

EXHIBIT 1
ORDINANCE NO. 2022-

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF HALLANDALE BEACH TO PROVIDE A PROCESS FOR FILLING OF VACANCIES ON THE COMMISSION TO REQUIRE PUBLIC NOTICE, APPLICATION PERIODS, AND PUBLIC INPUT; PROVIDING THAT THIS ORDINANCE SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF HALLANDALE BEACH ON THE NOVEMBER 8, 2022 GENERAL ELECTION BALLOT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 166, Florida Statutes, as amended, provides for the process for amendment of municipal charters which includes submission of a proposed amendment by ordinance to a referendum vote; and

WHEREAS, the Charter Review Committee for the City of Hallandale beach has reviewed the Charter and proposed certain amendments thereto; and

WHEREAS, the City Commission has determined that amendment of the charter in the manner stated herein is in the best interest of the residents of the City of Hallandale Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:

SECTION 1. If approved, Article III "City Commission," Section 3.09(3) "Vacancies; forfeiture of office; filling of vacancies" of the Charter shall be replaced in its entirety with the following:

Sec. 3.09: - Vacancies; forfeiture of office; filling of vacancies.

(3) Filling of vacancies. A vacancy or vacancies in the city commission shall be filled as provided in the following.

(a) The City Commission shall fill any vacancy by appointment as follows:

(i) Announcement of Vacancy. The vacancy will be announced at a public meeting within fifteen (15) days of its occurrence. At that

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meeting, the City will announce that it is accepting applications for appointment to fill the vacancy, outline the application process and publicly state the application period.

(ii) *Public Advertisement for Applicants.* The time for accepting applications will be no less than 15 days. The City shall advertise the vacancy and application period in a newspaper of general circulation no less than fifteen (15) days prior to the close of the application period. At the close of the application period the City shall post, physically and on its website, the names of all those who have submitted applications.

(iii) *Nominations.* Only those individuals nominated from those individuals that have submitted applications are eligible for appointment. Within ten (10) days of the close of the application period, at a public meeting and after public comment, the City Commission will make nominations from those individuals that have submitted applications. Each member of the Commission shall nominate one person. If only one person is nominated by all Commissioners present, that person shall take office at the next regular City Commission meeting. If quorum cannot be obtained for the execution of this meeting within the aforementioned (10) days, nominations shall be made at the next regular commission meeting by those commissioners present, regardless of quorum.

(iv) *Appointment.* No sooner than ten (10) days after the nominations are made, but not later than twenty (20) days after the nominations are made, the City Commission will, at a public meeting and after public comment, appoint a person to fill the vacancy from those that were previously nominated. The meeting shall not be continued to another day nor adjourned until an appointment is made to fill the vacancy. If a majority of the Commissioners present cannot agree on an appointment, then the appointment shall be decided by lot from among those nominated. If quorum cannot be obtained for the execution of this meeting within the aforementioned time period, the appointment shall be made at the next regular commission meeting by a majority of those commissioners present, regardless of quorum.

(v) The person appointed to fill the vacancy shall take office at the next regular City Commission meeting.

(vi) In the event of a vacancy in the office of mayor, the vice mayor shall serve as Mayor, subject to the term provisions below. The Commission will utilize the appointment process contained herein to appoint a resident to the commission seat then filled by the elevated-Vice Mayor for a term to equal the time the elevated-Vice

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78 Mayor serves as Mayor. At the conclusion of the elevated-Mayor's
79 appointed term, the seat will be filled by election and the elevated-
80 Vice Mayor may return to serve the remainder of her original term
81 if any time remains of the original term. During any period that a
82 Vice Mayor is elevated to Mayor pursuant to this paragraph, the
83 City Commission shall select a new Vice Mayor from all its
84 members after filling any vacancies through appointment.

85 (b) Term. The term of office for vacancies filled by appointment
86 pursuant to this section shall be until the next scheduled general
87 election at which the seat may be filled by election.

88 (i) If the term of the vacated seat is set to continue past
89 the next scheduled general election, a special election
90 shall be held at the time of the general election to fill the
91 seat for the remainder of the vacated term. If the seat is
92 filled by appointment after deadlines for the declaration of
93 election at the time of the next general election, the term
94 shall end at the following general election wherein the seat
95 shall be filled in its normal course.

96 (iii) In the case of suspension by the Governor of Florida,
97 all terms are subject to the reinstatement of the suspended
98 official.

99 (c) Quorum requirement. Notwithstanding any quorum requirement
100 established herein, if at any time the membership of the
101 commission is reduced to less than a quorum, the remaining
102 members will constitute a quorum for the purpose of appointment
103 of additional members under (a) above until there are at least
104 three members of the commission.

105 **SECTION 2.** If approved, Article III "City Commission," Section 3.09(4)
106 "Vacancies; forfeiture of office; filling of vacancies" of the Charter shall be amended as
107 follows:

108 (4) *Extraordinary vacancies.* In the event that all members of the commission are
109 removed by death, disability, or forfeiture of office, the governor shall appoint an
110 interim commission that shall call a special election ~~as provided in [subsection]~~
111 ~~(3)(b) above~~ and such election shall be conducted to fill the specific vacancies in
112 the manner provided for under the regular election procedures of this city.

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114 **SECTION 3.** The Ballot Title shall be as follows:

115 METHOD OF FILLING VACANCIES ON COMMISSION

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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 Hallandale Beach, Florida, and shall read as follows:

Shall the Hallandale Beach Charter be amended to direct a process for filling of vacancies on the commission to require public notice, application periods, and public input?

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

Yes ☐ No ☐

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

SECTION 6. Conflict. All ordinances or portions of the Code of Ordinances of the City of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the extent of such conflict.

SECTION 7. Severability. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 8. Effective Date. The provisions of this ordinance shall become effective immediately upon adoption. The amendment contemplated herein shall become effective, if approved, upon certification of the vote in accordance with Florida Law.

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138 PASSED on 1st Reading on _____, 2022.
139 ADOPTED on 2nd Reading on _____, 2022.

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JOY F. COOPER
MAYOR

147 SPONSORED BY: CITY COMMISSION

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149 ATTEST:

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JENORGEN GUILLEN
CITY CLERK

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JENNIFER MERINO
CITY ATTORNEY

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