

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.

**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 3.02 "Judge of qualifications" of the Charter shall be amended as follows:

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

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

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

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

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

(2) *Forfeiture of office.*

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

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

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

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

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

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

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

REVISING GROUNDS FOR FORFEITURE OF OFFICE

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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 revise the grounds pursuant to which a member of the commission forfeits their office and the process for declaring forfeiture?

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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92 PASSED on 1<sup>st</sup> Reading on \_\_\_\_\_, 2022.  
93 ADOPTED on 2<sup>nd</sup> 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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\_\_\_\_\_  
106 JENORGEN GUILLEN  
107 CITY CLERK

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109 APPROVED AS TO LEGAL SUFFICIENCY  
110 FORM

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\_\_\_\_\_  
114 JENNIFER MERINO  
115 CITY ATTORNEY

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