



## **TOWN OF HIGHLAND BEACH**

### **ORDINANCE NO. 2023-005**

**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 TOWN OF HIGHLAND BEACH SHALL AMEND ITS CHARTER AT ARTICLE I, SECTION 1.06(7) TO PROVIDE THE TOWN COMMISSION THE DISCRETION TO DESIGNATE, BY RESOLUTION, THE PALM BEACH COUNTY CANVASSING BOARD TO SERVE AS HIGHLAND BEACH'S CANVASSING BOARD DURING UNIFORM MUNICIPAL ELECTIONS; 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 Town Commission hereby finds that it is in the best interests of the Town and serves the public health, welfare and safety to amend its Charter at Article I, Section 1.06(7) to allow the town commission to delegate, by resolution, the Palm Beach County Canvassing Board to serve as Highland Beach's canvassing board during Uniform Municipal Elections; 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 Town's Charter at Article I, Section 1.06(7) should be amended to provide the town commission the

discretion to designate, by resolution, the Palm Beach County Canvassing Board to serve as Highland Beach's canvassing board during Uniform Municipal Elections (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 shown 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 "Option to **Palm Beach County Canvassing Board.**"

**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:

**SHALL THE TOWN OF HIGHLAND BEACH AMEND ITS CHARTER AT ARTICLE I, SECTION 1.06(7) TO PROVIDE THE TOWN COMMISSION THE DISCRETION TO DESIGNATE, BY RESOLUTION, THE PALM BEACH COUNTY CANVASSING BOARD TO SERVE AS HIGHLAND BEACH'S CANVASSING BOARD DURING UNIFORM MUNICIPAL ELECTIONS?**

\_\_\_\_\_ **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 amendment to Article I, Section 1.06(7) of the Town Charter, then said sections shall be amended to read as follows:

**Section 1.06. – Town Commission Created; Election; Terms; Town Clerk; Qualifications of Electors; General Election Law.**

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(7) The town clerk or designee of the clerk along with the supervisor of elections or the designee of that office shall canvass and certify returns of all town elections in the manner provided for in sec. 100.3605, Fla. Stat., as amended from time to time. Additionally, the town commission shall appoint one commission member, which may include the mayor, whose seat is not scheduled to be voted upon, who shall serve as the third member of the canvassing board. If any member of the canvassing board is unwilling or unable to serve, the town commission shall appoint another commission member as a replacement. Two members of the canvassing board shall constitute a quorum. In the alternative, when deemed in the best interest of the town, the town commission may designate the Palm Beach County Canvassing Board to serve as town's canvassing board by resolution. The town commission has the sole discretion to determine whether to retain or designate its canvassing duties for the Uniform Municipal election.

**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 \_\_\_\_\_, seconded by \_\_\_\_\_ and upon being put to the vote, the vote was as follows:

**VOTES:**

**YES NO**

Mayor Natasha Moore  
Vice Mayor David Stern  
Commissioner Evalyn David  
Commissioner Donald Peters  
Commissioner Judith M. Goldberg

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:

**VOTES:**

**YES NO**

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