

ORDINANCE NO. 2023 - 02

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CITY CHARTER; AMENDING SECTION 4.02, ENTITLED, "QUALIFYING" TO ESTABLISH A REQUIREMENT THAT ALL CANDIDATES FOR MAYOR AND CITY COMMISSIONER SHALL RESIDE WITHIN THE CITY LIMITS OF THE CITY OF PAHOKEE FOR AT LEAST ONE YEAR PRIOR TO QUALIFYING; ESTABLISHING REQUIREMENTS FOR THE PRESENTATION OF CERTAIN OFFICIAL DOCUMENTS AS PROOF OF RESIDENCY; ESTABLISHING REQUIREMENTS FOR REASONABLE TRAINING STANDARDS PRIOR TO THE QUALIFYING; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Charter of the City of Pahokee requires the establishment of a Charter Review Board once every five years; and

WHEREAS, the City Commission of the City of Pahokee ("City Commission") appointed five (5) members to the Charter Review Board pursuant to Article V, Section 5.01 of the City of Pahokee's Charter; and

WHEREAS, the Charter Review Board has fulfilled its responsibilities by making certain recommendations to the City Commission on certain alterations, revisions, and amendments to the City Charter; and

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166 of Florida Statutes, the City of Pahokee ("City") has been granted a broad exercise of home rule powers granted by the constitution which includes the power and authority to enact regulations for valid governmental purposes that are not prohibited by general or special law; and

WHEREAS, the City Commission desires to amend Section 4.02 of the City of Pahokee's Charter entitled, "Qualifying" to establish a requirement that all candidates for Mayor and City Commissioner shall reside within the City limits of the City of Pahokee for at least one year prior to qualifying; and

WHEREAS, the City Commission also desires to amend Section 4.02 of the City of Pahokee's Charter to establish minimum requirements for presentation of certain official documents as proof of residency prior to qualifying for elected office within the City of Pahokee to include a Florida Driver's License or a Florida Identification Card (ID Card); any utility bill showing the address of residency and a voter's registration card showing Plaintiff's address. The same addresses shall be shown on all official documents in order to verify proof of residency; and

WHEREAS, the City Commission further desires to amend Section 4.02 of the City of Pahokee's Charter to establish reasonable training standards prior to qualifying pursuant to guidelines established by City Ordinance; and

WHEREAS, the City Commission is also desirous of codifying an amendment to the City Charter consistent with the recommendation of the Charter Review Board and as otherwise set forth in this Ordinance; and

WHEREAS, the City Commission has publicly reviewed, considered and directed that this Ordinance be prepared and that the appropriate Charter Referendum questions be included herein and submitted to the qualified electors of the City of Pahokee, Florida, at the next General Election.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF
THE CITY OF PAHOKEE, FLORIDA, AS FOLLOWS:**

Section 1. Adoption of Representations.

The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Ordinance.

Section 2. Submission of Proposed Charter Language.

Attached hereto and incorporated herein as Exhibit "A", is a proposed amended section of the charter of the City of Pahokee. The amended charter is done in strike through/underscore format. All language shown as being struck through is language of the existing City of Pahokee charter which will be deleted from the current charter if the

amendment is approved. All language shown as underscored in the proposed charter is language which will be added to the charter if the amendment is approved.

Section 3. Approval of the Ballot Statement.

The following statement is hereby approved as the explanatory statement to be placed upon the ballot as required by Section 101.161, Florida Statutes:

Shall Section 4.02 of the City of Pahokee’s Charter be amended to require that all candidates for Mayor and City Commissioner reside within the City limits of the City of Pahokee for at least one (1) year prior to qualifying; shall the City require the presentation of certain official documents as proof of residency and shall the City establish reasonable training standards prior to qualifying?

Section 4. Ballot Title.

The following is hereby approved as the ballot title as required by Section 101.161, Florida Statutes:

Amending Charter Section 4.02 requiring one year residency, proof, and reasonable training standards before qualifying.

Section 5. Ballot Summary.

Shall Section 4.02 of the City of Pahokee’s Charter be amended to require that all candidates for Mayor and City Commissioner reside within the City limits of the City of Pahokee for at least one (1) year prior to qualifying; require the presentation of certain official documents as proof of residency and establish reasonable training standards prior to qualifying?

YES, for Approval _____

NO, for Rejection _____

Section 6. Submission to Qualified Electors.

The proposed amendment to the Charter of the City of Pahokee (hereafter City Charter) set forth herein shall be submitted to the vote of the qualified electors of the City for approval at a referendum to be held at the City of Pahokee’s next General Election.

Section 7. Coordination.

The City Administrator and City Clerk are hereby authorized to coordinate with the office of the Supervisor of Elections in order to do those things necessary to have this proposal placed on the ballot for the City of Pahokee election scheduled for the next General Election following passage of this Ordinance.

Section 8. Proposed Amendments.

The proposed amendments to the City Charter which have been recommended to the City Commission by the Charter Review Board is set forth in Exhibit “A,” attached hereto and by this reference made a part hereof. (Proposed new text is shown in underline and proposed deleted text shown in strike through.)

Section 9. Conflict & Repealer.

All ordinances, parts of ordinances or code provisions in conflict herewith ordinance are hereby repealed.

Section 10. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of the Code or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 11. Inclusion in Code.

It is the intention of the City Commission of the City of Pahokee that the provisions of this Ordinance shall at some time in the future become and be made a part of the Code of Ordinances of the City of Pahokee and that the sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

Section 12. Effective Date.

This Ordinance shall take effect immediately upon final passage and adoption and as required by Florida law and applicable provisions of the City's Charter and Code of Ordinances. Typographical errors which do not affect the intent may be authorized by the City Attorney or designee, without need of public hearing by filing a corrected copy of the same with the City Clerk.

PASSED FIRST READING this ___ day of _____ 2023.

PASSED SECOND READING this ___ day of _____ 2023.

EXHIBIT "A"

Section 4.02. - Qualifying.

Candidates for the city commission shall qualify by filing a written notice of candidacy with the city clerk at such time and in such manner as may be prescribed by ordinance.

To be eligible to hold the office of Mayor and City Commissioner of the City of Pahokee, or to qualify for nomination or election as such, the candidate shall have resided in the city limits of the City of Pahokee for a minimum of one (1) year immediately preceding the date of qualifying and shall continuously reside in the City of Pahokee; shall present certain official documents as proof of residency to include, at a minimum, a Florida Driver's License or a Florida Identification Card (ID Card); any utility bill showing the address of residency and a voter's registration card. The same addresses shall be shown on all three (3) official documents and serve as verification of proof of residency. Candidates for nomination or election shall comply with reasonable training standards prior to qualification as established by City Ordinance.