

ORDINANCE NO. 584

**AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA,
PROVIDING FOR THE DATE OF THE ANNUAL TOWN
ELECTION AS THE SECOND TUESDAY IN MARCH; PROVIDING
FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL
ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY;
AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the majority of municipalities in Palm Beach County hold their annual election on the second Tuesday in March; and

WHEREAS, the Town Commission has determined that it is in the best fiscal interest of the residents of the Town to move the date of the annual Town elections to a date concurrent with other county elections held on the second Tuesday in March; and

WHEREAS, Florida Statutes, Section 101.75(3) provides that notwithstanding any provision of local law or municipal charter, the governing body of a municipality may, by ordinance, move the date of any municipal election to a date concurrent with any statewide or countywide election; and

WHEREAS, Florida Statutes, Section 100.3605(2) provides that the governing body of a municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such changes; and

WHEREAS, the Town Commission has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the voters and residents of the Town.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF
THE TOWN OF OCEAN RIDGE, FLORIDA, AS FOLLOWS:**

Section 1. Findings of Fact. The WHEREAS clauses set forth above are adopted herein as findings of fact.

Section 2. Amendment. That the Code of Ordinances of the Town of Ocean Ridge, Florida, is hereby amended by adding a section to be numbered as Article V, Section 2-199, which said section shall read in its entirety as follows:

Sec. 2-199. Election Date of Annual Town Election.

(a) Notwithstanding Article III, Section 3.03, and Article V, Section 5.05, of the Town Charter, the annual Town election shall be on the second Tuesday of March. In any election year in which the State of Florida holds a Presidential Preference primary election, the Town Commission, if it so chooses, may by ordinance change the annual Town election date that year to coincide with the date of the Presidential Preference primary election.

(b) In the event the Town Commission decides to hold the annual Town election on the date of the Presidential Preference primary election as outlined in (a) above, and that date is before the second Tuesday of March, then the Town Commissioners elected at that time shall be sworn in at noon on the third day after the second Tuesday in March.

(c) In the event the Town Commission decides to hold the Annual Town election on the date of the Presidential Preference primary election as outlined in (a) above, and that date is after the second Tuesday of March, then the sitting Commissioners whose seats are to be determined at that election shall continue to sit until noon on the third day after the election.

(d) The sitting Commissioners as of the effective date of this Ordinance whose terms end at noon on the third day after the second Tuesday of February, 2010, shall continue to serve until noon on the third day after the second Tuesday in March. All other sitting Commissioners as of the effective date of this Ordinance shall have their terms extended until the third day after the second Tuesday in March of the year in which their present terms end.

Section 3. Severability. In the event any section, paragraph, sub-paragraph, sentence, clause, phrase or word of this Ordinance shall be declared invalid, illegal or unenforceable by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

Section 4. Repeal of Ordinances. Any ordinance in conflict herewith, to the extent of such conflict, is hereby repealed.

Section 5. Effective Date. This Ordinance shall become effective immediately upon adoption.

FIRST READING this 2nd day of November, 2009.

SECOND AND FINAL READING this 7th day of December, 2009.

Commissioner Bingham offered the foregoing Ordinance and its adoption. The motion was seconded by Commissioner Pugh and upon being put to a vote, the vote was as follows:

KENNETH M. KALEEL, Mayor	<u>Yea</u>
GEOFFREY A. PUGH, Vice Mayor	<u>Yea</u>
DR. LYNN L. ALLISON, Commissioner	<u>Yea</u>
ELIZABETH P.B. BINGHAM, Commissioner	<u>Yea</u>
TERRY BROWN, Commissioner	<u>Yea</u>

The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this 7th day of December, 2009.

TOWN OF OCEAN RIDGE, FLORIDA

BY: _____
KENNETH M. KALEEL, MAYOR

ATTEST: _____
TOWN CLERK