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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~~ July 1, 2020 and ending ~~June 30~~ May 31,
40 2023 and at least one Special Magistrate to serve a two-year term beginning
41 ~~July~~ June 1, 2020 and ending ~~June 30~~ May 31, 2022. Any additional terms shall
42 be limited to two years as 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.

1
2 **SECTION 2.** Should any section, paragraph, sentence, clause, or phrase of this
3 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
4 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of
5 this Ordinance shall prevail to the extent of such conflict.
6

7 **SECTION 3:** Should any section, paragraph, sentence, clause, or phrase of this
8 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision
9 shall not affect the validity of this Ordinance as a whole as a whole or any portion or part
10 thereof, other than the part so declared to be invalid.
11

12 **SECTION 4:** This Ordinance shall become effective immediately upon adoption of
13 the Wellington Council following second reading.
14

15 **PASSED** this _____ day of _____, 20__ upon first reading.
16

17 **PASSED AND ADOPTED** this _____ day of _____, 20__ on second and
18 final reading.
19

20 **WELLINGTON**

	FOR	AGAINST
21 BY: _____	_____	_____
22 Anne Gerwig, Mayor		
23		
24 _____	_____	_____
25 Tanya Siskind, Vice Mayor		
26		
27 _____	_____	_____
28 Michael Drahos, Councilman		
29		
30 _____	_____	_____
31 John McGovern, Councilman		
32		
33 _____	_____	_____
34 Michael J. Napoleone, Councilman		
35		

36
37 **ATTEST:**

38
39 BY: _____
40 Chevelle D. Addie Village Clerk
41

42
43 **APPROVED AS TO FORM AND**
44 **LEGAL SUFFICIENCY**

45
46
47 BY: _____
48 Laurie S. Cohen, Village Attorney