

ORDINANCE NO. 2020-15

AN ORDINANCE OF THE VILLAGE OF WELLINGTON,
FLORIDA, AMENDING CHAPTER 2, ARTICLE IV (CODE
ENFORCEMENT), SECTION 2-203 (SPECIAL
MAGISTRATE) OF WELLINGTON'S CODE OF
ORDINANCES TO CORRECT A SCRIVENER'S ERROR IN
THE DATES OF THE INITIAL STAGGERED TERMS TO BE
SERVED BY THE REAPPOINTED SPECIAL
MAGISTRATES; PROVIDING FOR CONFLICT;
PROVIDING FOR CODIFICATION; PROVIDING FOR
SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council may appoint special magistrates to hear and decide cases involving code violations pursuant to Chapter 162, Florida Statutes, and Chapter 2, Article IV of Wellington's Code of Ordinances; and

WHEREAS, the Village Council adopted Ordinance No. 2020-08 to clarify the definition of “special magistrate”, eliminate the previously adopted term limits for special magistrates, and clarify the qualifications and appointment process for special magistrates; and

WHEREAS, Ordinance No. 2020-08 contains a scrivener's error with respect to the commencement of the initial staggered terms to be served by the special magistrates reappointed pursuant to Section 2-203 of the Code of Ordinances; and

WHEREAS, the Village Council now seeks to correct the scrivener's error to clarify that the initial staggered terms of the reappointed special magistrates began on June 1, 2020 upon the expiration of their prior terms.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE
VILLAGE OF WELLINGTON, FLORIDA:**

SECTION 1: Section 2-203 of the Code of Ordinances of Wellington, Florida is hereby amended to read as follows:

Sec. 2-203. – Special Magistrate.

(a) One or more persons may be appointed as Special Magistrate by the Village Council in accordance with the selection process enumerated in subsection (b)(2). A Special Magistrate shall serve a two-year term and may be reappointed for an additional two-year term every two years thereafter unless the Special Magistrate elects not to continue to serve or he or she is removed by the Village Council. The compensation for special magistrate services may be authorized as specified in the appointing resolution. A special magistrate may be suspended or removed at any time with or without cause by Wellington's Council.

1 (b) Approximately 120 days prior to the expiration of a Special Magistrate's two-year
2 term, Village staff shall contact the Special Magistrate to ascertain if the Special
3 Magistrate wishes to continue to serve and notify the Village Council of the Special
4 Magistrate's response. The Council may make recommendations for the Special
5 Magistrate's continued service or removal.

6 (1) If the Special Magistrate wishes to continue to serve and is not removed by
7 the Village Council, the Special Magistrate shall commence a new two-year
8 term upon the expiration of his or her prior term.

9 (2) If a Special Magistrate elects not to continue to serve or is removed by the
10 Village Council, a Request for Letters of Interest (LOI) shall be advertised
11 for the position.

12 (i) The Request for LOI shall give prospective applicants thirty (30)
13 days from the initial date of publication to submit their LOI to the
14 Village.

15 (ii) The Request for LOI must include the following criteria:

- 16 1. The candidate has been admitted to the Florida Bar for a
17 minimum period of five years and is a member in good
18 standing;
- 19 2. The candidate is willing to serve on a specific rotational
20 schedule; and
- 21 3. The candidate is willing to accept a specific level of
22 compensation.

23 (iii) The Request for LOI may include one or more of the following
24 criteria:

- 25 1. The candidate has experience as a municipal attorney;
- 26 2. The candidate has experience interpreting and applying
27 municipal codes.

28 (iv) Upon the conclusion of the thirty (30) days set forth in subsection
29 (b)(2)(i), a selection committee shall be formed to review the
30 candidate submissions and rank the applications consistent with
31 the policies outlined in the Purchasing and Procurement Manual.
32 The selection committee shall submit the five (5) highest ranked
33 candidates to the Village Council for final selection. Neither the
34 Village Manager, the Village Attorney, the Code Compliance
35 Manager, nor the Code Compliance staff may serve on a selection
36 committee.

37 (c) To the extent possible, special magistrates shall serve staggered terms.
38 Accordingly, the Village Council shall appoint one Special Magistrate to serve an
39 initial three-year term beginning June 1, 2020 and ending May 31, 2023 and at
40 least one Special Magistrate to serve a two-year term beginning June 1, 2020 and
41 ending May 31, 2022. Any additional terms shall be limited to two years as
42 described herein.

43 (d) The Village Council shall make every effort to promptly and expeditiously fill any
44 special magistrate vacancy. To the extent a vacancy cannot be filled prior to the
45 expiration of a Special Magistrate's term, such term shall be extended until the
46 position is filled in accordance with this section.

SECTION 2. Should any section, paragraph, sentence, clause, or phrase of this Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 3: 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 as a whole or any portion or part thereof, other than the part so declared to be invalid.

SECTION 4: This Ordinance shall become effective immediately upon adoption of the Wellington Council following second reading.

PASSED this 13TH day of October, 2020 upon first reading.

PASSED AND ADOPTED this _____ day of _____, 20____ on second and final reading.

WELLINGTON

BY:	FOR	AGAINST
Anne Gerwig, Mayor		
Tanya Siskind, Vice Mayor		
Michael Drahos, Councilman		
John McGovern, Councilman		
Michael J. Napoleone, Councilman		

ATTEST:

BY: _____
Chevelle D. Addie Village Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____