

ORDINANCE NO. 92

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF GOLF, FLORIDA, AMENDING THE VILLAGE CHARTER AT ARTICLE III. GOVERNMENT. AT SECTIONS 2., 4., 5., 6., 7., 9., 10., AND 15. BY REPEALING AND RE-ADOPTING SAME IN ORDER TO AMEND AND MEMORIALIZE THE PROVISIONS REGARDING THE UNIFORM ELECTION DATES FOR MUNICIPAL ELECTIONS PREVIOUSLY APPROVED THROUGH THE ADOPTION OF ORDINANCE NO. 41 AND TO AMEND THE VILLAGE CHARTER TO CONFORM TO GENERAL LAW; PROVIDING FOR THE ORDERLY TRANSITION OF OFFICE RESULTING FROM SUCH DATE CHANGES; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF ARTICLE III. OF THE VILLAGE CHARTER SHALL REMAIN THE SAME AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Article III. of the Village Charter as was modified at Sections 6., 7., and 9., by Ordinance No. 41 on November 18, 1984 in accordance with a 1983 local bill providing for uniform election date for all municipalities in Palm Beach County; and

WHEREAS, Sub-section. 100.3605(2), *Florida Statutes*, of general state law now provides that “[T]he 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 date changes”; and

WHEREAS, Sub-section. 166.021(4), *Florida Statutes*, does not permit changes in a municipal charter without referendum approval which affect the terms of elected offices and the manner of their election “...except for the selection of election dates and qualifying periods for candidates and for changes in terms of offices necessitated by such changes in election dates...”; and

WHEREAS, the Village Council of the Village of Golf, Florida in accordance with the above-referenced sections and the general law of the State of Florida desires to enact an ordinance to memorialize in the Village Charter some previously adopted changes concerning the municipal election dates and also to amend the Village Charter to conform to revisions in general elections law which have occurred since the enactment of the Village Charter; and

WHEREAS, the Village Council of the Village of Golf, Florida, believes these revisions to

its Village Charter to be in the best interests of the health, safety and welfare of the citizens of the Village of Golf.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF GOLF, FLORIDA, THAT:

Section 1: The Village Charter of the Village of Golf, Florida is hereby amended at Article III. Government. by repealing Sections 2., 4., 6., 7., 9., 10., and 15. and re-adopting them as amended; providing that Article III. shall hereafter read as follows:

ARTICLE III GOVERNMENT

Section 1. (Shall remain the same as previously adopted.)

Section 2. No person shall be eligible to any elective office of the said municipality unless he shall be over twenty-one years of age and a citizen of the United States. ~~and the owner, either directly or as trustee, of real property situated in said municipality, or an officer of a corporation owning real property situated in said municipality.~~

Section 3. (Shall remain the same as previously adopted.)

Section 4. Within ninety (90) days after this Act becomes law, the Village Council shall, by resolution, appoint one of its members as and to be Mayor of said municipality and another of its members as and to be Vice-Mayor of said municipality; and shall also appoint a Village Treasurer, ~~Tax Assessor, a Tax Collector~~ and a Village Clerk (who shall be the registration officer of said Village), all both of whom shall be subject to the control of the Village Council. ~~A member of the Village Council shall be eligible to hold any one or more of the said offices and any one person may be appointed to hold any one or more of the said offices.~~

Section 5. The Mayor and Vice-Mayor appointed, as hereinabove provided, shall each hold office until his a successor shall be elected in accordance with the provisions of this Act and shall qualify; and the person or persons appointed to hold the offices of Village Treasurer and Village Clerk ~~, Tax Assessor and Tax Collector~~ shall hold their respective offices until their successors shall be appointed and shall ~~qualify and during~~ serve at the pleasure of the Village Council.

Section 6. On the third Tuesday in March 1961, an election by the qualified electors of

said municipality shall be held to elect members of the Village Council to succeed the members whose appointment expires in 1961 as provided for herein and thereafter on the second Tuesday of March of each fourth year, a general election shall be held to elect successors to the members of the Village Council whose terms of office shall then expire when their successors are elected and officially take office.

Section 7. The selection of members of the Village Council shall be by groups to be known as Groups 1, 2, 3, 4, and 5. At the first annual election to be held in March, 1961, ~~Councilmen~~members shall be elected to a four-year term, and every four years thereafter, pursuant to this Article, ~~Councilmen~~members shall be elected in said groups for a four-year term. The term of office of ~~Councilmen~~members shall commence on the ~~last working day in March~~ date of the organizational meeting held pursuant to Section 9, hereinbelow and shall continue for four years thereafter ~~and or~~ until their successors are elected and ~~qualified~~ officially take office as provided in accordance with this Article. Any candidate seeking election as ~~Councilman~~member shall file such papers as may be required by law with the Village Clerk along with a written notice to such effect during the qualifying period ~~from beginning no earlier than noon on the last Tuesday in January to the , nor ending later than noon on the~~ beginning no earlier than noon on the last Tuesday in January to the , nor ending later than noon on the second Tuesday in February in the year of the election, and shall pay such filing fee as shall be set by ~~ordinance~~ resolution. Such notice shall state the number of the group in which ~~he~~ the candidate seeks to be elected, ~~his~~ the candidate's place of residence, ~~his~~ the candidate's age, ~~a description of the real property owned by him in the Village,~~ and other data required by ordinance, or state law. The candidate for each group receiving the highest vote cast for such office shall be deemed elected to such office. In the event of a tie vote between candidates receiving the highest number of votes cast for any office, the names of all such tied candidates shall be placed on the ballot and be voted upon at ensuing runoff election to be held on the fourth Tuesday in March of the calendar year. No notice need be given of such election or any other election hereunder except as required by Village ordinance or the Florida Election Code. In the event of such runoff election, there shall appear on the ballot, and be voted upon, only the names of the ~~two~~ persons tied and receiving the highest vote cast for such office or offices, and in the further event of a tie, one of the candidates shall be chosen by a majority of those elected.

Section 8. (Shall remain the same as previously adopted.)

Section 9. The members of the Village Council elected pursuant to this Article shall meet for organization ~~immediately following their qualification on the last working day in March~~

next at an organizational meeting which shall be called by the Mayor and set at any time so long as it is held no later than the last day in March following the date of their election; and at said meeting, and annually thereafter, the Village Council shall, by resolution, appoint one member a Mayor and another a Vice-Mayor of the Village, each of whom shall hold office for a term of one year and until his successor shall be appointed and qualified at the next annual organizational meeting.

Sections 10. At each such organizational meeting the Village Council may also appoint a Village Treasurer ~~, a Tax Assessor, a Tax Collector~~ and a Village Clerk. The officer or officers so appointed shall hold office for a term of one year or until their successors are appointed and qualified but all subject to the pleasure of the Village Council.

Sections 11.— 14. (Shall remain the same as previously adopted.)

Section 15. The Village Council shall have the power to require the Village Clerk, Treasurer ~~, Tax Collector~~ and other officers, including its own members, before any of them enters upon the duties of his their offices, within such time as it may prescribe, to enter into a good and sufficient bond conditioned as it may require for the faithful performance of his their duties and it may from time to time require further or additional bonds; and for failure to give the same may declare such office vacant.

Section 16.— 20. (Shall remain the same as previously adopted.)

Section 2: Each and every other Section and Sub-section of Village Charter at Article III. Government shall remain in full force and effect as previously enacted.

Section 3: All ordinances or parts of ordinances which are in conflict be and the same are hereby repealed.

Section 4: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 5: Specific authority is hereby granted to codify this Ordinance.

Section 6: This Ordinance shall take effect immediately upon adoption.

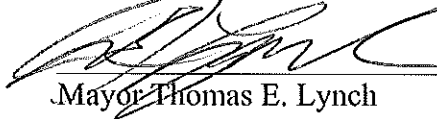
FIRST READING this 17th day of March, 2010.

SECOND AND FINAL READING this 21st day of April, 2010.

VILLAGE OF GOLF

✓
Aye

Nay


Mayor Thomas E. Lynch

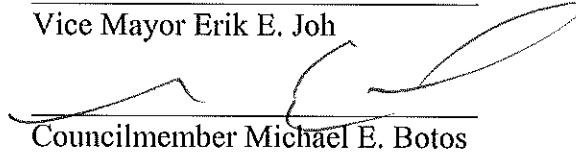
Aye

Nay

Vice Mayor Erik E. Joh

✓
Aye

Nay


Councilmember Michael E. Botos

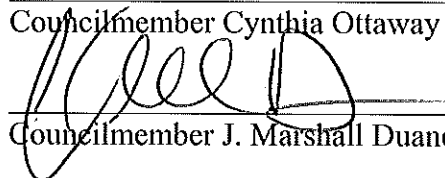
Aye

Nay

Councilmember Cynthia Ottaway

✓
Aye

Nay

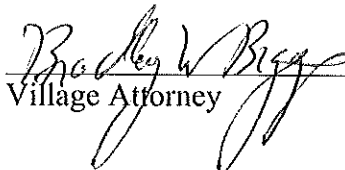

Councilmember J. Marshall Duane, III.

ATTEST:

(SEAL)


Carol Marciano, Village Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY.


Village Attorney

Y:\docs\Golf\Ordinances\2010\Ord 92-Charter- ElectionsDateRevise-2010

THE PALM BEACH POST

Published Daily and Sunday
West Palm Beach, Palm Beach County, Florida

PROOF OF PUBLICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared **Ellen Sanita**, who on oath says that she is **Call Center Revenue Manager** of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a **Notice** in the matter of **Ordinances 92 & 93** was published in said newspaper in the issues of **April 10, 2010**. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Also published in Martin and St. Lucie Counties.

Sworn to and subscribed before 12th day of April, A.D. 2010.

Who is personally known to me.

NOTARY PUBLIC-STATE OF FLORIDA
Karen M. McLinton
Commission #DD832672
Expires: NOV. 15, 2012
BONDED THRU ATLANTIC BONDING CO., INC.

NO. 5182192 LEGAL NOTICE

The Village Council of the Village of Golf, Florida will hold a Public Hearing to consider the following proposed Ordinances on second and final reading Wednesday, April 21, 2010 at 9:00 a.m., at the Village Administration Building, 21 Country Road, Village of Golf, Florida:

ORDINANCE NO. 92

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF GOLF, FLORIDA, AMENDING THE VILLAGE CHARTER AT ARTICLE III, GOVERNMENT, AT SECTION 2, 4, 5, 6, 7, 9, 10, AND 15, BY REPEALING AND RE-ADOPTING SAME IN ORDER TO AMEND AND MEMORIALIZE THE PROVISIONS REGARDING THE UNIFORM ELECTION DATES FOR MUNICIPAL ELECTIONS PREVIOUSLY APPROVED THROUGH THE ADOPTION OF ORDINANCE NO. 41 AND TO AMEND THE VILLAGE CHARTER TO CONFORM TO GENERAL LAW, PROVIDING FOR THE ORDERLY TRANSITION OF OFFICE RESULTING FROM SUCH DATE CHANGES; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF ARTICLE III, OF THE VILLAGE CHARTER SHALL REMAIN THE SAME AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

ORDINANCE NO. 93

AN ORDINANCE OF THE VILLAGE OF GOLF, FLORIDA, REPEALING ORDINANCE NO. 8 AND ORDINANCE NO. 70, BOTH OF WHICH ADOPTED REGULATIONS AND REQUIREMENTS FOR THE CONDUCT OF ELECTIONS IN THE VILLAGE; AND PROVIDING FOR THE ADOPTION OF A COMPREHENSIVE AND CONSOLIDATED SET OF REGULATIONS AND REQUIREMENTS REGARDING THE CONDUCT OF ELECTIONS HELD IN THE VILLAGE; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

All interested parties are invited to appear at the meeting, as it may be continued from time to time, and be heard with respect to the proposed ordinances.

Copies of the proposed ordinances are on file at the Village Clerk's Office located at 21 Country Road, Village of Golf, FL 33436, for inspection by the public from 8:00 a.m. - 4:00 p.m. Monday through Friday.

"If a person decides to appeal any decision made by the Village Council with respect to any matter considered at subject meeting, he will need a record of the proceedings and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F.S. 286.0105)

VILLAGE OF GOLF

PUB: The Palm Beach Post
April 10, 2010