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**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 REVISE THE GROUNDS FOR FORFEITURE OF OFFICE FOR MEMBERS OF THE COMMISSION AND THE PROCESS FOR DECLARING FORFEITURE; 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.

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

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

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

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

26 **SECTION 1.** If approved, Article III “City Commission,” Section 3.02 “Judge of
27 qualifications” of the Charter shall be amended as follows:

28 **Sec. 3.02: - Judge of qualifications.**

29 The commission shall be the judge of the election and qualification of its
30 members ~~and of the grounds for forfeiture of their office.~~ A member charged with
31 ~~conduct constituting grounds for forfeiture of his office~~ failing to meet the required
32 qualifications shall be entitled to a public hearing on demand, and notice of such
33 hearing shall be published in one (1) or more newspapers of general circulation
34 in the city, at least one (1) week in advance of the hearing.

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 existing law; words in underlined type are additions

36 **SECTION 2.** If approved, Article III “City Commission,” Section 3.09 “Vacancies; forfeiture
37 of Office; filling of vacancies” of the Charter shall be amended as follows:

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39 **Sec. 3.09 Vacancies; forfeiture of Office; filling of vacancies**

40 (1) *Vacancies.* A vacancy in the city commission occurs when a commissioner
41 leaves office otherwise than before the normal expiration of his term of office.
42 The office of a commissioner shall become vacant upon his death, resignation,
43 removal from office in any manner authorized by law, or forfeiture of his office,
44 such forfeiture to be declared by the remaining members of the commission. In
45 the event a commissioner resigns in accordance with F.S. § 99.012 to run for
46 another elective office, the office of that commissioner shall be deemed vacant
47 upon the date of his/her qualification for the other office, and the remaining
48 members of the commission shall fill the vacancy as provided in ~~section~~
49 ~~3.09(3)~~herein.

50 (2) *Forfeiture of office.*

51 (a) A commissioner shall forfeit his office if he:

52 ~~(a)~~ (1) Lacks at any time during his term of office any qualification for the
53 office prescribed by this Charter or law;

54 ~~(b)~~ (2) Is convicted of a crime involving moral turpitude; or

55 ~~(c)~~ (3) Fails to attend ~~three (3) consecutive months of regular meetings~~
56 ~~of the commission~~ ten (10) meetings over any twelve (12) month
57 period, subject to and consistent with law. For the purposes of this
58 paragraph, remote attendance is considered as attending.

59 (4) Pursuant to any other provision constituting forfeiture contained
60 in this Charter or state law.

61 (b) The commission shall be the judge of the grounds for forfeiture of a
62 commission office. A member charged with conduct constituting grounds for
63 forfeiture of his office shall be entitled to a public hearing on demand, and
64 notice of such hearing shall be published in two (2) or more newspapers of
65 general circulation in the city, the city’s website and social media, at least two
66 (2) weeks in advance of the hearing.

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

69 REVISING GROUNDS FOR FORFEITURE OF OFFICE

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70 **SECTION 4.** At the General Municipal Election on November 8, 2022, the following
71 question shall be placed on the ballot for consideration by the qualified electors of the City of
72 Hallandale Beach, Florida, and shall read as follows:

73 Shall the Hallandale Beach Charter be amended to revise the
74 grounds pursuant to which a member of the commission forfeits
75 their office and the process for declaring forfeiture?

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

78 Yes No

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

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

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

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

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92 PASSED on 1st Reading on _____, 2022.

93 ADOPTED on 2nd Reading on _____, 2022.

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JOY F. COOPER
MAYOR

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101 SPONSORED BY: CITY COMMISSION

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103 ATTEST:

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JENORGEN GUILLEN
CITY CLERK

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JENNIFER MERINO
CITY ATTORNEY

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