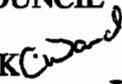


MEMO TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: CARRIE E. WARD, MMC CITY CLERK 

VIA: RUTH C. JONES, CITY MANAGER 

DATE: NOVEMBER 21, 2011

SUBJECT: CHARTER AMENDMENT PROCEDURE

At the November 2, 2011, City Council Meeting, Mayor Masters asked for the procedure to follow to send a question to the ballot for the voters' consideration during the March 13, 2012 scheduled election.

Below you will find the procedure to follow as prescribed by the City's Charter in compliance with Election laws adopted by the State and the City for such purpose. Also I have calculated supporting dates and deadlines to secure the ballot question(s) for the upcoming March 13, 2012 elections.

Please review the information and you may select the option of your choice if it is the desire of Council to place a Charter Amendment on the ballot.

Option No. 1

As prescribed in Section 5-16 (b) Charter Amendment proposed by the City Council,

(b) *Charter amendment proposed by city council.* The city council may propose amendments to the Charter to the electors by ordinance. The council ordinance shall provide the full text of the proposed Charter amendment, the proposed ballot question(s), the form for publication of the notice of election, and shall call the election for a date certain. The council ordinance shall be drafted by the city attorney in the same manner in which the city attorney drafts other council ordinances.

Option No. 2

As prescribed in Section 5-16 (c) Charter Amendment proposed by the Electors

(c) *Charter amendment proposed by electors.* Electors of the city may propose amendments to the City Charter by petition, as authorized by F.S. § 166.031. To the extent authorized by law,

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each petition proposing amendments to the Charter shall be commenced, in the form, filed, certified as to its sufficiency and/or withdrawn in the same manner as an ordinance proposed by initiative pursuant to article IV of the City Charter, except that the percentage of electors required for a Charter amendment petition shall be the percentage provided by F.S. § 166.031, and any withdrawal must be made at least 45 days before the election. A Charter amendment proposed by petition of electors which is legally sufficient and meets the requirements of that statute shall be submitted to the electors of the city pursuant to council resolution. The council resolution shall be adopted no later than the date necessary in order to meet the time requirements for submission of the measure to the electorate in accordance with F.S. § 166.031. The council resolution shall also set forth the ballot question(s) in accordance with F.S. § 101.161, provide for notice of election in accordance with F.S. § 100.342, and shall direct the placement of the ballot question(s) on the appropriate election ballot.

Elections date for the City of Riviera Beach

March 13, 2012

Deadline for City Clerk to transmit question to elections office

Noon Friday, February 10, 2012

Please be advised if the Mayor and City Council approve to elect option No. 1, there is absolutely no limitation on the number of questions to place on the upcoming ballot. However each must be submitted as an independent question and it is imperative that the following timeframe is followed.

The Ordinance with the question (s) must be prepared and on the City Council Agenda for consideration and/or adoption on 1st reading at its January 4, or January 18, 2012, regularly scheduled meeting. On February 1, 2012, at the regularly scheduled meeting, the ordinance must be adopted on second and final reading. On February 3, 2012, the City Clerk will prepare the appropriate document and transmit it to the SOE office for ballot placement. On February 10, 2012, or shortly thereafter the SOE office will transmit the question back to the City Clerk for review and final approval to be placed on the March 13, 2012 Ballot.