




MEMORANDUM

TO: Mayor and City Council Members

FROM: Diana Grub Frieser
City Attorney 

DATE: November 22, 2022

SUBJECT: Proposed Ordinance No. 5637 (Charter amendment)

At the request of Mayor Scott Singer, attached please find Ordinance No. 5637, which proposes to amend the City Charter to change the Mayor and City Council Members' terms of office from three years to four years. If proposed Ordinance No. 5637 is adopted by the City Council, it would be submitted to the electors of the City at the regular election on March 14, 2023 and would become effective upon a favorable vote of a majority of the electors of the City.

If the Charter amendment is adopted by the electors, the terms beginning March 2023 (Mayor Singer, Council Member-elect Francine Nachlas in seat A, and the Council Member to be elected to seat B) would expire March 2027, and, for transition purposes, the terms expiring March 2024 (Council Member Drucker in seat C and Council Member Mayotte in seat D) would be extended by one year and would expire March 2025. The amendment would not change the current two-term limit.

Please feel free to contact me if you have any questions.

Attachment

cc: Leif J. Ahnell, C.P.A., C.G.F.O., City Manager
George Brown, Deputy City Manager
Andrew Lukasik, Deputy City Manager
Chrissy Gibson, Assistant City Manager

City of Boca Raton



Incorporated 1925

ORDINANCE

5637

1
2 AN ORDINANCE OF THE CITY OF BOCA RATON
3 PROPOSING AN AMENDMENT TO THE CITY CHARTER
4 CHANGING THE TERMS OF OFFICE OF THE MAYOR AND
5 CITY COUNCIL MEMBERS FROM THREE (3) YEARS TO
6 FOUR (4) YEARS; EXTENDING THE TERMS OF THOSE
7 COUNCIL MEMBERS WHOSE TERMS ARE DUE TO
8 EXPIRE MARCH 2024 BY ONE ADDITIONAL YEAR;
9 PROVIDING FOR SUBMISSION OF THE PROPOSED CITY
10 CHARTER AMENDMENT TO THE ELECTORS OF THE
11 CITY AT THE REGULAR ELECTION ON MARCH 14, 2023;
12 PROVIDING FOR SEVERABILITY; PROVIDING FOR
13 REPEALER; PROVIDING FOR CODIFICATION; PROVIDING
14 AN EFFECTIVE DATE

15
16 WHEREAS, the governing body of a municipality may, by ordinance, submit a proposed
17 amendment to its charter to the electors of the municipality; and

18 WHEREAS, the City Council of the City of Boca Raton deems it advisable to amend the
19 City Charter to provide: (i) that the terms of office of the mayor and other city council members

1 be changed from three (3) years to four (4) years; and (ii) that, to implement such amendment,
2 (a) the terms of office of the mayor and of the two council members (council member seats A
3 and B), whose terms begin on the last day of March 2023, shall expire March 2027, and (b) the
4 terms of office of the two council members whose terms are due to expire March 2024 (council
5 member seats C and D) shall be extended by one additional year and shall expire March 2025;
6 now therefore

7
8 THE CITY OF BOCA RATON HEREBY ORDAINS:
9

10 Section 1. Sections 3.03 and 5.05 of the Charter of the City of Boca Raton are hereby
11 amended as follows:

12 Section 3.03. Elections, terms and term limitations.

13 The mayor and other city council members shall be elected for ~~three-year~~ four-year
14 terms at the regular city election in the manner provided in Article V of this Charter. The terms
15 of council members shall begin on the last day of March. No person who has been elected to
16 the office of mayor or to the office of council member for two consecutive terms shall be
17 eligible to qualify for election, or be elected, to that office for the succeeding term; ~~provided,~~
18 ~~however, for transition purposes, council members serving on the city council on March 31,~~
19 ~~2005 shall be eligible to qualify for election, and be elected, to that office for a maximum of~~
20 ~~three consecutive terms (including consecutive terms immediately prior to March 14, 2006).~~
21 The office of mayor and the office of council member shall be considered separate offices for
22 the purpose of consecutive term limits set forth in this section. ~~For~~ (The terms of office
23 beginning on the last day of March 2023 [mayor and council member seats A and B], shall be
24 four years, and, for transition purposes, ~~the three current~~ council members, ~~including the~~
25 ~~mayor,~~ elected at the regular election in March ~~2005~~ 2021 [council member seats C and D]
26 shall have their current terms of office extended by one additional year and ~~such terms~~ shall

1 new expire on March 30, 2008 2025.) In the event a vacancy is filled in the office of mayor or
2 council member, by appointment or election as provided in this Charter, the partial term shall
3 not be considered a term for purposes of term limits as specified herein.

4 * * *

5 Section 5.05. Elections

6 (a) Regular elections. The regular election shall be held on the second Tuesday of
7 March of each year in which a term of the mayor or city council member expires (which shall
8 be ~~2006~~ 2025, and every ~~three~~ four (4) years thereafter, for council member seats C and D,
9 and ~~2008~~ 2023, and every ~~three~~ four (4) years thereafter, for the mayor and council member
10 seats A and B).

11 * * *

12 (c) Council Member Seats. Candidates for the office of Council Member shall qualify
13 for election to a specific Council Member seat designated A, B, C or D. No candidates for the
14 office of Council Member shall be permitted to qualify for more than one (1) seat. Candidates
15 for the office of Council Member shall be elected to seats A and B at the regular election in
16 ~~2005~~ 2023, to seats C and D at the regular election in ~~2006~~ 2025, and thereafter as provided
17 in subsection 5.05(a) above. When more than one candidate qualifies for a seat for the office
18 of City Council Member, the order of the candidates on the ballot for such seat shall be in the
19 order chosen by lot. The candidate for each seat receiving the greatest number of votes from
20 the electors voting for that seat shall be declared elected without a runoff election.

21 * * *

22 Section 2. The City Charter amendment proposed by this ordinance shall be submitted
23 to the electors of the City of Boca Raton at the regular election of March 14, 2023, and shall be
24 deemed adopted upon the favorable vote of a majority of the City electors voting at that time
25 upon the following question:

1 Referendum Question No. _____

2 Charter Amendment – Length of Terms

3 The Mayor and City Council Members are elected for three-year
4 terms. The proposed Charter amendment would change the term
5 of office from three years to four years. If adopted, the terms
6 beginning March 2023 would expire March 2027, and, for
7 transition purposes, the terms expiring March 2024 would be
8 extended by one year and would expire March 2025. The
9 amendment would not change the current two-term limit.

10
11 Shall the Charter amendment be adopted?

12 Yes ____

13 No ____

14
15 Section 3. In the event of adoption by the electorate as provided herein, the City
16 Clerk shall forthwith incorporate the amendment into the City Charter by preparing a true copy
17 of Section 3.03 and 5.05, and shall file the revised articles by mail with the Florida Department
18 of State.

19 Section 4. The City Clerk shall cause this ordinance to be published once in the fifth
20 week and once in the third week immediately prior to the regular election on March 14, 2023.

21 Section 5. If any section, subsection, clause or provision of this ordinance is held
22 invalid, the remainder shall not be affected by such invalidity.

23 Section 6. All Charter provisions or parts of Charter provisions, ordinances, and
24 Resolutions, or parts of ordinances and resolutions, in conflict herewith shall be and hereby are
25 repealed.

