

ORDINANCE NO. 2024-13

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, CALLING FOR A REFERENDUM OF THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES TO BE HELD ON MARCH 11, 2025 AS TO WHETHER THE TOWN OF LOXAHATCHEE GROVES CHARTER SHALL BE AMENDED IN THE FOLLOWING RESPECT: AMEND PARAGRAPH (5) OF SECTION 7 “ELECTIONS” OF THE CHARTER FOR THE PALM BEACH COUNTY CANVASSING BOARD TO BE THE TOWN CANVASSING BOARD FOR ALL UNIFORM MUNICIPAL ELECTIONS FOR THE TOWN; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR REFERENDUM CANVASSING; AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE.

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

WHEREAS, the Town Council has determined that a provision of the Town Charter should be amended; and

WHEREAS, the Town’s Charter at subparagraph (5) “Town canvassing board” of section 7 “Elections,” provides in pertinent part that “The town canvassing board shall be composed as determined by the Palm Beach County Supervisor of Elections, who is designated as the official Supervisor of each Uniform Municipal Election for the Town...”; and

WHEREAS, the State of Florida Division of Elections has opined that where a city and county election appear on the same ballot, the county canvassing board is the only appropriate canvassing and certifying authority; and

WHEREAS, the Palm Beach County Supervisor of Elections has requested that the Town designate the Palm Beach County Canvassing Board to serve as the Town’s canvassing board during Uniform Municipal Elections, and the Town Council finds that such designation will

provide for more efficient and cost-effective Town elections and will be in the best interest of the Town and its residents; and

WHEREAS, the Town Council has further determined that the Town of Loxahatchee Groves electors should determine whether the Town Charter should be amended as provided in this Ordinance; and

WHEREAS, it is necessary and essential to call and hold a referendum submitting the issue of whether the Town of Loxahatchee Groves Charter shall be amended as provided in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AS FOLLOWS:

Section 1. Findings adopted. The foregoing recitals are hereby fully incorporated herein by reference as true and correct and as the legislative findings of the Town Council.

Section 2. Referendum ordered; charter amendment. That a referendum is hereby ordered to be held in the Town on the 11th day of March 2025, to determine whether or not the Town of Loxahatchee Groves Charter shall be amended at Paragraph (5) of Section 7. – Elections to read as follows:

(5) *Town canvassing board.* The Palm Beach County canvassing board shall be the town canvassing board ~~for all shall be composed as determined by the Palm Beach County Supervisor of Elections, who is designated as the official Supervisor of each Uniform Municipal Elections~~ for the Town. The ~~C~~canvassing ~~B~~board shall canvass ~~the~~ each election consistent with the requirements of Florida law and consistent with and pursuant to any agreement between the Town and the Palm Beach County Supervisor of Elections. The canvassing board shall certify the results of the election upon receipt of the certification from the Supervisor of Elections.

Section 3. Ballot title. The ballot title for this referendum, which the proposed Charter amendment is to be commonly referred to as, shall be “Canvassing Board for Elections”.

Section 4. Ballot summary. The form of the ballot for the Charter amendment provided for herein shall be as follows:

CANVASSING BOARD FOR ELECTIONS

At the request of the Palm Beach County Supervisor of Elections and for more efficient and cost-effective elections, shall the Town of Loxahatchee Groves amend its Charter at Paragraph (5) of Section 7 to provide that the Palm Beach County Canvassing Board shall serve as the Town’s canvassing board during Uniform Municipal Elections?

Shall the above described amendment be adopted?

Yes []

No []

Section 5. Conduct of Referendum. The Palm Beach County Supervisor of Elections shall determine the polling locations for such election, and all qualified electors of the Town of Loxahatchee Groves, Florida, who vote in the referendum shall vote at those designated polling places. The polls shall be opened on the date of the referendum from 7:00 a.m. to 7:00 p.m. on the same day.

Section 6. 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 Council.

Section 7. 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 Council, which shall declare the result thereof. The result of the referendum shall be recorded in the minutes of the Town Council in the manner prescribed by law.

Section 8. 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 9. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 10. Codification. It is the intention of the Town Council of the Town of Loxahatchee Groves that the amendment set forth in Section 2 of this Ordinance shall become and be made part of the Charter of the Town of Loxahatchee Groves, Florida.

Section 11. Effective Date. This Ordinance shall be effective immediately upon adoption at second reading. The amendment of the Charter as set forth in Section 2 of this Ordinance shall be effective upon approval by the electorate of the Town at the election on March 11, 2025.

Councilmember _____ offered the foregoing ordinance. Councilmember _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 3 DAY OF SEPTEMBER, 2024.

Voted:
Mayor Anita Kane, Seat 3

Voted:
Vice Mayor Margaret Herzog, Seat 5

Voted:
Councilmember Phillis Maniglia, Seat 1

Voted:
Councilmember Laura Danowski, Seat 2

Voted:
Councilmember Robert Shorr, Seat 4

Councilmember _____ offered the foregoing ordinance. Councilmember _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 1 DAY OF OCTOBER, 2024.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Town Clerk

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Voted:
Mayor Anita Kane, Seat 3

Voted:
Vice Mayor Margaret Herzog, Seat 5

Voted:
Councilmember Phillis Maniglia, Seat 1

Voted:
Councilmember Laura Danowski, Seat 2

Voted:
Councilmember Robert Shorr, Seat 4