

ORDINANCE NO. 08-2015

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 TOWN COMMISSIONER WHEN A REGULAR ELECTION IS TO BE HELD DURING A YEAR IN WHICH THERE IS A PRESIDENTIAL PRIMARY PREFERENCE ELECTION; 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 their ordinance

would not require a referendum; and

WHEREAS, the Supervisor of Elections has requested that the Town accommodate her office by changing the dates of the town's regular election and qualifying periods for same when a regular election is scheduled during a year wherein Florida will hold a Presidential Primary Preference Election; and

WHEREAS, in order to accommodate the Supervisor of Elections, the Town Clerk recommends that the Commission amend Article XVI, § 18 of the Charter so that its regular election, and the qualifying period for same can be held concurrent with a Presidential Primary Preference Election.

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 last Tuesday in January nor later than NOON on the second Tuesday in February 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 at NOON of the last Tuesday in November and end at NOON on the second Tuesday of December 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 3 day of June, 2015, the foregoing Ordinance was offered by Commissioner Rapoza who moved its approval. The motion was seconded by Commissioner O'Rourke and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 7 DAY OF June, 2015

Upon Second Reading this 17 day of June, 2015, the foregoing Ordinance, was offered by Commissioner O'Rourke, who moved its adoption. The motion was seconded by Commissioner Flaherty and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No. 08-2015** duly passed and adopted this 17 day of June, 2015.

TOWN OF LAKE PARK, FLORIDA

BY: James DuBois

Mayor, James DuBois

ATTEST:

Vivian Méndez
Town Clerk, Vivian Méndez
(Town Seal)

Approved as to form and legal sufficiency:

Thomas J. Baird
Town Attorney, Thomas J. Baird

FLORIDA