

ORDINANCE NO. 2014-24

**AN ORDINANCE OF WELLINGTON, FLORIDA'S
COUNCIL AMENDING CHAPTER 2, ARTICLE VI, 2-292
ENTITLED "REMOVAL OF BOARD AND COMMITTEE
MEMBERS"; PROVIDING FOR CONFLICT; PROVIDING
FOR CODIFICATION; PROVIDING FOR SEVERABILITY;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Article VI of Chapter 2 of Wellington's Code of Ordinances provides for the creation of and procedures for Wellington's various boards and committees; and

WHEREAS, Wellington's Council passed Ordinance No. 2011-10 providing for the procedure for removal of board and committee members; and

WHEREAS, all Wellington boards and committees, except as otherwise provided by law or ordinance, consist of seven regular members, five of whom are appointed by each individual Council member and two of whom are appointed at large by majority vote of the Council; and

WHEREAS, in order to ensure that Wellington's boards and committees operate efficiently, the Wellington Council has determined that revisions to the existing ordinance relating to attendance, excused absences, removal of members and the right to appeal are necessary.

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

SECTION 1: Chapter 2, Article VI, Section 2-291 of Wellington's Code of Ordinances shall be amended to read as follows:

SECTION 2-291. Meetings

- (a) Unless otherwise provided, meetings shall be held quarterly, or at such times as Wellington's Council may provide by resolution: or as otherwise provided by law. Special meetings shall not be held unless at least 24 hours' notice is given to each member and Wellington manager.
- (b) Members shall notify the board liaison if they are unable to attend a meeting. If a quorum will not be present, the Wellington Clerk shall notify the chairperson, who may cancel the scheduled meeting.
- (c) A quorum for the transaction of business shall be established in the ordinance or resolution creating the board or committee.

- 1 (d) An audio tape recording shall be made of all meetings. Additionally,
2 minutes shall be kept of the proceedings at each meeting and shall record
3 the official acts taken by the board. Audio tapes and minutes shall be
4 forwarded to the Wellington Clerk.
5
- 6 (e) All meetings and public hearings of board and committees shall be open
7 to the public. All meetings shall be governed by Robert's Rules of Order,
8 Newly Revised, and Government-in-the-Sunshine pursuant to F.S. §
9 286.011.

10
11 **SECTION 2:** Section 2-292 (a) and (b) of Wellington's Code of Ordinances
12 shall be amended to read as follows:
13

14 **Section 2-292. Removal of board and committee members.**
15

- 16 (a) *Removal based on absenteeism.* Active participation by members of the
17 boards and committees is essential to the effectiveness of the board or
18 committee operations. It is therefore necessary for members to attend the
19 meetings as frequently as possible. As important as participation and
20 attendance is, Wellington's Council understands that a member's activities
21 and other obligations of either a personal or professional nature will on
22 occasion take precedence over their participation in board or committee
23 activities. If a member recognizes they will not be able to fully and
24 regularly participate in the board or committee meetings they should
25 resign from the board or committee and allow the council to fill the
26 vacancy created by their resignation. In order to maintain a standard of
27 commitment from the members they shall be subject to removal from their
28 position as a member of a board or committee under the following
29 circumstances. Any member of a board or committee, during the course
30 of their two-year term, who has three consecutive unexcused absences or
31 four absences out of the last six meetings, whether excused or
32 unexcused, from regular meetings shall be automatically removed as a
33 member of the respective board or committee. For purposes of this
34 section, the term "excused absence" shall mean: (i) illness of a board or
35 committee member or other person for whom the member is a caregiver;
36 (ii) death of a board or committee member's relative; (iii) observance of
37 religious holidays; and (iv) compliance with a subpoena or other legal
38 process. The removal of a member shall cause a vacancy to exist in the
39 membership of the particular board or committee. The removal of a
40 member shall be deemed effective when Wellington's Manager sends the
41 member written notice by certified mail, return receipt requested of their
42 removal due to absences from meetings. The member removed for
43 absenteeism does not have the right to request a hearing before the
44 Wellington Council, and shall be ineligible for reappointment to a board or
45 committee for a period of two years following the effective date of their
46 removal.

- (b) *Removal for reasons other than absenteeism and failure to maintain the requirements for being a board member.* All board and committee members shall serve at the pleasure of the Wellington Council. Board and committee members appointed by individual Council members may be removed without cause by the Council member who appointed the board or committee member, unless otherwise provided by the Charter or Florida Statutes. No vote by the Wellington Council shall be required for such removal. At large board and committee members may be removed by a majority vote of the Council, unless otherwise provided by the Charter or Florida Statutes. Any member so removed shall have no right to request a hearing before the Wellington Council.

SECTION 3. 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 4: Should any section, paragraph, sentence, clause, or phase 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 5: This Ordinance shall become effective immediately upon adoption of the Wellington Council following second reading.

PASSED this _____ day of _____, 2014 upon first reading.

PASSED AND ADOPTED this _____ day of _____, 2014, on second and final reading.

WELLINGTON

	FOR	AGAINST
BY: _____ Bob Margolis, Mayor	_____	_____
_____ John Greene, Vice Mayor	_____	_____
_____ Matt Willhite, Councilman	_____	_____
_____ Howard K. Coates, Jr., Councilman	_____	_____

Anne Gerwig, Councilwoman

ATTEST:

BY: _____
Awilda Rodriguez, Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Laurie Cohen, Village Attorney