state shall apply to all elections.~~

~~(h) Any member of the town council may be removed from office by the electors of the town following the procedures for recall established by general law.~~

Section 4. The Ballot Title shall be as follows:

ELECTION PROVISIONS OF CHARTER CONVERTED TO ORDINANCES

Section 5. At the Special Election called herein, on March 10, 2015, the following question shall be placed on the ballot for consideration by the qualified electors of the Town of Loxahatchee Groves, Florida, and shall read as follows:

The Town Charter contains election provisions relating to electors, nonpartisan elections, election dates, runoff elections, canvassing board, special elections and general elections. Converting these provisions into a Town ordinance will enable the Town Council to amend Town election provisions by ordinance without referenda. Should the Town Charter be amended to remove these provisions and convert them into a Town ordinance?

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This proposed amendment has no financial impact to the Town

YES NO

Section 6. Advertisement. The Town Clerk of the Town of Loxahatchee Groves is hereby authorized and directed to advertise the referendum contemplated herein in accordance with the Code of Ordinances of the Town of Loxahatchee Groves, Florida, as well as the State of Florida Election Code.

Section 7. Referendum Election. Pursuant to Section 166.031(1), Florida Statutes, the Town Council of the Town of Loxahatchee Groves hereby calls a special election to be conducted with the Town’s municipal election on March 10, 2015, for the purpose of placing the referendum to a vote of the electors of the Town of Loxahatchee Groves.

Section 8. Adoption of Election Ordinance. Upon the approval of the referendum question set forth herein, the following shall be an ordinance of the Town of Loxahatchee Groves, Florida:

(1) ELECTORS.—Any person who is a resident of the town, who has qualified as an elector of this state, and who registers in the manner prescribed by law shall be an elector of the town.

(2) NONPARTISAN ELECTIONS.—All elections for the town council members shall be conducted on a nonpartisan basis without any designation of political party affiliation.

(3) QUALIFICATION. –Candidates for each council seat must qualify for council elections by seat in accordance with applicable general law and the council members elected to those seats shall hold the seats 1 through 5, respectively. To qualify for office:

(a) Filing. –Each candidate for council member shall file a written notice of candidacy with the town clerk at such time and in such manner as may be prescribed by ordinance and shall make payment to the town of any fees required by general law as a qualifying fee.

(b) Registered elector. –Each candidate for council member shall be a registered elector in the state.

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(c) Residency. —Each candidate for council member shall have maintained his or her domicile within the boundaries of the town for a period of 1 year prior to qualifying for election and, if elected, shall maintain such residency throughout his or her term of office.

(d) Deadline. —Any resident of the town who wishes to become a candidate for a council member seat shall qualify with the town clerk no sooner than noon on the last Tuesday in January, nor later than noon on the first Tuesday in February, of the year in which the election is to be held.

(4) ELECTION DATES.—A special election shall be held on the second Tuesday in March 2007, and regular elections shall be held on the second Tuesday in March of each election year, provided as follows:

(a) For the two council member seats that received the highest number of votes in the March 2007 election, the next election to fill the council member seats shall be held on the second Tuesday in March after the first Monday in March in 2010, and every 3 years thereafter.

(b) For the two council member seats that received the next highest number of votes in the March 2007 election, the next election to fill the council member seats shall be held on the second Tuesday in March after the first Monday in March in 2009, and every 3 years thereafter.

(c) For the remaining council member seat, the next election to fill the council member seat shall be held on the second Tuesday in March after the first Monday in March in 2008, and every 3 years thereafter.

(d) Such town elections shall be general town elections.

(5) RUNOFF ELECTIONS.—In the event no candidate for an office receives a majority of the votes cast for such office, the person receiving the largest number of votes cast will be elected. In the event two candidates receive an equal number of votes, a runoff election shall be held on the fourth Tuesday in March.

(6) TOWN CANVASSING BOARD.—The town canvassing board shall be composed of those members of the town council who are not candidates for reelection and the town clerk, who shall act as chair. At the close of the polls of any town election, or as soon thereafter as practicable, the canvassing board shall meet at a time and place designated by the chair and shall proceed to publicly canvass the vote as shown by the returns then on file in the office of the town clerk, and then shall publicly canvass the absentee elector ballots. The canvassing board shall prepare and sign a certificate containing the total number of votes cast for each candidate or other measure voted upon. The certificate shall be placed on file with the town clerk.

(7) SPECIAL ELECTIONS.—Special municipal elections, when required, shall be held in the same manner as regular elections, except that the town council, by ordinance, shall fix the time for holding such elections consistent with this charter and state law.

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(8) GENERAL ELECTION.—

(a) The ballot for the general election shall contain the names of all qualified candidates for each respective council member seat and shall instruct electors to cast one vote for each council member seat, with a maximum of one vote per candidate. The candidate for each council member seat receiving the most votes shall be the duly elected council member for that designated council member seat.

(b) No election for any council member seat shall be required in any election if there is only one duly qualified candidate for the council member seat.

(c) If more than one candidate for a designated council member seat receive an equal and highest number of votes, the candidates for the office receiving the highest vote in the general election shall run again in the runoff election.

(d) The candidate receiving the highest number of votes cast for the designated council member seat in the runoff election shall be elected to the designated council member seat. If the vote at the runoff election results in a tie, the outcome shall be determined by lot.

(e) The term of office of any elected official shall commence immediately after the election.

(f) All elected officers, before entering upon their duties, shall take and subscribe to the following oath of office:

“I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the state, and the charter of the Town of Loxahatchee Groves; that I am duly qualified to hold office under the Constitution of the State and the charter of the Town of Loxahatchee Groves; and that I will well and faithfully perform the duties of council member upon which I am now about to enter.”

(g) The election laws of the state shall apply to all elections.

(h) Any member of the town council may be removed from office by the electors of the town following the procedures for recall established by general law.

Section 9. Codification. It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, and that the Sections of this

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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 10. 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 11. 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.

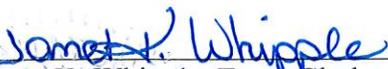
Section 12. Effective Date. This Ordinance shall take effect immediately upon its adoption.

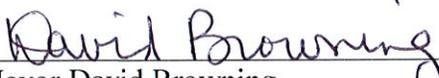
PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON THE FIRST READING, THIS 2ND DAY OF DECEMBER, 2014.

PASSED ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON THE SECOND AND FINAL READING, THIS 16TH DAY OF December 2014.

**TOWN OF LOXAHATCHEE
GROVES, FLORIDA**

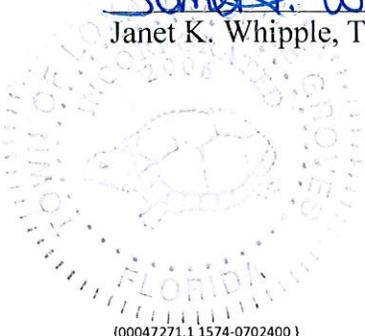
ATTEST:


Janet K. Whipple, Town Clerk


Mayor David Browning


Vice-Mayor Ron Jarriel


Council Member Tom Goltzené



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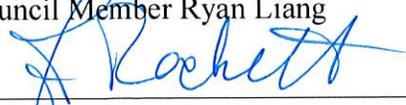
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APPROVED AS TO LEGAL FORM:



Office of the Town Attorney



Council Member Ryan Liang


Council Member Jim Rockett

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