

ORDINANCE NO. 43-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR CHARTER REVISIONS BY AMENDING SECTION 3.10, "SALARIES AND EXPENSES"; TO PROVIDE FOR A CHANGE IN THE EFFECTIVE DATE FOR INCREASES TO MAYOR AND COMMISSIONER SALARIES; PROVIDING FOR A REFERENDUM ON MARCH 17, 2020; PROVIDING A GENERAL REPEALER CLAUSE; PROVIDING A SAVING CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Charter requires that an increase to the annual salaries of the Mayor and Commissioners be adopted by ordinance at least six months prior to the next regular City election; and

WHEREAS, the City Commission believes that a change in the City Charter is necessary in order to amend the effective date of ordinances increasing the salaries of the Mayor or Commissioners;

WHEREAS, this Ordinance proposes to change the effective date of increases in Mayor or Commissioner salaries to the organizational meeting of the City Commission held annually on or after the last Thursday in March rather than the next regular City election; and

WHEREAS, the City Commission has decided to put the Question set forth in this Ordinance to a vote of the electorate.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA:

Section 1. That Section 3.10, "Salaries and Expenses", of the City Charter of the City of Delray Beach is hereby amended to read as follows:

Section 3.10. – SALARIES AND EXPENSES.

- (A) *Salaries.* The Commission may determine the annual salaries of the Mayor and individual Commissioners by ordinance. No ordinance increasing the Mayor or Commissioner salaries shall become effective until the ~~assumption of office of the Commissioners or Mayor elected at the next regular City election, provided that election follows~~ organizational meeting held each year on or after the last Thursday in March following adoption of the ordinance ~~by at least six (6) months.~~

- (B) *Actual Expenses.* Commissioners, including the Mayor, shall receive their actual and necessary expenses incurred in the performance of their duties, as provided by law.

Section 2. The Charter amendment proposed by this ordinance shall be submitted to the electors of the City of Delray Beach at the regular election of March 17, 2020 and shall be deemed adopted upon the favorable vote of a majority of the City electors voting at that time upon the following question:

QUESTION NO. _____

CHARTER AMENDMENT – COMMISSIONER/MAYOR SALARIES

CURRENTLY, ANY ORDINANCE PROPOSING TO INCREASE THE ANNUAL SALARIES OF THE MAYOR AND COMMISSIONERS IS NOT EFFECTIVE UNLESS ADOPTED AT LEAST SIX (6) MONTHS PRIOR TO THE NEXT REGULAR CITY ELECTION. THE CHARTER AMENDMENT ELIMINATES THE SIX (6) MONTH REQUIREMENT AND PROPOSES THAT MAYOR AND COMMISSIONER SALARY INCREASES BECOME EFFECTIVE AT THE NEXT ORGANIZATIONAL MEETING HELD ON OR AFTER THE LAST THURSDAY IN MARCH.

SHALL THE CHARTER AMENDMENT BE ADOPTED?

YES (FOR APPROVAL) _____

NO (AGAINST APPROVAL) _____

Section 3. That upon the approval of this ordinance by the electors as set forth above, all ordinances or parts of ordinances or Charter provisions or parts of Charter provisions in conflict herewith shall be and the same are hereby repealed as of the effective date of this ordinance.

Section 4. That if any clause, section or other part of this ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby but shall remain in full force and effect.

Section 5. That this ordinance shall become effective upon passage on second and final reading and in accordance with Section 2 herein.

PASSED AND ADOPTED in regular session on second and final reading on this the _____ day of _____, 2019.

ATTEST:

MAYOR

City Clerk

First Reading_____

Second Reading_____