



## TOWN OF HIGHLAND BEACH

### ORDINANCE NO. 2023-004

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, CALLING FOR A REFERENDUM OF THE QUALIFIED ELECTORS OF THE TOWN OF HIGHLAND BEACH TO BE HELD ON MARCH 19, 2024, AS TO WHETHER THE FUNDING LIMITATION OF \$350,000, SET FORTH IN SECTION 2.01(30) OF THE TOWN OF HIGHLAND BEACH CHARTER, SHALL BE ADJUSTED TO \$900,000 TO ACCOUNT FOR THE PAST 32 YEARS OF INFLATION AND BE ADJUSTED ANNUALLY THEREAFTER ON JUNE 1<sup>ST</sup> (BEGINNING IN 2025) IN ACCORDANCE WITH THE REGIONAL CONSUMER PRICE INDEX (MSA); PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR REFERENDUM CANVASSING; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE.**

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

**WHEREAS**, a Charter for the Town of Highland Beach, Florida (the “Town”) was created and adopted pursuant to the Constitution and applicable laws of the State of Florida; and

**WHEREAS**, pursuant to Section 166.021, Florida Statutes, the Town has the governmental, corporate and proprietary powers to enable it to conduct municipal government; and

**WHEREAS**, pursuant to Section 166.021(4), Florida Statutes, the Town Charter may be amended through the Town’s exercise of its authority, including the amendment of those portions of its Charter which require a referendum, provided that a majority of the electors in a referendum affirmatively vote to amend the Charter; and

**WHEREAS**, Section 166.031, Florida Statutes, authorizes the governing body of a municipality to submit proposed amendments to the Charter of the municipality in the form of an ordinance to the electors of the municipality; and

**WHEREAS**, the funding limitation of \$350,000 set forth in the Town’s Charter at Section 2.01(30) was established in 1992; and

**WHEREAS**, the Town Commission hereby finds that it is in the best interests of the Town and serves the public health, welfare and safety to adjust the funding limitation of \$350,000, set forth in the Town’s Charter at Section 2.01(30), to \$900,000 to account for the past 32 years of inflation and, thereafter, to adjust the limitation annually on June 1<sup>st</sup> (beginning in 2025) in accordance with the Regional Consumer Price Index (Metropolitan Statistical Area (MSA)); and

**WHEREAS**, the Town Commission deems it to be in the best interests of the Town and serving a valid public purpose to conduct a referendum on the question of whether the funding limitation of \$350,000, set forth in Section 2.01(30) of the Charter of the Town of Highland Beach, be adjusted to \$900,000 to account for the past 32 years of inflation and be adjusted annually thereafter on June 1<sup>st</sup> (beginning in 2025) in accordance with the Regional Consumer Price Index (MSA) (the “Referendum”).

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AS FOLLOWS:**

**Section 1. Findings adopted.** The findings of the Commission set forth in the foregoing recitals are hereby adopted as true and correct statements and specifically made a part of this Ordinance.

**Section 2. Referendum declared.** A Referendum is hereby called for and shall be held in the Town on the 19th day of March, 2024, to determine whether or not a majority of the electors voting in the Referendum support the proposed amendment to the Town Charter, as set forth in this Ordinance.

**Section 3. Ballot title.** The ballot title which is the subject of this Referendum, and by which the proposed Charter Amendment is to be commonly referred to or spoken of, shall be captioned as “**Funding Limitation.**”

**Section 4. Conduct of Referendum.** The Town shall determine the polling locations or places in coordination with the Palm Beach County Supervisor of Elections, and all qualified electors of the Town of Highland Beach, Florida who vote in the Referendum shall vote at those designated polling places. The polls shall be opened on the date of the Referendum on the proposed Town of Highland Beach, Florida Charter Amendment from 7:00 a.m. until 7:00 p.m. on the same day. Only the duly qualified electors of the Town of Highland Beach, Florida shall be permitted to vote on this Referendum question.

**Section 5. Notice and advertising of the Referendum.** The Town Clerk shall prepare and give notice of the proposed Charter Amendment by causing appropriate notice to be published in accordance with the provisions of Section 100.342, Florida Statutes, which provides for at least one publication each week during the third and fifth weeks preceding the week in which the Referendum to consider the proposed Charter Amendment is to be held. The publications shall be placed in a newspaper of general circulation within the Town. The Town Clerk shall secure from the publisher of the newspaper, an appropriate affidavit of proof that the statutorily required Referendum notices have been duly published, as herein set forth and these two affidavits shall be part of the record of the Town Commission.

**Section 6. Ballot summary.** The ballot summary of the proposed Charter amendment shall be:

**REFERENDUM QUESTION NO. 2**

**SHALL THE FUNDING LIMITATION OF \$350,000, ESTABLISHED IN 1992 AND SET FORTH IN THE TOWN OF HIGHLAND BEACH CHARTER AT SECTION 2.01(30), BE ADJUSTED TO \$900,000 TO ACCOUNT FOR THE PAST 32 YEARS OF INFLATION AND BE ADJUSTED ANNUALLY THEREAFTER ON JUNE 1ST (BEGINNING IN 2025) IN ACCORDANCE WITH THE REGIONAL CONSUMER PRICE INDEX?**

\_\_\_\_\_ **YES (FOR APPROVAL)**

\_\_\_\_\_ **NO (AGAINST APPROVAL)**

**Section 7. Charter amendment.** In the event that the majority of electors of the Town voting in the Referendum vote affirmatively to adopt the amendments to Article II, Section 2.01(30) of the Town Charter, then said Section shall be amended to read as follows:

**Section 2.01. – Enumeration of Powers**

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(30) *Funding limitation.* Any single project or cumulation of projects, or extension of Town services requiring an allocation of more than ~~\$900,000.00~~~~350,000.00~~ in any given fiscal year shall not be funded until the purposes and amounts of such allocations shall first have been approved by the majority of votes cast in an election of qualified electors residing within the Town. Exceptions to this would be a natural catastrophe defined as a sudden and extraordinary misfortune, unforeseen mischance bringing with it the destruction of life and/or property, as well as litigation settlement. Such election shall only be held between November 1 of a given year through April 1 of the following year. The amount of the funding limitation shall be automatically adjusted annually on June 1st (beginning in 2025) in accordance with the Regional Consumer Price Index (MSA).

**Section 8. Canvassing.** The election returns of the Referendum shall be canvassed in the manner provided by law, and the returns shall be certified to the Town Commission, which shall declare the result thereof. Upon canvassing the returns of the Referendum, the result of the Referendum shall be recorded in the minutes of the Town Commission in the manner prescribed by law.

**Section 9. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 10. Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 11. Codification.** Section 7 of the Ordinance may be made a part of the Town Charter and may be re-numbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section,” “division,” or any other appropriate word.

**Section 12. Effective Date.** This Ordinance shall be effective immediately upon adoption at second reading.

The foregoing Ordinance was moved by Commissioner David, seconded by Commissioner Peters and upon being put to the vote, the vote was as follows:

<b>VOTES:</b>	<b>YES</b>	<b>NO</b>
Mayor Natasha Moore	X	
Vice Mayor David Stern	X	
Commissioner Evalyn David	X	
Commissioner Donald Peters	X	
Commissioner Judith M. Goldberg	X	

PASSED on first reading at the Regular Commission meeting held on this \_\_\_\_ day of \_\_\_\_\_, 2023.

The foregoing Ordinance was moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and upon being put to the vote, the vote was as follows:

<b>VOTES:</b>	<b>YES</b>	<b>NO</b>
Mayor Natasha Moore		
Vice Mayor David Stern		
Commissioner Evalyn David		
Commissioner Donald Peters		
Commissioner Judith M. Goldberg		

PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held on this \_\_\_\_ day of \_\_\_\_\_, 2023.

**ATTEST:**

\_\_\_\_\_  
Natasha Moore, Mayor

**REVIEWED FOR LEGAL  
SUFFICIENCY**

\_\_\_\_\_  
Lanelda Gaskins, MMC  
Town Clerk

\_\_\_\_\_  
Glen Torcivia, Town Attorney  
Town of Highland Beach