

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2023-13

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE 2024 TOWN OF LOXAHATCHEE GROVES MUNICIPAL ELECTION DATES; CONFIRMING THE COUNCIL MEMBER CANDIDATE QUALIFICATION PERIOD FOR EXPIRED TERMS; AND ADDING A SECOND COUNCIL MEMBER CANDIDATE QUALIFYING PERIOD FOR THE FILLING OF VACANCIES IN THE 2024 MUNICIPAL ELECTION; AND PROVIDING REPEAL OF LAWS IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, effective January 1, 2024, the State of Florida has imposed enhanced financial reporting requirements (i.e., Form 6) on municipal elected officials; and

WHEREAS, as a result of this new legislation, many jurisdictions are experiencing or expecting resignations of municipal elected officials prior to January 1, 2024; and

WHEREAS, the Town of Loxahatchee Groves' Charter provides that vacancies in the Town Council are to be filled at the next regularly scheduled Town election if the remainder of the unexpired term is equal to or exceeds one (1) year and eighty-one (81) days; and

WHEREAS, the Town of Loxahatchee Groves' Charter provides that regular Town elections are to be held on the second Tuesday in March of each election year and any required runoff elections will be held on the fourth Tuesday in March; and

WHEREAS, Section 2-20 of the Town of Loxahatchee Groves' Code of Ordinances provides for the qualifying period for the March elections shall be from noon on the second Tuesday in November to noon on the third Tuesday in November immediately preceding the election; and

WHEREAS, the Palm Beach County Supervisor of Elections has scheduled the 2024 municipal elections for March 19, 2024, to coincide with the Presidential primary election; and

WHEREAS, the Palm Beach County Supervisor of Elections has notified the Town of the deadline for ballot modifications for the March 2024 municipal elections for the filling of vacancies in Town Council Seats with unexpired terms created before January 1, 2024; and

WHEREAS, Section 101.75 Florida Statutes, provides that the governing body of a municipality may, by ordinance, move the date of a municipal election to a date concurrent with any statewide or countywide election; and

WHEREAS, Section, 101.75 Florida Statutes, further provides that the dates for qualifying for the election moved by passage of such ordinance shall be specifically provided for in the ordinance; and

WHEREAS, Section 100.3605, Florida Statutes, provides that the governing body of a municipality may, by ordinance, change the dates for qualifying; and

WHEREAS, the Town Council of the Town of Loxahatchee Groves has determined, out of an abundance of caution, it is in the best interest of the Town of Loxahatchee Groves to move the Town's municipal election date for 2024 to a date concurrent with the presidential primary election date and to establish a second qualifying period for the March 2024 municipal election to allow for the filling of vacancies that may be created due to late resignations because of Form 6.

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

Section 1. The foregoing facts and recitations contained in the preamble to this Ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2. The Town of Loxahatchee Groves hereby modifies its 2024 Municipal Election schedule as follows:

- a. The Town of Loxahatchee Groves' Municipal Election will be held on Tuesday, March 19, 2024.
- b. Runoff elections, if required, will be held on Tuesday, April 2, 2024;
- c. The qualifying period for candidates set forth in Section 2-20 of the Town's Code of Ordinances will not change for Seats 1 and 3, which will be elected to start a new Term; and
- d. The qualifying period for candidates to fill any vacancies in Town Council for Seats 2, 4, and 5, which will be elected to complete an unexpired Term, will be from noon on Tuesday, January 2, 2024, to noon on Tuesday, January 9, 2024. Notice of such vacancies and the second qualifying period shall be posted at Town Hall and on the Town's, website as soon as is possible after receipt of any applicable resignations. The names of all candidates shall be received by the supervisor of elections of the county no later than 3:00 p.m. on January 12, 2024.

Section 3. **Charter.** Nothing contained herein is intended to create a permanent change to the Town's Charter. Following the March 19, 2024, election, and any subsequent runoff, Loxahatchee Groves' municipal elections shall thereafter comply with its Charter.

Section 4. **Repeal of Laws in Conflict.** Should any section, paragraph, sentence, clause, or phrase of this Ordinance conflict with any section, paragraph, clause or phrase of any prior Loxahatchee Groves' Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

Section 5. **Severability.** Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.

Section 6. **Codification.** This Ordinance shall NOT be codified.

Section 7. **Effective Date.** This Ordinance shall become effective immediately upon adoption at second reading.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON FIRST READING, THIS _____ DAY OF _____, 2023.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
LAURA DANOWSKI, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS _____ DAY OF _____, 2023.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
LAURA DANOWSKI, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Q. Burch, Town Clerk

Mayor Laura Danowski

Vice Mayor Robert Shorr

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Councilmember Margaret Herzog

Councilmember Phillis Maniglia

Councilmember Marianne Miles