

ORDINANCE NO. 23-8

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, SUBMITTING TO REFERENDUM PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF COOPER CITY AMENDING ARTICLE III, ENTITLED “LEGISLATIVE;” AND IN PARTICULAR AMENDING SECTION 3.02, ENTITLED “QUALIFICATIONS, ELECTIONS AND TERMS;” AMENDING SECTION 3.10, ENTITLED “VACANCIES, FORFEITURES OF OFFICE, FILLING OF VACANCIES;” AMENDING ARTICLE V, ENTITLED “FINANCIAL PROCEDURES,” AMENDING SECTION 5.02, ENTITLED “SUBMISSION OF BUDGET AND MESSAGE,” AND AMENDING SECTION 5.13, ENTITLED “REQUIREMENTS FOR PUBLIC BIDDING;” PROVIDING FOR CONSISTENCY WITH FLORIDA LAW RELATED TO THE PUBLICATION OF LEGAL NOTICES UNDER SPECIAL CONDITIONS ON A PUBLICLY ACCESSIBLE WEBSITE OWNED OR DESIGNATED BY BROWARD COUNTY; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF COOPER CITY, ON THE NOVEMBER 5, 2024, GENERAL ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE ADVERTISING OF THE REFERENDUM ELECTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, During the 2022 legislative session, the Florida Legislature enacted House Bill 7049, which created Section 50.0311, Florida Statutes; and

WHEREAS, Effective January 1, 2023, Section 50.0311, Florida Statutes, authorizes a local governmental agency to publish legal notices under specified conditions on a publicly accessible

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website, owned or designated by the applicable county, instead of in a print newspaper; and

WHEREAS, after careful deliberation and the consideration of public input, the City Commission seeks to propose an amendment to the Charter to provide clarity that the City may utilize all lawful means to provide certain required notices and advertisements, as permitted by Florida law; and

WHEREAS, the City Commission has held a public hearing in accordance with Florida law; and

WHEREAS, the City Commission deems the proposed amendment to the City Charter, as detailed herein, to be in the best interests of the citizens and residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Article III, entitled "Legislative," shall be revised by amending Section 3.02, entitled "Qualifications, Elections and Terms;" amending Section 3.10, entitled "Vacancies, forfeitures of office, filling of vacancies;" amending Article V, entitled "Financial Procedures," by amending Section 5.02, entitled "Submission Of Budget And Message," and amending Section 5.13, entitled "Requirements For Public Bidding" of the Charter of the City of Cooper City, as set forth in Exhibit "A," attached hereto and incorporated herein.

Section 3. The Ballot Title shall be as follows:

AUTHORIZE PUBLISHING LEGAL NOTICES ON A PUBLICLY ACCESSIBLE

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WEBSITE IN ACCORDANCE WITH FLORIDA LAW

Section 4. At the General Municipal Election on November 5, 2024, the following question shall be placed on the ballot for consideration by the qualified electors of the City of Cooper City, Florida, and shall read as follows:

Shall the Cooper City Charter be amended to authorize the City to publish certain required legal notices on a publicly accessible website, owned or designated by Broward County, as an alternative to publication in a newspaper of general circulation in the City, as permitted by Florida law?

This proposed Charter amendment is estimated to have a net positive impact on the City budget by eliminating the need for certain newspaper publication.

YES

NO

Section 5. **Advertisement.** The City Clerk of the City of Cooper City is hereby authorized and directed to advertise the referendum election contemplated herein all in accordance with the Code of Ordinances of the City of Cooper City, Florida, as well as the State of Florida Election Code.

Section 6. **Codification.** It is the intention of the City Commission of the City of Cooper City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Cooper City, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

Section 7. **Severability.** If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or

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invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 8. Conflicts. All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 9. Effective Date. This Ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED on First Reading this _____ day of _____, 2023.

PASSED AND FINAL ADOPTION on Second Reading this _____ day of _____, 2023.

MAYOR GREG ROSS

ATTEST:

TEDRA ALLEN
City Clerk

ROLL CALL

Mayor Ross _____
Commissioner Green _____
Commissioner Shrouder _____
Commissioner Katzman _____
Commissioner Mallozzi _____

Approved as to Legal Form:

JACOB G. HOROWITZ
City Attorney

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EXHIBIT "A"

CHARTER AMENDMENT

Section 3.02. - Qualifications, elections and terms.

- (1) Qualifications of the commissioners. Any citizen who is a registered elector and whose principal place of residence is within the corporate limits of Cooper City, and who has resided continuously in the city for one (1) year prior to qualifying as a candidate for the office shall be eligible to hold the office of mayor or commissioner. When any member of the commission ceases to possess the foregoing qualifications as specified in this Section or Section 3.01, that member shall immediately forfeit the office, shall be removed from the commission and shall be replaced according to the procedures concerning vacancies found in Section 3.10 of this Article.

The commission shall be the judge of the qualifications of its members and of the grounds for forfeiture of office. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published [on a publicly accessible website authorized by general law or](#) in one or more newspapers of general circulation in the city and posted to the City's website and at City Hall, at least one week in advance of the hearing.

Section 3.10. - Vacancies, forfeitures of office, filling of vacancies.

- (2) Forfeiture of office. A commissioner shall forfeit their office if said person, (a) lacks at any time during a term of office any qualification for the office prescribed by this charter or law; (b) violates any standard of conduct or code of ethics established by law for public officials; (c) is convicted of a felony while in office; (d) fails to attend regular meetings for a consecutive period of three (3) months or is absent from more than six (6) regular meetings within any one (1) year period of time unless such failure to attend or absence is excused upon the basis of illness or other good cause, by majority vote of the full commission; (e) has become incapable of performing the duties of commissioner for a period of more than three (3) months. For the purposes of paragraph (d) above, the city commission shall by ordinance define the term "good cause", as used therein, so that a city commission determination may be made in a fair and impartial manner on the issue of the existence of an excused illness or other good cause.

A member charged with conduct constituting grounds for forfeiture of office as stated above shall be entitled to a public hearing on demand, and notice of such hearing shall be published [on a publicly accessible website authorized by general law or](#) in one (1) or more newspapers of general circulation in the city and posted to the City's website and at City Hall at least one (1) week in advance of the hearing. When a commissioner is found guilty of conduct constituting grounds for forfeiture, the commissioner shall be relieved from office by a majority vote of the full commission.

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Section 5.02. - Submission of budget and message.

(2) Prior to the submittal of the budget to the city commission as described in paragraph (1) above, the city manager shall have at least one (1) open public meetings which shall be properly noticed as described below. Published notice covering each of the such meetings shall appear [on a publicly accessible website authorized by general law or](#) in at least one daily newspaper of general circulation within the city, to be published once at least ten (10) days prior to the meeting dates, along with an additional form of public notice to city residents and businesses to be provided by mail or otherwise, in order to invite public input for recommended funding for projects and programs of public interest. The recommendations resulting from the public input process shall be presented to the city commission for review and consideration. Upon completion of the public input meetings described above, the city manager shall have at least one (1) open public meetings with the city commission for the purpose of reviewing and considering the recommendations resulting from the public input process and enabling the city manager to obtain input from the city commission on recommended funding for projects and programs of public interest.

Section 5.13. - Requirements for public bidding.

All purchases on behalf of the city, including but not limited to supplies, capital equipment, non-capital equipment, rental of space, repairs, improvements, and construction of capital improvements, other than printing of ballots and legal advertising, involving dollar values in excess of \$20,000.00 shall be procured through competitive bidding. Published notice covering each such intended procurement shall appear [on a publicly accessible website authorized by general law or](#) in at least one daily newspaper of general circulation within the city once at least ten (10) days prior to the bid opening date. Each invitation for bid shall contain an acceptance clause granting the city a minimum of thirty (30) days for bid acceptance, during which time the tendered bid shall remain valid. In the event of a declared emergency, the city commission may waive the requirements as to competitive bidding and advertisement. The city commission shall have the option to waive the requirements as to competitive bidding and advertising if purchase can be made from a State or Broward County Contract, or contracts involving any governmental agency within the State of Florida.

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