



Legislation Text


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ADMINISTRATIVE TRANSMITTAL

DATE: April 10, 2014

TO: Mayor Margolis
Vice Mayor Greene
Councilman Willhite
Councilman Coates
Councilwoman Gerwig

FROM: Awilda Rodriguez

THRU: 
Paul Schofield

CC: Senior Staff
Legal
Awilda Rodriguez

RE: Charter Review Committee

Per Council's request, we have begun the process to establish the Charter Review Committee. At this time, the following appointments have been made by Council:

Mayor Margolis:	Victoria McCullough
Councilman Willhite:	Ken Adams
Councilwoman Gerwig:	Jeff Kurtz

Vice Mayor Coates and Councilman Greene still need to name their appointments.

For your review, we have attached an outline of the process for Charter Amendments as well as a draft resolution authorizing the formation of the Committee as well as its mission.

If you have any questions, please do not hesitate to contact me.

4/10/2014

DISTRIBUTED TO ALL CONTACTABLE PERSONS ON:

COUNCIL ☒ MANAGER ☒

CLERK ☒ ATTORNEY ☒ STAFF ☒

APPROVED TO ALL COUNCIL

APPROVED TO

NOTED

CHARTER AMENDMENT PROCESS

The amendment of a municipal charter is governed by Section 166.031 Florida Statutes, and the methods provided therein are the exclusive methods for amending charters.

With the exception of an amendment which changes the boundaries of the Village (as would happen after an annexation), all Charter amendments must be approved by the voters at a referendum election. There are two methods of initiating a charter amendment:

1. The Village Council may adopt an ordinance setting forth the proposed amendments and submitting the questions to the voters for approval.
2. The electors may, by petition signed by 10% of the registered electors as of the last preceding municipal general election, propose amendments to be submitted to the voters for approval.

Neither state law nor the Village Charter requires that the Council utilize a Charter Review Committee to develop proposed Charter amendments. However, there is nothing that would prohibit the Council from creating such a committee if it is so desired.

If the Council wishes to pursue amending the Charter with the assistance of a Charter Review Committee, the following steps would need to be taken to initiate the process:

1. Council will need to adopt a resolution establishing a Charter Review Committee and define its duties, responsibilities and deadlines.
2. If desired, the Council may wish to conduct a joint meeting with the Charter Review Committee to identify any particular matters being considered for amendment.
3. The recommendations of the Charter Review Committee are presented to Council for consideration.
4. A draft of a proposed ordinance containing the amendments would be prepared by the Village Attorney and presented to the Council for consideration.
5. The proposed ordinance containing the amendments would be presented to the Village Council in the same manner as other ordinances. This requires two readings of the ordinance.
6. The ordinance would contain the particular language to be changed in the Charter and would also contain the ballot question which would be submitted to the electors.
7. The ordinance also would specify the date upon which the issue would be submitted to the voters.

RESOLUTION NO. 2014-

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ESTABLISHING A CHARTER REVIEW COMMITTEE TO REVIEW AND PROVIDE RECOMMENDATIONS ON THE NEED FOR ANY VILLAGE CHARTER MODIFICATIONS, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village of Wellington was incorporated in 1996; and

WHEREAS, Florida Statutes 166.031 provides for the exclusive method for enacting amendments to municipal charters; and

WHEREAS, the citizens of the Village of Wellington have modified the Village Charter by referendum on two occasions since the Village's incorporation once to provide for an elected Village Mayor and then amending the term of office for the Mayor and amending the section for runoff elections; and

WHEREAS, the Village Council believes it is advisable to establish a process to review the Charter and decide whether any revisions should be proposed for adoption by the voters of Wellington through the referendum process;

NOW, THEREFORE, BE IT RESOLVED BY WELLINGTON, FLORIDA'S COUNCIL that:

SECTION 1. The above recitals are true and correct and are hereby adopted.

SECTION 2. There shall be established a Charter Review Committee whose task will be to review the existing Village of Wellington Charter, make recommendations to the Village Council, including proposing revised language, for any additions, deletions, or other modifications they would suggest for adoption through the referendum process. The Charter Review Committee will consist of seven (7) members being selected by the Village Council. The Mayor and Council members shall each select one individual to serve on the committee and two members to be appointed by a majority vote of Council. The committee members will be appointed by the Village Council no later than _____, 2014.

SECTION 3. The Village Manager and Village Attorney or their designees shall serve as Village staff liaisons to the committee.

SECTION 4. The Charter Review Committee shall meet at least once by _____, 2014 and continue meeting at such frequency and length as the committee members determine appropriate.

SECTION 5. The Committee shall provide recommendations to the Village Council concerning whether a referendum election should be called to consider any proposed amendment(s) to the Charter and if so, the committee shall provide recommendations as to the exact language changes suggested on or before _____, 201__.

SECTION 6. The Committee shall propose language to be added or deleted from the existing Charter for Council consideration on or before _____.

SECTION 7. Any proposed Charter revisions must be supported by the affirmative votes of at least four (4) members of the Committee in order for it to be favorably recommended for approval to the Village Council.

SECTION 8. The Village Council shall be free to adopt, reject, or modify any of the Committees recommendations.

SECTION 9. The Committee shall cease to exist as a Village committee on _____, 20__, unless the Village Council, by affirmative vote of the majority of its members, has continued the existence of the committee.

SECTION 10. This Resolution shall become affective on the date it is passed and adopted by a majority vote of the Village Council.

PASSED AND ADOPTED on this _____ day of _____, 2014.

ATTEST:

WELLINGTON

BY: _____
Awilda Rodriquez, Village Clerk

BY: _____
Bob Margolis, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: _____
Laurie Cohen, Village Attorney