

ORDINANCE NO. 2015-15

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL PROPOSING AMENDMENTS TO SECTION 5 OF WELLINGTON'S MUNICIPAL CHARTER RELATING TO FILLING OF VACANCIES FOR MAYOR AND COUNCILMEMBERS BY AMENDING SECTION 5, SUBSECTION G, "VACANCIES; FORFEITURE OF OFFICE; SUSPENSION; FILLING OF VACANCIES" PARAGRAPH 4(b) OF WELLINGTON'S CHARTER TO PERMIT THE FILLING OF VACANCIES IN THE OFFICE OF A COUNCILMEMBER IN THE SAME MANNER AS THE MAYOR; PROVIDING FOR THE SUBMISSION OF THE PROPOSED CHARTER AMENDMENT TO THE ELECTORS OF WELLINGTON AT THE ELECTION TO BE HELD ON MARCH 15, 2016; PROVIDING FOR FILING WITH THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR PUBLICATION; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Section 166.031, Florida Statutes, provides that the governing body of a municipality may, by ordinance, submit to the electors of the municipality a proposed amendment to the municipality's charter; and

**WHEREAS**, the Charter treats the filling of vacancies in the offices of mayor and councilmember differently; and

**WHEREAS**, Wellington's Council deems it necessary and advisable for the voters of Wellington to consider amending the charter of the Village of Wellington to fill all vacancies in the same manner; and

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

**SECTION 1: Section 5, Subsection G. "Vacancies; Forfeiture of Office; Suspension; Filling of Vacancies", Paragraph 4(b), "Village Council" of Wellington's Charter is hereby proposed to be amended to read as follows:**

\* \* \*

b. If a vacancy occurs in the office of a councilmember, and less than 180 days remain in the term of the councilmember, such seat shall remain vacant until a new councilmember is elected and assumes the duties of his or her office. If the vacancy occurs in the office of the vice-mayor, the

council may elect from its membership a vice-mayor to serve until the next election. If a vacancy occurs in the office of a councilmember and 180 days or more remain in the term of the councilmember, then a special election shall be called within not less than 90 days or more than 180 days to fill such vacancy. ~~If any vacancy occurs in the office of any councilmember and the remainder of the unexpired term is less than 2 years and 81 days, the remaining councilmembers shall, within 30 days following the occurrence of such vacancy, by majority vote, appoint a person to fill the vacancy for the remainder of the unexpired term. If, however, the remainder of the unexpired term exceeds 2 years and 81 days, the remaining councilmembers shall, within 30 days following the occurrence of such vacancy, by majority vote, appoint a person to fill the vacancy until the next regularly scheduled village election.~~

~~c. Any person appointed to fill a vacant seat on the council shall be required to meet the qualifications of the seat to which he or she is appointed.~~

**SECTION 2.** The charter amendment proposed by this ordinance shall be submitted to the electors of the Village of Wellington at the election to be held on March 15, 2016 and shall be deemed adopted upon the favorable vote of a majority of the electors voting at that time upon the following question:

**REFERENDUM QUESTION NO. \_\_\_\_\_**

**WELLINGTON CHARTER AMENDMENT**

**FILLING OF VACANCIES FOR MAYOR AND COUNCILMEMBERS**

**Shall all vacancies on the village council be filled in the same way as Mayor?**

\_\_\_\_\_ **Yes**

\_\_\_\_\_ **No**

**SECTION 3.** In the event of adoption by the electorate as provided herein, Wellington's Clerk shall forthwith incorporate the amendment into Wellington's charter by preparing a true copy of section 5G as amended, and shall file the revised section with the Florida Department of State, at which time the revised section shall take effect.

**SECTION 4.** Wellington's Clerk shall cause this ordinance to be published once a week for four consecutive weeks immediately prior to the election on March 15, 2016.

**SECTION 5.** 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 6:** 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 7:** This Ordinance shall become effective immediately upon adoption of the Wellington Council following second reading.

**PASSED** this \_\_\_\_\_ day of October, 2015 upon first reading.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of November, 2015, on second and final reading.

**WELLINGTON**

**FOR**

**AGAINST**

BY: \_\_\_\_\_

Bob Margolis, Mayor

\_\_\_\_\_  
John Greene, Vice Mayor

\_\_\_\_\_  
Matt Willhite, Councilman

\_\_\_\_\_  
Anne Gerwig, Councilwoman

\_\_\_\_\_  
John McGovern, Councilman

**ATTEST:**

BY: \_\_\_\_\_

Awilda Rodriguez, Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

BY: \_\_\_\_\_

Laurie S. Cohen, Village Attorney