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3 **ORDINANCE NO. 2022-003**

4 AN ORDINANCE OF THE CITY OF WILTON MANORS,
5 FLORIDA, SUBMITTING TO REFERENDUM AN
6 AMENDMENT TO THE CHARTER OF THE CITY OF
7 WILTON MANORS AMENDING ARTICLE IIIA
8 ENTITLED "LEGISLATIVE" BY SPECIFICALLY
9 AMENDING SECTION 2 ENTITLED "ELECTION AND
10 TERMS", AND SECTION 3 ENTITLED "MAYOR", OF
11 THE CHARTER OF THE CITY OF WILTON MANORS,
12 FLORIDA; PROVIDING FOR TERM LIMITS OF THREE
13 (3) FOUR (4) YEAR TERMS FOR COMMISSIONERS FOR
14 TERMS BEGINNING ON OR AFTER THE NOVEMBER 8,
15 2022 ELECTION; PROVIDING FOR SIX (6) TWO (2) YEAR
16 TERMS FOR THE MAYOR FOR TERMS BEGINNING ON
17 OR AFTER THE NOVEMBER 8, 2022 ELECTION;
18 PROVIDING FOR A NOTICE OF ADVERTISEMENT OF
19 THE REFERENDUM ELECTION TO BE PUBLISHED IN
20 ACCORDANCE WITH THE CODE OF ORDINANCES AND
21 THE CHARTER OF THE CITY OF WILTON MANORS,
22 FLORIDA, AS WELL AS THE STATE OF FLORIDA
23 ELECTION CODE; PROVIDING THAT THIS ORDINANCE
24 WHEN ADOPTED, SHALL BE SUBMITTED TO THE
25 QUALIFIED ELECTORS OF THE CITY OF WILTON
26 MANORS, FLORIDA, AT THE NEXT GENERAL
27 ELECTION OF NOVEMBER 8, 2022, AND SHALL
28 BECOME EFFECTIVE AS PROVIDED BY LAW;
29 PROVIDING FOR THE PLACE AND TIMES WHERE SAID
30 ELECTION IS TO BE HELD; PROVIDING FOR
31 CODIFICATION, PROVIDING FOR SEVERABILITY,
32 PROVIDING FOR CONFLICTS AND PROVIDING FOR AN
EFFECTIVE DATE.

33 WHEREAS, Chapter 166, Florida Statutes, as amended, provides for a
34 methodology of Charter amendments supplementary to and not in conflict with the
35 Charter of the City of Wilton Manors, Florida; and

1 **WHEREAS**, Chapter 166, Florida Statutes, as amended, provides that such an
2 amendment may be submitted to a referendum vote by the City Commission of the City
3 of Wilton Manors, Florida, in an ordinance format; and

4 **WHEREAS**, the proposed amendment to the City’s Charter shall be put before
5 the registered electors of the City in a duly called referendum at the general election on
6 November 8, 2022, to amend Article IIIA of the City’s Charter by specifically
7 amending Sections 2 and 3 to provide for term limits, commencing with the next
8 elected terms for the Mayor and Commissioners.

9 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION**
10 **OF THE CITY OF WILTON MANORS, FLORIDA:**

11 **Section 1:** The foregoing “WHEREAS” clauses are hereby ratified as being
12 true and correct and are hereby made a specific part of this Ordinance upon adoption
13 hereof.

14 **Section 2:** Article IIIA of the Charter of the City of Wilton Manors, entitled
15 “Legislative,” shall be amended by the specific amendment of Section 2 entitled
16 “Elections and terms” as follows:

17 Commissioners shall be electors of the City. Commencing in 2008, the regular
18 election of city commissioner shall be held on the first Tuesday after the first Monday
19 in November of every even numbered calendar year, in accordance with State of Florida
20 Law. The city commission, has by ordinance, and pursuant to State law, changed the
21 date of the regular election in any even numbered calendar year from March to
22 November. However, the change in election date will not be effective until at least
23 eighteen (18) months after approval of the ordinance. Two (2) city commissioners shall
24 be elected during one (1) election year and two (2) city commissioners shall be elected
25 during the following election year for four-year terms. A commission candidate shall be
26 domiciled in the city for six (6) months prior to qualifying for office. All persons
27 elected to serve as commissioner on or after November 8, 2022, shall be limited to three
28 (3) four (4) year terms for twelve (12) years of service as city commissioner. For the

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1 purpose of fulfilling the requirements of this provision, any term served as
2 commissioner who is elected to fill a vacancy shall be included within the term
3 limitation set forth herein. An individual appointed to serve an unexpired term as
4 commissioner shall not have such time counted in the term limitation hereby
5 established. Terms served as mayor shall not be counted towards the term limitation for
6 commissioner.

7 **Section 3:** Article IIIA of the Charter of the City of Wilton Manors, entitled
8 “Legislative,” shall be amended by the specific amendment of Section 3 entitled
9 “Mayor” as follows:

10 The mayor shall be an elector of the city elected to a two-year term by the
11 electors of the city. At the first city commission meeting after each regular
12 election, the city commission shall elect one (1) of its members as vice mayor.
13 The mayor shall be a member of the city commission, shall preside at meetings
14 of the city commission and shall vote, shall be recognized as head of the city
15 government for all ceremonial purposes, by the governor for purposes of
16 military law, for service of process, execution of contracts, deeds and other
17 documents and as the city official designated to represent the city in all
18 agreements with other governmental entities or certifications to other
19 governmental entities; but shall have no administrative duties except as required
20 to carry out the responsibilities herein. The vice mayor shall act as mayor during
21 the absence or disability of the mayor. A mayoral candidate shall be domiciled
22 in the city for six (6) months prior to qualifying for office. All persons elected to
23 serve as mayor on or after November 8, 2022 shall be limited to six (6) two (2)
24 year terms for a total of twelve (12) years of service as mayor. For the purposes
25 of fulfilling the requirements of this provision, any term served as mayor who is
26 elected to fill a vacancy shall be included within the term limitation set forth
27 herein. An individual appointed to serve an unexpired term as mayor shall not
28 have such time counted in the term limitation hereby established. Terms served
29 as commissioner shall not be counted towards the term limitation for mayor.
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31 **Section 4:** The Ballot Title shall be as follows:
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33 TERM LIMITS FOR COMISSIONERS AND MAYOR
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35 **Section 5:** At the General Election of November 8, 2022, the following
36 question shall be placed on the ballot for consideration by the qualified electors of the
37 City of Wilton Manors, Florida, and shall read as follows:

1 Shall Article IIIA of the City Charter be amended to provide term limits of
2 twelve (12) years for mayor and commissioners; specifically, a limit of (3) four
3 (4) year terms for commissioners; and a limit of six (6) two (2) year terms for
4 mayor?
5

6 YES () NO ()
7

8 **Section 6:** **Advertisement.** The City Clerk of the City of Wilton
9 Manors is hereby authorized and directed to advertise the referendum election
10 contemplated herein all in accordance with the Code of Ordinances of the City of Wilton
11 Manors, Florida, as well as the State of Florida Election Code.

12 **Section 7:** **Referendum Election.** Pursuant to Section 166.031(1), Florida
13 Statutes, the City Commission of the City of Wilton Manors hereby calls a special
14 election to be conducted with the State of Florida General Election on November 8,
15 2022, for the purpose of placing the referendum to a vote of the electors of the City of
16 Wilton Manors. The Broward County Supervisor of Elections is hereby appointed as
17 the election officer of the election to be held on November 8, 2022 in accordance with
18 Florida Law to shall conduct the referendum. The City of Wilton Manors shall
19 reimburse the Broward County Supervisor of Elections for the cost of the referendum
20 consistent with Florida Law.

21 **Section 8:** **Place of Election.** The election shall be conducted within the
22 geographical limits of the City, at polling locations determined in conjunction with the
23 Broward County Supervisor of Elections.

24 **Section 9:** **Codification.** It is the intention of the City Commission
25 of the City of Wilton Manors, that upon approval by the electorate of the City at the
26 November 8, 2022, election , the provisions of Sections 2 and 3 of this Ordinance shall

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1 become and be made a part of the Charter of the City of Wilton Manors, Florida, and
2 that the Sections of this ordinance may be renumbered, relettered and the word
3 "Ordinance" may be changed to "Section," "Article," or such other word or phrase in
4 order to accomplish such intention. In the event the Charter change proposed by this
5 Ordinance is approved, the City Clerk or designee shall cause the amendment to be
6 incorporated into the Charter and the revised Charter shall be filed with the Department
7 of State.

8 **Section 10: Severability.** If any clause, section, or other part of this
9 Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or
10 invalid, such unconstitutional or invalid part shall be considered as eliminated and in no
11 way affecting the validity of the other provisions of this Ordinance.

12 **Section 11: Conflicts.** That all Ordinances or parts of Ordinances,
13 Resolutions, or parts of Resolutions in conflict herewith, be and the same are repealed
14 to the extent of such conflict.

15 **Section 12. Effective Date.** That this Ordinance shall take effect
16 immediately upon adoption. The amended Charter as set forth in Sections 2 and 3 above
17 shall be effective upon approval by a majority of the electorate of the City at the
18 November 8, 2022, election. In the event the Charter change proposed by this
19 Ordinance is not approved, the existing Charter shall remain in full force and effect.

20 **PASSED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF**
21 **WILTON MANORS, FLORIDA, THIS 25th DAY OF JANUARY, 2022.**

22
23 **PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY**
24 **COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA THIS ____**
25 **DAY OF _____, 2022.**

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CITY OF WILTON MANORS, FLORIDA

By: 
SCOTT NEWTON, MAYOR

ATTEST:

RECORD OF COMMISSION VOTE: 1ST
Reading


FAITH LOMBARDO
CITY CLERK

MAYOR NEWTON
VICE MAYOR ROLLI
COMMISSIONER BRACCHI
COMMISSIONER CAPUTO
COMMISSIONER RESNICK



I HEREBY CERTIFY that I have
approved the form of this Ordinance.

/s/ Kerry L. Ezrol
KERRY L. EZROL, ESQ.
CITY ATTORNEY

RECORD OF COMMISSION VOTE: 2ND
Reading

MAYOR NEWTON
VICE MAYOR ROLLI
COMMISSIONER BRACCHI
COMMISSIONER CAPUTO
COMMISSIONER RESNICK

