

ORDINANCE NO. 97

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF GOLF, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE VILLAGE CERTAIN AMENDMENTS TO THE VILLAGE CHARTER TO PROVIDE FOR "AT LARGE" COUNCILMEMBER SEATS AND FOR STAGGERED TERMS OF COUNCILMEMBERS; PROVIDING FOR THE IMPLEMENTATION OF THIS NEW ELECTORAL SYSTEM BY AMENDING THE VILLAGE CHARTER AT ARTICLE III. LEGISLATIVE. AS FOLLOWS: BY REPEALING SECTION 5. AND SECTION 6. AND READOPTING SECTION 5 AND SECTION 6, ALONG WITH A NEW TITLE TO SECTION 6 TO BE ENTITLED "SELECTION; STAGGERED TERMS OF OFFICE" IN ORDER TO PROVIDE FOR THE "AT LARGE" ELECTIONS OF COUNCILMEMBERS RATHER THAN BY GROUPS AND FOR STAGGERED, FOUR YEAR TERMS FOR COUNCILMEMBERS; PROVIDING FOR SUBMISSION OF THESE PROPOSED CHARTER AMENDMENTS TO THE ELECTORS OF THE VILLAGE AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 6, 2012; PROVIDING AN EFFECTIVE DATE SHOULD THESE AMENDMENTS TO THE CHARTER BE APPROVED AT SUCH ELECTION; SETTING FORTH THE FORM OF THE QUESTION TO BE VOTED UPON AT SUCH ELECTION; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; AND FOR OTHER PURPOSES.

WHEREAS, the Village Council of the Village of Golf has reviewed the recommendations of its residents with respect to amending the Charter of the Village to provide for at large elections and staggered terms for Councilmembers of the Village Council; and

WHEREAS, the Village Council is informed and believes that a substantial number of residents of the Village desire to have at large elections and staggered terms for Councilmembers of the Village Council; and

WHEREAS, the Village Council of the Village of Golf believes and desires that the issue be submitted for referendum of the Village residents to determine whether the Village Charter shall be amended to provide for at large elections and staggered terms.

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

Section 1: The Charter of the Village of Golf is hereby amended at Article III.

Legislative. by repealing Section 5. Election Date. and Section. 6, and readopting them, along with a new title to Section 6. ; providing that Sections 5 and 6 at Article III. shall hereafter read as follows:

ARTICLE III. LEGISLATIVE.

Sections 1. — 4. (Shall remain the same as previously adopted)

Section 5. Election date.

Beginning on March 12, 2013 and on every subsequent the second Tuesday in March, every two fourth years thereafter, 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 as set forth in Section 6 hereinbelow.

Sec. 6. Selection; Staggered Terms of Office.

(a) Groups Council Seats. All elections for the seats on the Village Council shall be at large and voted upon by all of the Village electors eligible to vote. At the March 12, 2013 municipal election, candidates shall qualify and run for the five Councilmember seats. At this election, the three candidates receiving the largest, second largest, and third largest number of votes shall each be assigned ~~The selection of members of the Village Council shall be by groups to be known as Groups 1, 2, 3, 4 and 5. Councilmembers shall be elected to Seats 1, 2 and 3 respectively; and Seats 1, 2 and 3 shall be deemed to be elected to a four year terms, which shall continue as and every a four years term for every subsequent election thereafter. , pursuant to this Article.~~ Additionally, at the March 12, 2013 election, the two candidates receiving the fourth and fifth largest number of votes shall each be assigned to Seats 4 and 5, respectively. Seats 4 and 5 shall be elected to an initial two year term in the March 12, 2013 election, and to a four year term thereafter beginning with the March 10, 2015 election., Councilmembers shall be elected in said groups for a four year term. The term of office of Councilmembers shall commence on the date of the organizational meeting held pursuant to Section 8, hereinbelow and shall continue for four years thereafter, or for two years for Seats 4 and 5 as described above, or until their successors are elected and officially take office as provided in accordance with this Article.

(b) Filing. Any candidate seeking election as Councilmember shall file such papers as may be required by law with the Village Clerk along with a written notice to such effort during the

qualifying period beginning no earlier than noon on the last Tuesday in January, 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 resolution. Such notice shall state ~~the number of the group in which the candidate seeks to be elected,~~ the candidate's place of residence, the candidate's age, and other data required by ordinance, or state law.

(c) *Vote Tabulation.* For every election after the March 12, 2013 municipal election, the candidates for each group receiving the largest, second largest and third largest highest votes cast for such office shall be deemed elected to Seats 1, 2 and 3 respectively, such office. For every election after the March 12, 2013 municipal election for Seats 4 and 5, the candidates receiving the largest and second largest votes cast shall be deemed elected to Seats 4 and 5, respectively. In the event of a tie vote between candidates receiving the highest largest, second largest or third largest 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 an 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 of 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 persons tied and receiving the highest vote cast for such offices and in the further even of a tie, one of the candidates shall be chosen by a majority of those elected. Notwithstanding anything to the contrary in Section 6 hereinabove, in the event of circumstances at the March 12, 2013 election where there are only five candidates for the five Council seats, resulting in such candidates being unopposed, or if there is any tie vote among any of the candidates for Council seats at this election, then in these instances for this election the Village Council will vote to make the determination at their Organization meeting held pursuant to Section 8 hereinbelow as to which candidates will initially be assigned to Seats 1, 2, and 3 for a four year term and which candidates will initially be assigned to Seats 4 and 5 for a single two year term ending March 9, 2015.

Sections 7.—14. (Shall remain the same as previously adopted.)

Section 2: The Charter amendments proposed by this ordinance shall be submitted to

the electors of the Village of Golf, Florida, at the general election to be held on the 6th day of November, 2012, and shall be deemed adopted effective at 12:01 a.m. November 7, 2012 upon the favorable vote of a majority of the electors voting at that time upon the following question:

REFERENDUM QUESTION NO. 1

**ESTABLISHMENT OF AT LARGE ELECTIONS AND
STAGGERED FOUR YEAR TERMS FOR
COUNCILMEMBERS**

SHALL THE CHARTER BE AMENDED TO ESTABLISH AT
LARGE ELECTIONS AND STAGGERED FOUR YEAR
TERMS FOR COUNCILMEMBERS BY PROVIDING THAT,
UNLESS TIED OR UNOPPOSED, THE THREE CANDIDATES
RECEIVING THE LARGEST NUMBER OF VOTES,
RESPECTIVELY, IN THE MARCH 12, 2013 ELECTION
SHALL EACH BE ELECTED TO FOUR YEAR TERMS, AND
THE CANDIDATES RECEIVING THE FOURTH AND FIFTH
LARGEST NUMBERS OF VOTES BE ELECTED TO AN
INITIAL TWO YEAR TERM, WHICH TERM WILL
THEREAFTER BE FOUR YEARS.

YES _____ NO _____

Section 3: The Village Clerk shall cause a notice of this election called for the purpose of presenting certain proposed Charter revisions to a vote of the electorate to be published in accordance with the provisions of Section 100.342, *Florida Statutes*, at least twice; once in the fifth week and once in the third week prior to the week in which the referendum is to be held; provided that the first publication shall take place at least thirty (30) days before the date fixed for the referendum and shall be published in a newspaper of general circulation within the

Village.

Section 4: Each and every other Section and Subsection of Village Charter shall remain in full force and effect as previously enacted.

Section 5: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 6: 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 7: Effective Date. This ordinance is effective immediately upon adoption on second reading. The amended Charter as set forth in Section 1 hereinabove shall become effective as of 12:01 a.m. on November 7, 2012, if the question to be voted upon provided hereinabove receives an affirmative vote of the majority of the votes cast at the election held on November 6, 2012.

Section 8: This Ordinance shall be forwarded to the Supervisor of Elections for Palm Beach County.

Section 9: This Ordinance is enacted pursuant to the provisions of the "Municipal Home Rule Powers Act" codified at Chapter 166, *Florida Statutes*, the Village Charter and the Village Ordinances.

FIRST READING this 28th day of March, 2012.

SECOND AND FINAL READING this 18th day of April, 2012.

VILLAGE OF GOLF

✓
Aye
Nay

✓
Aye
Nay

Aye
Nay



Mayor Thomas E. Lynch



Vice Mayor Erik E. Joh

Councilmember Michael E. Botos

Nay

✓
Aye

Nay

Councilmember Cynthia Ottaway

Councilmember J. Marshall Duane, III.

ATTEST:

Carol Marciano
Carol Marciano, Village Clerk

(SEAL)

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY.

Bradley W Bigg
Village Attorney

Y:\docs\Village of Golf\Ordinances\Ord 97 Charter Amendment At Large Staggered.docx

P. 1

Date / Aug. 31. 2012 1/AM

1) Village of Golf

File

Destination

$$P_g(s)$$

Result

Page
Not Sent

p. 1

OK

Reason for error

| | |
|---|---------------------------|
| 1 | Hang up or line fail |
| 2 | No answer |
| 3 | Exceeded max. E-mail size |

E. 2) Busy
E. 4) No facsimile connection

[illegible]

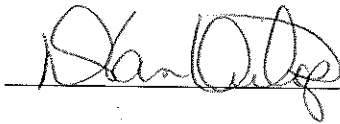
SECRET

THE PALM BEACH POST
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West Palm Beach, Palm Beach County, Florida

PROOF OF PUBLICATION


STATE OF FLORIDA
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared **Dottie Van Overloop**, who on oath says that she is **Legal Advertising Clerk** 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 Referendum, was published in said newspaper in the issues of October 5, & 19, 2012. 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 22nd day of October, A.D. 2012.
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. 18965
**VILLAGE OF GOLF
NOTICE OF REFERENDUM
TUESDAY, NOVEMBER 6, 2012
PROPOSED CHARTER
AMENDMENTS**
The Village of Golf will submit to the voters proposed amendments to the Village Charter at the general election to be held November 6, 2012. The two (2) proposed Ballot questions, set forth respectively for Ordinances No. 97 and No. 98, are as follows:
**REFERENDUM QUESTION NO. 1
ESTABLISHMENT OF AT LARGE
ELECTIONS AND STAGGERED FOUR
YEAR TERMS FOR
COUNCILMEMBERS**
SHALL THE CHARTER BE AMENDED TO ESTABLISH AT LARGE ELECTIONS AND STAGGERED FOUR YEAR TERMS FOR COUNCILMEMBERS BY PROVIDING THAT THE THREE CANDIDATES RECEIVING THE LARGEST NUMBER OF VOTES, RESPECTIVELY, IN THE MARCH 12, 2013 ELECTION SHALL EACH BE ELECTED TO FOUR YEAR TERMS, AND THE CANDIDATES RECEIVING THE FOURTH AND FIFTH LARGEST NUMBERS OF VOTES BE ELECTED TO AN INITIAL TWO YEAR TERM, WHICH TERM WILL THEREAFTER BECOME A FOUR YEAR TERM
YES _____ NO _____
**REFERENDUM QUESTION NO. 2
REMOVAL OF THE "VILLAGE
CLERK" AND THE "VILLAGE
TREASURER" AS OFFICES IN THE
VILLAGE CHARTER**
SHALL THE VILLAGE OF GOLF CHARTER BE AMENDED TO REMOVE THE CURRENT OFFICES OF THE "VILLAGE CLERK" AND THE "VILLAGE TREASURER" FROM THE LIST OF OFFICES IN THE VILLAGE CHARTER SO THAT SUCH POSITIONS WILL NO LONGER BE APPOINTED ANNUALLY BY THE COUNCIL AS OFFICES NOR BE SUBJECT TO THE DIRECT CONTROL OF THE VILLAGE COUNCIL.
YES _____ NO _____
For copies of Ordinance No. 97 and Ordinance No. 98, both adopted by the Village Council on April 18, 2012, containing the complete text of the proposed Charter Amendments or for more information concerning the Referendum, please contact Carol Marciano, Village Clerk, at (561) 732-0238.
PUB: The Palm Beach Post
October 5, & 19, 2012