

ORDINANCE NO. 14-2017

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING ARTICLE XVI, SECTION 18 OF THE TOWN OF LAKE PARK'S CHARTER PERTAINING TO FILING DATES FOR THE ELECTION OF THE OFFICES OF MAYOR OR COMMISSIONER; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida is a duly constituted municipality having the power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, prior to July 1, 1973 the Town Commission adopted a municipal Charter, which contains among other matters, provisions pertaining to the operation of the Town under a Town Commission-Town Manager form of government; and

WHEREAS, Sections 166.021(4) and 166.031, Fla. Stat., set forth the procedures to be followed in amending municipal charters adopted prior to July 1, 1973, and which charters have not been subsequently readopted; and

WHEREAS, pursuant to the provisions of Section 166.021(4), Fla. Stat., amendments to municipal charter provisions which were adopted prior to July 1, 1973, such as the Town's Charter, may be made by ordinance if the proposed changes do not affect the basic organizational and administrative structure of the municipal government, and if the proposed changes do not fall within any of the statutorily excluded areas as set forth in § 166.021(4), Fla. Stat. which expressly require a referendum in order to adopt the proposed charter amendment; and

WHEREAS, the amendment of the Town Charter ordinance as proposed by this ordinance would not require a referendum; and

WHEREAS, F.S. 101.62(4)(a) requires that “No later than 45 days before each presidential primary election, primary election, and general election, the supervisor of elections shall send a vote-by-mail ballot as provided in subsection (c)2. to each absent uniformed services voter and to each overseas voter who has requested a vote-by-mail ballot”;

WHEREAS, to meet this statute it is necessary to change the dates of the town’s qualifying periods for its general election to the first Tuesday in November beginning at noon until the third Tuesday in November ending at noon; and

WHEREAS, in order to comply with the statutory directive of F.S. 101.62(4)(a), the Town Clerk recommends that the Commission amend Article XVI, § 18 of the Town Charter so that the qualifying period for the general election is the first Tuesday in November beginning at noon until the third Tuesday in November ending at noon.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are incorporated herein as the legislative findings of the Town Commission.

Section 2. The municipal Charter for the Town of Lake Park, Article XVI, Section 18 is hereby amended as follows:

Section 18. Qualifications of candidates for town commission; notice of candidacy; filing dates.

1. Any bona fide resident of the Town of Lake Park and of the State of Florida and a citizen of the United States of America who is a registered voter of the Town of Lake Park and possesses the qualifications to vote at Town, State and National elections, and who is otherwise qualified to be a member of the Town Commission, as provided in this Charter, may be a candidate for the

office of Town Commissioner by filing a verified notice of candidacy for Town Commissioner, stating the office he seeks, with the Town Clerk of said Town, in the manner hereinafter set out.

2. Notice of candidacy for a general election shall be filed no earlier than NOON on the first Tuesday in November beginning at Noon until the third Tuesday in November ending at Noon of the calendar-year in which the election is to be held. Provided, however, when a regular election for either the offices of commission or mayor is to be held in March of a year when the state holds a presidential primary, a notice of candidacy for the town's regular election shall begin the first Tuesday in November at Noon until the third Tuesday in November ending at Noon in the calendar year preceding the presidential preference primary.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section 6. Effective Date. This Ordinance shall take effect immediately upon adoption.

Upon First Reading this 4 day of October, 2017, the foregoing Ordinance was offered by Vice-Mayor Glas-Castro, who moved its approval. The motion was seconded by Commissioner Flaherty, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER ANNE LYNCH	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>Absent</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 8 DAY OF October, 2017

Upon Second Reading this 18 day of October, 2017, the foregoing Ordinance, was offered by Vice-Mayor Glas-Castro, who moved its adoption. The motion was seconded by Commissioner Michaud, and being put to a vote, the result was as follows:

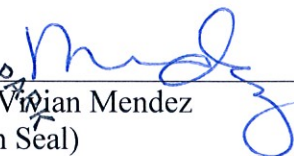
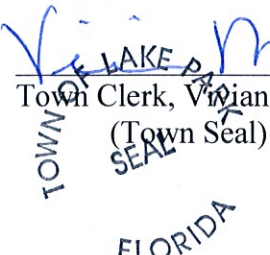
	AYE	NAY
MAYOR MICHAEL O'ROURKE	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER ANNE LYNCH	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No.** 14-2017 duly passed and adopted this 18 day of October, 2017.

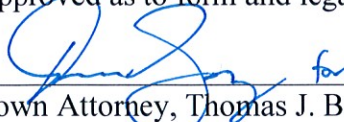
TOWN OF LAKE PARK, FLORIDA

BY: 
Mayor, Michael O'Rourke

ATTEST:


Town Clerk, Vivian Mendez
(Town Seal)


Approved as to form and legal sufficiency:


Town Attorney, Thomas J. Baird