

**ORDINANCE NO. 642**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, SUBMITTING TO REFERENDUM AMENDMENTS TO THE TOWN OF OCEAN RIDGE TOWN CHARTER; AMENDING ARTICLE III “LEGISLATIVE”, SECTION 3.03 “ELECTION AND TERMS”, TO PROVIDE FOR TERM LIMITS NOT TO EXCEED THREE CONSECUTIVE TERMS AND TO PROVIDE THAT A ONE YEAR HIATUS MUST OCCUR IF A PERSON HAS SERVED THE MAXIMUM AMOUNT OF CONSECUTIVE TERMS; ESTABLISHING THE DATE OF MARCH 12, 2019, FOR THE REFERENDUM; PROVIDING A BALLOT TITLE AND QUESTION; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Ocean Ridge, Florida (the “Town”), is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, pursuant to § 166.021 and § 166.031, Fla. Stat., the Town of Ocean Ridge Town Charter (the “Charter”) may be amended through the Town’s exercise of its authority, including the amendment of those portions of its Charter which require a referendum, provided that a majority of the electors in a referendum affirmatively vote to amend the Charter; and

**WHEREAS**, the Town Commission appointed a Charter Review Committee who met on several occasions at duly noticed public meetings and recommended several amendments to the Town Charter; and

**WHEREAS**, §166.031, Fla. Stat. authorizes the governing body of a municipality to submit proposed amendments to the Charter of the municipality in the form of an ordinance to the electors of the municipality; and

**WHEREAS**, §100.342, Fla. Stat., requires that the Town publish two (2) notices in a newspaper of general circulation in Palm Beach County, evidencing the Town’s intention to determine whether a majority of the qualified electors of the Town approve of the proposed amendments to the Charter; and

**WHEREAS**, the Town shall comply with the notice requirements; and

**WHEREAS**, the Town Commission finds that the holding of a referendum on the amendments to the Charter set forth below (the “Referendum”) furthers the public health, safety

and general welfare of the residents and citizens 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:** Town Charter, Article III “Legislative”, Section 3.03 “Election and terms”, is amended to read as follows:

**Section 3.03. – Election and terms.**

(a) ....

(b) Term limit.

1. Individual Commissioners shall be prohibited from holding office for more than three (3) consecutive terms. This term limit shall commence with terms beginning with the March 2019 municipal election. The term "holding office" shall be defined as serving as a Commissioner. The term "consecutive terms" shall not include any time served as a result of an appointment or having been elected to a partial term to fill a vacancy.

2. A person who has served the maximum amount of consecutive terms allowed by this Charter as a Commissioner shall not assume office again until one (1) year has expired following the completion of his/her last term of office. The resignation from, or forfeiture of, the office of Commissioner during any part of the three (3) year elective term shall be deemed to constitute a full and complete term under this section.

**SECTION 3.** In accordance with the Florida Constitution, Chapters 101 and 166, Florida Statutes, as amended, the Charter and the Code of Ordinances of the Town, the amendments to the Town Charter contained herein shall be submitted to the qualified electors of the Town of Ocean Ridge, Florida, for the purpose of determining the question of whether the amendments set forth in section 2 shall be adopted.

**SECTION 4.** A Referendum Election shall be held in the Town of Ocean Ridge, Florida, on the 12<sup>th</sup> day of March, 2019, to determine whether or not a majority of the qualified electors of the Town of Ocean Ridge, Florida, support the proposed amendments to the Town ’s Charter as set forth above in section 2 of this Ordinance.

**SECTION 5.** The Supervisor of Elections of Palm Beach County, Florida, shall determine polling locations or places, and all qualified electors of the Town of Ocean Ridge, Florida, who vote in the Referendum, shall vote at those designated polling places. The polls shall be opened on the date of the Referendum on the proposed Town of Ocean Ridge, Florida, Charter Amendments from 7:00 a.m. until 7:00 p.m. on the same day. Only the duly qualified electors of the Town of Ocean Ridge, Florida, shall be permitted to vote in this Referendum question.

**SECTION 6.** The Ballot Title shall be as follows:

“OCEAN RIDGE CHARTER AMENDMENTS TO PROVIDE FOR TERM LIMITS FOR THE TOWN COMMISSION”

**SECTION 7.** The following question shall be placed on a ballot for consideration by the qualified electors of the Town of Ocean Ridge, Florida. The election ballot question shall read as follows:

SHALL OCEAN RIDGE AMEND ITS CHARTER TO PROVIDE THAT A COMMISSIONER MAY NOT SERVE MORE THAN THREE CONSECUTIVE TERMS, OF THREE YEARS EACH, UNLESS THERE IS, AT A MINIMUM, A PERIOD OF ONE YEAR AT THE END OF A TERM IN WHICH THE PERSON DOES NOT SERVE AS A COMMISSIONER?

YES \_\_\_\_\_

NO \_\_\_\_\_

**SECTION 8.** The Town Clerk of the Town of Ocean Ridge, Florida, is hereby authorized and directed to advertise the Referendum Election in accordance with the Town Charter and Code of Ordinances, and any other applicable law.

**SECTION 9. Codification.** In the event these proposed amendments are approved by referendum, the amendments set forth in section 2 shall become and be made a part of the Town Charter of the Town of Ocean Ridge, Florida. The Articles or Sections of these Charter amendments may be renumbered or re-lettered to accomplish such.

**SECTION 10. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall

not affect the validity of the remaining portions thereof.

**SECTION 11. Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 12. Effective Date.** This Ordinance shall take effect immediately upon adoption. The provisions of Section 2 of this ordinance shall only be effective upon the affirmative vote of the Town electorate approving such measures.

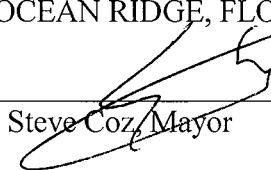
FIRST READING this 18<sup>th</sup> day of October, 2018.

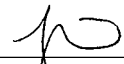
SECOND AND FINAL READING this 5<sup>th</sup> day of November, 2018.

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

STEVE COZ, Mayor	<u>Aye</u>
DON MAGRUDER, Vice Mayor	<u>Aye</u>
PHILIP BESLER, Commissioner	<u>Nay</u>
JAMES A. BONFIGLIO, Commissioner	<u>Nay</u>
KRISTINE DE HASETH, Commissioner	<u>Aye</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 5<sup>th</sup> day of November, 2018.

TOWN OF OCEAN RIDGE, FLORIDA  
BY:   
Steve Coz, Mayor

ATTEST:   
Tracey L. Stevens, Town Clerk