

ORDINANCE NO. 22-8

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF COOPER CITY AT ARTICLE III, ENTITLED "LEGISLATIVE;" AND IN PARTICULAR AMENDING SECTION 3.01 ENTITLED "CITY COMMISSION, POWERS AND COMPOSITION"; AMENDING SECTION 3.02, ENTITLED "QUALIFICATIONS, ELECTIONS AND TERMS;" DELETING SECTION 3.03, ENTITLED "ELECTION DISTRICTS," IN ITS ENTIRETY; AMENDING SECTION 3.07, ENTITLED "FILING FEES AND NOTICE OF CANDIDACY;" PROVIDING FOR THE ELIMINATION OF SINGLE-MEMBER COMMISSION DISTRICTS IN THE CITY OF COOPER CITY, COMMENCING WITH THE NOVEMBER 2024 GENERAL MUNICIPAL ELECTION; PROVIDING FOR THE CREATION OF THE POSITIONS COMMISSIONER 3 AND COMMISSIONER 4, WHICH SHALL BE ELECTED AT LARGE AT THE NOVEMBER 2024 GENERAL MUNICIPAL ELECTION, ALONG WITH AN AT LARGE ELECTED MAYOR; PROVIDING FOR THE CREATION OF THE POSITIONS COMMISSIONER 1 AND COMMISSIONER 2, WHICH SHALL BE ELECTED AT LARGE AT THE NOVEMBER 2026 GENERAL MUNICIPAL ELECTION; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF COOPER CITY, ON THE NOVEMBER 8, 2022 GENERAL ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE ADVERTISING OF THE REFERENDUM ELECTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; 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 City of Cooper City, Florida; and

WHEREAS, Chapter 166, Florida Statutes, as amended, provides that such an amendment may be submitted to a referendum vote by the City Commission of the City of

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Cooper City, Florida, in an ordinance format; and

WHEREAS, after careful deliberation and the consideration of public input, the City Commission seeks to propose an amendment to the Charter eliminating election districts and establishing four commission seats elected at large, along with an at large elected mayor ; and

WHEREAS, the City Commission has held a public hearing in accordance with Florida law; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, 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 III, entitled "Legislative," shall be revised by amending Section 3.01 entitled "City Commission; Powers and Composition;" amending Section 3.02, entitled "Qualifications, Elections and Terms;" deleting Section 3.03, entitled "Election Districts;" and amending Section 3.07, entitled "Filing Fees and Notice of Candidacy" of the Charter of the City of Cooper City, as set forth in Exhibit "A," attached hereto and incorporated herein.

Section 3. The Ballot Title shall be as follows:

ELIMINATION OF COMMISSION DISTRICTS AND CREATION OF FOUR AT-

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LARGE COMMISSION SEATS

Section 4. At the General Municipal Election on November 8, 2022, the following question shall be placed on the ballot for consideration by the qualified electors of the City of Cooper City, Florida, and shall read as follows:

Shall the Cooper City Charter be amended to provide that the city commission shall consist of four (4) commissioners and a mayor, each elected at-large by the qualified electors of the city, commencing in November 2024 with the positions of Commission Seat 3, Commission Seat 4 and the mayor elected at-large, and in November 2026 with the positions of Commission Seat 1 and Commission Seat 2 elected at-large?

This proposed Charter amendment will have no financial impact to the City.

YES NO

Section 5. Advertisement. The City Clerk of the City of Cooper City is hereby authorized and directed to advertise the referendum election contemplated herein all in accordance with the Code of Ordinances of the City of Cooper City, Florida, as well as the State of Florida Election Code.

Section 6. Codification. It is the intention of the City Commission of the City of Cooper City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Cooper City, Florida, 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 7. Severability. If any clause, section, or other part of this Ordinance shall

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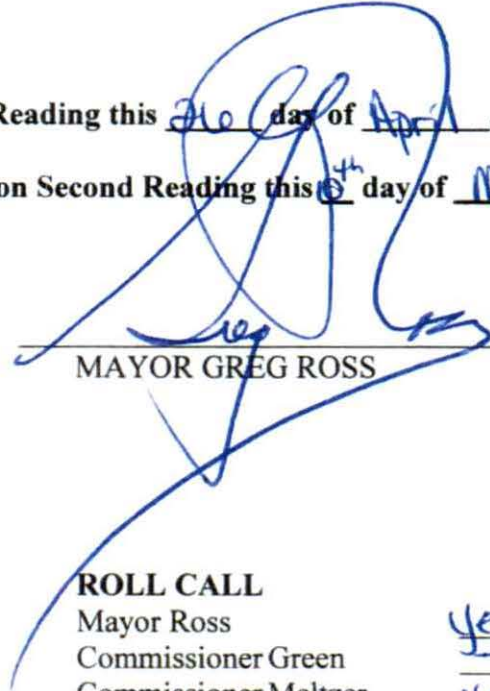
be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 8. 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 9. Effective Date. This Ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED on First Reading this ~~21st~~ day of ~~April~~, 2022.

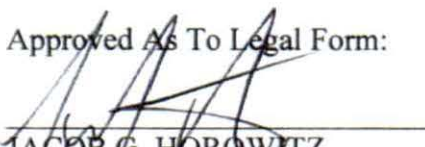
PASSED AND FINAL ADOPTION on Second Reading this 6th day of May, 2022.


MAYOR GREG ROSS

ATTEST:


TEDRA ALLEN
City Clerk

Approved As To Legal Form:


JACOB G. HOROWITZ
City Attorney

ROLL CALL

Mayor Ross yes
Commissioner Green yes
Commissioner Meltzer no
Commissioner Pulcini yes
Commissioner Shrouder yes

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EXHIBIT "A"

CHARTER AMENDMENT

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Section 3.01. City commission, powers and composition.

(1) There shall be a city commission, with all the legislative powers of the city vested therein, consisting of five (5) members who shall be electors of the city, one (1) of whom shall be the Mayor. Commencing at the election in November 2024, candidates shall qualify and run at large for the offices of Mayor, Commission Seat 3 and Commission Seat 4. Commencing at the election in November 2026, candidates shall qualify and run at large for the offices of Commission Seat 1 and Commission Seat 2. All members of the city commission shall be elected, at large, by the electors of the city. Candidates shall identify the position on the commission that they are seeking to fill at the time of qualification.

(2) The mayor and each commissioner shall be residents of the city and shall have resided continuously in the city for one (1) year prior to qualifying as a candidate, as provided in Section 3.02(1), below.

~~All commissioners, one of whom shall be the duly elected mayor, shall be elected at large by the electors of the city. The four (4) commissioners shall be residents of the election district from which they are elected and shall have resided continuously in said election district for six (6) months prior to qualifying as a candidate, as provided in Section 3.02(1) below.~~

Section 3.02. Qualifications, elections and terms.

(1) Qualifications of the commissioners. Any citizen who is a registered elector and whose principal place of residence is within the corporate limits of Cooper City, and who has resided continuously in the city ~~and within the election district from which he or she seeks to be elected~~ for one (1) year prior to qualifying as a candidate for the office shall be eligible to hold the office of mayor or commissioner. When any member of the commission ceases to possess the foregoing qualifications as specified in this Section ~~and~~ or Section 3.01, that member shall immediately forfeit the office, shall be removed from the commission and shall be replaced according to the procedures concerning vacancies found in Section 3.10 of this Article. ~~However, in the event that an adjustment is made in the configuration of election districts pursuant to Section 3.03, said adjustment shall not be applied in any manner that would affect or impair the qualifications of a commissioner who was qualified when elected.~~

The commission shall be the judge of the qualifications of its members and of the grounds for forfeiture of office. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspaper of general circulation in the city and posted to the City's website and at City Hall, at least one week in advance of the hearing.

(2) Election and terms of office. The mayor and all commissioners shall be elected to a term of four (4) years. Such election shall be held on the first Tuesday after the first Monday in November of any even number calendar year in accordance with ch. 2004-443 and 2005-318, Laws of Florida, as amended.

(3) Term Limitations. The mayor and commissioners are limited to serving three (3) consecutive four (4) year terms. In no event may a person serve as mayor and/or commissioner for more than three (3) terms cumulatively without relinquishing either office for a period of one (1) full term -- four (4) years. In the event that a person is appointed or elected to complete, in whole or in part, a remaining portion of an incomplete term of office of mayor or commissioner in order to fill a vacancy created by the resignation, suspension, removal, forfeiture of office or death of the previous office-holder, the time served in office by the person so appointed or elected to fill the vacancy in office, pursuant to Section 3.10 of this Article, shall not be counted towards the term limitations provided by this paragraph (3).

~~Section 3.03. Election districts.~~

~~(1) — The city commission shall establish four (4) election districts by ordinance, each containing as close to one-quarter (25%) of the total population of the city as possible in a contiguous region without dividing any residential community, and so that no election district has a population variance of more than 10% from any other election district. An election district map and a description of the districts shall be prepared which shall be available to the public.~~

~~(2) — (a) Following the amendment of this section 3.03 at the election of November 6, 2012, the commission shall by ordinance, which is adopted at least six (6) months prior to the commencement of the candidate qualifying period for the November 2014 regular city commission election, adjust the election district configurations so that no election district has a population variance of more than 10% from any other election district.~~

~~(b) The commission shall review the election districts to determine if the population of the city remains evenly distributed within the four (4) districts within six (6) months after the release of any U.S. Decennial Census.~~

~~(3) — Upon completion of the review required by paragraph (2)(b) above, in the event that the commission finds that the population of the city is not distributed among the election districts as required by paragraph (1) above, and further finds that the redistribution of population may be accomplished without dividing any residential community, the commission shall by ordinance, which is adopted no less than six (6) months prior to the commencement of the candidate qualifying period for the next regular city commission election, adjust the election district configurations accordingly.~~

~~(4) Further, if it shall come to the attention of the commission subsequent to the adjustment of election districts pursuant to paragraph (2)(a) or paragraph (3) above, that a population variance of more than 10% between the population of election districts has arisen, the commission shall again adjust the election district configurations accordingly, upon finding that the redistribution of population may be accomplished without dividing any residential community and upon finding that such adjustment may be accomplished no less than six (6) months prior to the commencement of the candidate qualifying period for the next regular city commission election.~~

Section 3.07. Filing fees and notice of candidacy.

Any candidate seeking election as commissioner shall file with the city clerk a written notice of candidacy, stating the designated number of the ~~district-commission seat~~ to which they seek to be elected, and a statement that the candidate will serve if elected. The filing of such notice shall be done pursuant to the same timeframes as candidates who qualify for county offices as provided in Section 99.061(2), Florida Statutes. At the time of filing such notice, the candidate shall pay a non-refundable filing fee of One Hundred Dollars (\$100.00). Candidates shall also be required to pay the state election assessment as required by section 99.093, Florida Statutes.