

ORDINANCE NO. 26-08

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF COOPER CITY AT ARTICLE III, ENTITLED “LEGISLATIVE;” AND IN PARTICULAR AMENDING SECTION 3.10, ENTITLED “VACANCIES, FORFEITURES OF OFFICE, FILLING OF VACANCIES;” PROVIDING FOR THE FILLING OF VACANCIES ON THE CITY COMMISSION BY THE APPOINTMENT OF A QUALIFIED SUCCESSOR BY THE REMAINING MEMBERS OF THE CITY COMMISSION UNTIL THE NEXT REGULAR CITY ELECTION; REPEALING ORDINANCE NO. 26-08, ADOPTED ON MARCH 24, 2026; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF COOPER CITY, ON THE NOVEMBER 3, 2026 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, the City’s Charter Review Board convened pursuant to Section 7.02 of the City Charter and has recommended revisions to Section 3.10 of the City Charter related to the timeframe to conduct special elections to fill vacancies on the City Commission and coordination with the Broward County Supervisor of Elections; and

WHEREAS, the City Commission seeks to avoid the City incurring the cost of a special

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election and provide for the appointment of a qualified successor to fill the vacancy until the next regular City election; 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 of the City Charter, entitled "Legislative," shall be revised by amending Section 3.10, entitled "Vacancies, forfeitures of office, filling of vacancies," 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:

FILLING CITY COMMISSION VACANCIES AT REGULAR CITY ELECTIONS

Section 4. At the General Municipal Election on November 3, 2026, 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:

The Charter currently requires special elections to fill certain vacancies on the City Commission. Shall the Charter be amended to require that, when a vacancy occurs, the remaining commission members shall, by majority vote, appoint a qualified successor to fill such vacancy until the next regular City election in

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November of even-numbered years, thereby avoiding the cost of special elections to fill vacancies?

This proposed Charter amendment will save the cost of special elections.

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. **Repeal.** Ordinance No. 26-08, adopted on March 24, 2026, is hereby repealed in its entirety.

Section 7. **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 8. **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 invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

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Section 9. 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 10. Effective Date. This Ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED on First Reading this _____ day of _____, 2026.

PASSED AND FINAL ADOPTION on Second Reading this __ day of _____, 2026.

JAMES CURRAN
Mayor

ATTEST:

TEDRA ALLEN
City Clerk

ROLL CALL

Mayor Curran _____
Commissioner Shrouder _____
Commissioner Katzman _____
Commissioner Mallozzi _____
Commissioner Smith _____

APPROVED AS TO LEGAL FORM:

JACOB G. HOROWITZ
City Attorney

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EXHIBIT "A"

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

...

(6) Filling of vacancies:

(A) In the event of a vacancy on the City Commission for any reason, the remaining members of the Commission shall, by majority vote, appoint a qualified successor to fill the vacancy. The Commission shall make such appointment within thirty (30) days after the date the vacancy occurs.

~~(A) If there are one hundred eighty (180) days or less remaining in an unexpired term or if there are less than one hundred eighty (180) days before the next regular city election, the commission by a majority vote of the remaining members shall choose a qualified successor to serve until a new commissioner is elected.~~

~~(B) If there are more than one hundred eighty (180) days remaining in an unexpired term and no regular city election is scheduled within one hundred eighty (180) days, the commission shall schedule a special election to be held within sixty (60) days following the occurrence of the vacancy.~~

(B) If, on the date the vacancy occurs, two (2) years or less remain in the unexpired term of the vacated seat, the appointed successor shall serve the remainder of the unexpired term, and no election shall be held to fill the vacancy.

(C) If, on the date the vacancy occurs, more than two (2) years remain in the unexpired term of the vacated seat, the appointed successor shall serve until a successor is qualified and elected at the next regular City election in November of an even-numbered year, as set forth in Sec. 3.02(2) of the City Charter. The successor so elected shall serve only the remainder of the unexpired term of the vacated seat.

~~(C) The person elected to fill the vacancy shall serve in office for the remainder of the designated term of the member of the commission who vacated the seat.~~

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(D) Notwithstanding any quorum requirements established herein, if at any time the membership of the commission is reduced to less than a quorum, the remaining members shall, by a majority vote, appoint additional members under subsection (A) above.~~the remaining members shall by a majority vote, appoint additional members under (A) above, or fill the vacancies as provided in (B) above.~~

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