

ORDINANCE NO. 504

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, ADOPTED IN ACCORDANCE WITH SECTIONS 101.161 AND 166.031, FLORIDA STATUTES, CALLING FOR A REFERENDUM TO BE HELD ON MARCH 8, 2022, PROPOSING TO THE ELECTORATE OF THE TOWN THAT THE TOWN CHARTER BE AMENDED AT SECTION 4.03 BY AMENDING THE CHARTER TO IMPOSE A ONE YEAR RESIDENCY REQUIREMENT PRIOR TO THE FIRST DAY OF QUALIFYING AND AUTHORIZING THE TOWN COUNCIL TO ESTABLISH BY ORDINANCE CRITERIA TO SHOW A CANDIDATE'S RESIDENCY IN THE TOWN; PROVIDING THAT THE REMAINDER OF THE CHARTER, AS MAY BE AMENDED BY THE ELECTORATE, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING FOR THE SUBMISSION OF THE PROPOSED BALLOT QUESTION TO THE ELECTORS OF THE TOWN; SETTING FORTH THE FORM OF THE QUESTION TO BE VOTED UPON AT SUCH ELECTION; PROVIDING AN EFFECTIVE DATE FOR THE CHARTER AMENDMENTS SHOULD THE AMENDMENTS BE APPROVED BY THE ELECTORS AT THE MARCH 8, 2022, REFERENDUM; PROVIDING A CONFLICTS CLAUSE, SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND FOR OTHER PURPOSES.

WHEREAS, the Town Council appointed a Charter Review Committee to review the Charter of the Town of Haverhill and make recommendations as to any changes; and

WHEREAS, the Charter Review Committee finalized the revisions to the Town Charter, and has submitted its suggested amendments to the Charter to the Town Council for its review; and

WHEREAS, the Town Council has reviewed and considered the revisions to the Town Charter as recommended by the Charter Review Committee; and

WHEREAS, the Town Council has concluded that the Committee's recommendation to establish a one year residency requirement in the Town prior to the first day of qualifying for candidates for the office of Town Council and authorizing the Town Council by ordinance to develop criteria for confirming a candidate meets the residency requirement, and calling for a referendum election in accordance with Section 166.031, Florida Statutes, for the electorate of the Town of Haverhill, Florida to consider such amendment to the Charter, is in the best interests of the Town of Haverhill; and

WHEREAS, the proposed amendments to the Town Charter are required to be submitted to the electors of the Town of Haverhill for their consideration and approval before becoming effective; and

WHEREAS, the general election is scheduled for Tuesday, March 8, 2022, and the Town Council has determined to use said election date to conduct a referendum on the Charter amendment as required by law; and

WHEREAS, this Ordinance is promulgated pursuant to the Constitution of the State of Florida and Chapter 166, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct and represent the legislative findings of the Town Council of the Town of Haverhill.

SECTION 2. Amendments. Section 4.03 of the Charter of the Town of Haverhill, Florida, is hereby amended as set forth below, subject to the approval of the electors of the referendum held for such purposes:

Sec. 4.03. - Qualifying.

Candidates for the office of the town council shall qualify by filing a written notice of candidacy with the town clerk no sooner than noon on the first Tuesday in December and no later than noon on the third Tuesday in December in the year preceding the calendar year in which the election is to be held. Candidates for the office of the town council, who are seeking election as a councilmember in a general or special election, shall qualify by filing a written notice of candidacy with the town in the manner and time period prescribed by ordinance or resolution of the town council, and pay such filing fee as may be required. All notices of candidacy for the office of town council shall specifically indicate the council seat number for which a candidate is seeking to qualify to run, and all candidates shall take and subscribe to an oath or affirmation in writing, under penalty of law, including Section 104.011, Fla. Stat., which shall confirm that he or she is a qualified elector and qualified to hold office in the town, that he or she meets the residency requirements set forth below, and such other affirmations as may be required by law. No town council candidate may qualify for more than one council seat. Candidates for the office of Town Council shall have continuously resided, and made their place of domicile, within the municipal limits of the Town of Haverhill, in a place which is a fixed and permanent dwelling structure, during the one (1) year period prior to the first day of qualifying. The Town Council, by ordinance, may provide for evidence and criteria reasonably

acceptable to establish a candidate's legal residency within the Town. Such evidence shall include, without limitation, the address on a candidate's driver's license and voter's registration, and the deed or written lease agreement of the candidate's town residence.

SECTION 3. Referendum. The Town Council calls for the holding of a referendum of the electors of the Town of Haverhill on Tuesday, March 8, 2022, to consider and vote for or against the proposed Town Charter revisions as set forth above in Section 2 of this Ordinance. The Palm Beach County Supervisor of Elections is hereby appointed as the election officer for the referendum to be held March 8, 2022, and the Town shall bear any and all costs of said ballot, and the costs, if any, associated with the preparation for, conducting of, and certifying the results of the referendum on the proposed Town Charter revisions.

SECTION 4. Publication of Notice. The Town Administrator shall cause to be published the notices of the referendum as required by Florida Law.

SECTION 5. Ballot titles and Summaries. The ballot title and summary to appear on the ballot of the referendum on the proposed Town Charter, shall appear in substantially the following form, or such other form as may be mandated or recommended by the Supervisor of Elections, Palm Beach County, Florida, and as required by law. The ballot language shall offer a choice in the following order and manner, or using such other language as may be required or suggested by the Supervisor of Elections, Palm Beach County, and approved by the Mayor or Town Administrator:

TOWN OF HAVERHILL REFERENDUM QUESTION NO. 2

**SHALL THE TOWN OF HAVERHILL AMEND ITS
CHARTER TO REQUIRE ALL CANDIDATES FOR
COUNCIL TO BE RESIDENTS OF THE TOWN AT LEAST
ONE YEAR PRIOR TO THE FIRST DATE OF QUALIFYING
IN ORDER TO QUALIFY TO RUN FOR OFFICE?**

YES _____ For adopting the amendment to the Town Charter
NO _____ Against adopting the amendment to the Town Charter

SECTION 6. Charter Amendment. In the event the foregoing Charter Amendment Ballot Question is approved by a majority of electors voting on the revisions, the Charter Amendment set forth in Section 2 of this Ordinance shall be deemed approved. In the event of adoption by the electors as provided herein, the Town Administrator shall forthwith incorporate the amendment into the Town Charter by preparing a true copy thereof as amended, and shall file the revised

Charter with the Florida Department of State, and such other governmental agencies as may be required by law, and the Charter as amended shall be codified.

SECTION 7. Ratification. Each and every other Article, Section and Subsection of the Town Charter not amended hereby shall remain in full force and effect as previously enacted.

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

SECTION 9. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 10. Modification. Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "Section", "Article", or any other appropriate word. In addition, typographical and/or scriveners' errors, which do not affect the intent of this Ordinance, may be corrected by the Town Administrator, or his or her designee, without the necessity of public hearing, or Town Council approval, by filing the corrected or re-codified copy of the same with the Town Clerk.

SECTION 11. Effective Date. This Ordinance shall be effective immediately upon adoption on the second reading hereof by the Town Council. The amended Charter, as set forth Section 2 above, shall become effective as of 12:01 a.m. on March 9, 2022, if the question to be voted upon provided hereinabove receives an affirmative vote of the majority of the legal votes cast at the referendum held on March 8, 2022. The Mayor or Town Administrator, or their designees, are hereby authorized and directed to do all things necessary to effectuate this Ordinance and conduct the referendum.

Section 10. This Ordinance shall be forwarded to the Supervisor of Elections for Palm Beach County, Florida, upon passage and adoption.

PASSED AND APPROVED ON FIRST READING this 28th day of October, 2021.

THE SECOND AND FINAL READING was held this 18th day of November, 2021. Council member Caranci offered the foregoing Ordinance and moved its adoption. The Motion was seconded by Council member Morlan, and upon being put to a vote, the vote was as follows:

JAY G. FOY, Mayor

LAWRENCE GORDON, Vice Mayor

DENNIS WITHINGTON, Council Member

RAYMOND CARANCI, Council Member

DR. TERESA JOHNSON, Council Member

Aye
Aye
Aye
Aye
Aye

The Mayor thereupon declared this Ordinance approved and duly adopted by the Town Council of the Town of Haverhill, Florida.

Attest:

TOWN OF HAVERHILL, FLORIDA


Janice C. Rutan, Town Admin.


Jay G. Foy, Mayor