

ORDINANCE NO. 2024-006

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, SUBMITTING TO REFERENDUM AMENDMENTS TO THE TOWN'S CHARTER; PROPOSING THE FOLLOWING AMENDMENTS TO BE CONSIDERED ON THE NOVEMBER 5, 2024 GENERAL ELECTION BALLOT: TO AMEND ARTICLE I "CORPORATE EXISTENCE" SECTION 1.01 TO CLARIFY THAT THE TOWN ALSO SEEKS TO PROMOTE THE AGRICULTURAL AND EQUESTRIAN CHARACTER OF THE TOWN AND TO ADD THIS LANGUAGE TO ARTICLE VI "ELECTIONS" SECTION 6.01 (H) "OATH"; TO AMEND ARTICLE V "QUASI-JUDICIAL" TO ADD SECTION 5.01 (b) ENTITLED "PROACTIVE CODE ENFORCEMENT"; TO AMEND ARTICLE VI "ELECTIONS" SECTION 6.01 (G) TO CLARIFY THAT THE TERM OF OFFICE SHALL NOT COMMENCE UNTIL THE ELECTION RESULTS HAVE BEEN CERTIFIED; TO AMEND ARTICLE VII "CHARTER AMENDMENTS" SECTION 7.02(C) TO CLARIFY THAT CHARTER AMENDMENTS REQUIRE "AT LEAST" SIXTY (60) PERCENT APPROVAL FROM THE VOTERS; TO AMEND ARTICLE IX "TRANSITION" TO RENAME ARTICLE IX "ASSESSMENTS AND TAXATION" AND TO REMOVE ALL OF THE OUTDATED CORPORATE FORMATION LANGUAGE CONTAINED IN SECTIONS 9.02 THROUGH 9.07; DIRECTING THE TOWN CLERK TO PROVIDE FOR A NOTICE OF ADVERTISEMENT OF THE REFERENDUM ELECTION TO BE PUBLISHED IN ACCORDANCE WITH THE STATE OF FLORIDA ELECTION CODE; SUBMITTING THE REFERENDUM TO THE QUALIFIED VOTERS OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, FOR THE 2024 GENERAL ELECTION; PROVIDING THAT SUCH REFERENDUM, IF ADOPTED, SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VII, Section 7.02 (a) (1) of the Charter of the Town of Southwest Ranches provides that the Town Council may by Ordinance propose amendments to the Town's Charter; and

WHEREAS, upon passage of the initiating ordinance the proposed amendments shall be submitted to a vote of the electors at the next general election; and

WHEREAS, following the Town's 2021 Charter Review Committee's review, the Town Council has authorized the Town Administrator to seek approval from the Supervisor of Elections to have these Charter Amendments placed on the November 5, 2024, general election ballot, to allow the Town's electorate to determine if the Charter should be amended; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, 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. The Town Council hereby directs the Town Administrator to prepare a referendum for the November 5, 2024 general election proposing amendments to the Town's Charter, as set forth in Exhibit "A" attached, and in accordance with the Ballot Questions contained in Exhibit "B", attached hereto, with such changes as may be required by the Supervisor of Elections' Office to effectuate the intent of this Ordinance.

Section 3. The Town Council hereby directs the Town Administrator to seek approval from the Supervisor of Elections to place these proposed Charter Amendments on the general election ballot, to allow the Town's electorate to determine if the Charter should be amended.

Section 4. Codification.

It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Charter of the Town, and that the Sections of this

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 5. 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 6. Conflicts.

That all Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

Section 7. Effective Date.

That this Ordinance shall take effect immediately upon adoption.

Signatures on Following Page

PASSED ON FIRST READING this 23rd day of May, 2024 on a motion made by Vice Mayor Kuczenski and seconded by Council Member Hartmann.

PASSED AND ADOPTED ON SECOND READING this 13th day of June, 2024 on a motion made by VICE MAYOR KUCZENSKI and seconded by COUNCIL MEMBER HARTMANN.

Breitkreuz	<u>YES</u>	Ayes	<u>4</u>
Kuczenski	<u>YES</u>	Nays	<u>0</u>
Allbritton	<u>ABSENT</u>	Absent	<u>1</u>
Hartmann	<u>YES</u>	Abstaining	<u>0</u>
Jablonski	<u>YES</u>		


Steve Breitkreuz, Mayor

ATTEST:


Debra Ruesga, CMC, Town Clerk

Approved as to Form and Correctness:


Keith M. Poliakoff, J.D., Town Attorney
1001.026.2024

EXHIBIT "A"

CHARTER AMENDMENTS

The Electorate shall be asked whether the Charter should be amended to effectuate the following changes:

1. Section 1.01– Corporate existence.

In order to preserve, protect, promote, and to enhance the quality of life and the rural residential, agricultural, and equestrian character of Southwest Ranches, a municipal corporation known as Town of Southwest Ranches (the "Town") is hereby created pursuant to the Constitution of the State of Florida (the "State"). The corporate existence of the Town shall commence upon the adoption of this Charter by the electorate pursuant to [former] section 9.01 of this charter.

2. Article V. – Quasi-Judicial.

(a) All land use and quasi-judicial items require the unanimous vote of the entire council. All five (5) members of the council shall be required to vote on all land use and quasi-judicial items. All voting shall be by roll call.

(b) Proactive Code Enforcement It shall require the affirmative vote of all five (5) members of the council to add items onto the Town's proactive code enforcement list.

3. Section 6.01(h) – Oath.

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 of Florida, and the Charter of the Town of Southwest Ranches; and will protect the rural residential, agricultural, and equestrian character of the Town; that I am duly qualified to hold office under the Constitution of the State and the Charter of the Town of Southwest Ranches; and that I will well and faithfully perform the duties of (Mayor or Council member) upon which I am now about to enter. (So help me God.)

4. Section 6.01(g) – Commencement of Terms.

The term of office of any elected official shall commence immediately after the certification of the election results.

5. Section 7.02(c) – Results of the election.

If at least sixty (60) percent of the qualified electors voting on a proposed amendment votes for its adoption, it shall be considered adopted upon certification of the election results. If conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

6. ARTICLE IX - Transition.

ARTICLE IX – Transition Assessments and Taxation.

Section 9.01 – Creation and establishment of Town.

For the purpose of compliance with Florida Statutes relating to assessment and collection of ad valorem taxes, the Town is hereby created and established effective June 6, 2000.

~~Section 9.02. – Temporary nature of Article.~~

~~The following sections of this Article are inserted solely for the purpose of effecting the incorporation of the Town and the transition to a new municipal government. Each section of this Article shall automatically, and without further vote or act of the electors of the Town, become ineffective and no longer a part of this Charter at such time as the implementation of such section has been accomplished.~~

~~Section 9.03. – Interim adoption of codes and ordinances.~~

~~Until otherwise modified or replaced by this Charter or the Council, all codes, ordinances, and resolutions of Broward County, Florida, in effect on the day of adoption of this Charter shall, to the extent applicable to the Town, remain in force and effect as municipal codes, ordinances, and resolutions of the Town. Until otherwise determined by the Council, said codes, ordinances, and resolutions shall be applied, interpreted, and implemented by the Town in a manner consistent with established policies of Broward County on the date of this Charter.~~

~~Section 9.04.— Taxes and fees.~~

~~Until otherwise modified by the Council, all municipal taxes and fees imposed within the Town boundaries by the County as the municipal government for unincorporated Broward County, which taxes and fees are in effect on the date of adoption of this Charter, shall continue at the same rate and on the same conditions as if those taxes and fees had been adopted and assessed by the Town.~~

~~Section 9.05.— State shared revenues.~~

~~The Town shall be entitled to participate in all shared revenue programs of the State, effective immediately on the date of incorporation. The provisions of F.S. § 218.23, shall be waived for the purpose of eligibility to receive revenue sharing from the date of incorporation through the end of the State fiscal year 2001-2002. The provisions of F.S. § 218.26(3), shall be waived for the fiscal year 2001-2002, and the apportionment factors for the municipalities and counties shall be recalculated pursuant to F.S. § 218.245. The initial population estimates for calculating eligibility for shared revenues shall be determined by the University of Florida Bureau of Economic and Business Research as of the effective date of this Charter. Should the bureau be unable to provide an appropriate population estimate, the initial population for calculating eligibility for shared revenues shall be established at the level of 9,000.~~

~~Section 9.06.— Gas tax revenues.~~

~~Notwithstanding the requirements of F.S. § 336.025, to the contrary, the Town shall be entitled to receive local option gas tax revenues beginning October 1, 2000. These revenues shall be distributed in accordance with the interlocal agreement with Broward County.~~

~~Section 9.07.— Shared revenues.~~

~~Broward County shall distribute to the Town, from taxes, franchise fees, and ad valorem taxes, revenues collected within the municipal boundaries of the Town. This calculation shall be based upon a population projection of 9,000 in anticipation of the year 2000 census.~~

EXHIBIT "B"

**SAMPLE BALLOT QUESTION
GENERAL ELECTION
NOVEMBER 5, 2024**

SOUTHWEST RANCHES
AMENDMENT #1
CORPORATE EXISTENCE & OATH OF OFFICE.

Should the Charter of the Town of Southwest Ranches be amended to include the promotion of the Town's agricultural and equestrian character?

Shall the above-described amendment be adopted?

YES
NO

SOUTHWEST RANCHES
AMENDMENT #2
COMMENCEMENT OF TERMS.

Should the Charter of the Town of Southwest Ranches be amended to clarify that term of office shall not commence until the election results have been certified?

Shall the above-described amendment be adopted?

YES
NO

SOUTHWEST RANCHES
AMENDMENT #3
RESULTS OF THE ELECTION.

Currently, the Town of Southwest Ranches' Charter states that Charter amendments require a sixty (60) percent vote of approval. Should the language of the Town's Charter be amended to clarify that Charter Amendments require "at least" sixty (60) percent approval by the voters?

Shall the above-described amendment be adopted?

YES
NO

SOUTHWEST RANCHES
AMENDMENT #4
TRANSITION.

Should the Charter of the Town of Southwest Ranches be amended to rename the Town's original Transition Article and to eliminate all of the outdated corporate formation language?

Shall the above-described amendment be adopted?

YES
NO

SOUTHWEST RANCHES
AMENDMENT #5
TRANSITION.

Should the Charter of the Town of Southwest Ranches be amended to require five affirmative votes of the Town Council to add proactive items to the Town's proactive code enforcement list?

Shall the above-described amendment be adopted?

YES

NO