

ORDINANCE NO. 2015-17

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL PROPOSING AMENDMENTS TO SECTION 8 OF WELLINGTON'S MUNICIPAL CHARTER BY AMENDING SECTION 8, SUBSECTION G ENTITLED "VILLAGE CANVASSING BOARD" TO ESTABLISH AN INDEPENDENT PANEL TO SERVE AS THE CANVASSING BOARD; 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 currently provides that the Village canvassing board be composed of those members of the Village Council not running for reelection and the Village Clerk; and

WHEREAS, the proposed amendment would establish an independent panel to serve as the canvassing board composed of a county commissioner, a Palm Beach County judge and the Village Clerk; 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 establish an independent panel to serve as the canvassing board; and

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

SECTION 1: Section 8, "Elections", Subsection G, "Village Canvassing Board" is hereby proposed to be amended to read as follows:

* * *

G. Village canvassing board. The village canvassing board shall be an independent panel composed of ~~those members of the village council who are not candidates for reelection and~~ the village clerk, who shall act as chairperson, a county commissioner and a Palm Beach County judge. At the close of the polls of any village election, or as

1 soon thereafter as practicable, the canvassing board shall meet at a time and place
2 designated by the chairperson and shall proceed to publicly canvass the vote as shown
3 by the returns then on file in the office of the village clerk, and then shall publicly
4 canvass the absentee elector ballots. The canvassing board shall prepare and sign a
5 certificate containing the total number of votes cast for each candidate or other measure
6 voted upon. The certificate shall be placed on file with the village clerk.

7
8 **SECTION 2.** The charter amendment proposed by this ordinance shall be
9 submitted to the electors of the Village of Wellington at the election to be held on March
10 15, 2016 and shall be deemed adopted upon the favorable vote of a majority of the
11 electors voting at that time upon the following question:

12
13 **REFERENDUM QUESTION NO. _____**

14
15 **WELLINGTON CHARTER AMENDMENT**

16
17 **VILLAGE CANVASSING BOARD**

18
19 **Shall the canvassing board be composed of a county**
20 **commissioner, judge and the Village Clerk?**

21
22 ☐ **Yes**

23
24 ☐ **No**

25
26 **SECTION 3.** In the event of adoption by the electorate as provided herein,
27 Wellington's Clerk shall forthwith incorporate the amendment into Wellington's charter
28 by preparing a true copy of section 8G as amended, and shall file the revised section
29 with the Florida Department of State, at which time the revised section shall take effect.

30
31 **SECTION 4.** Wellington's Clerk shall cause this ordinance to be published once
32 a week for four consecutive weeks immediately prior to the election on March 15, 2016.

33
34 **SECTION 5.** Should any section, paragraph, sentence, clause, or phrase of this
35 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
36 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of
37 this Ordinance shall prevail to the extent of such conflict.

38
39 **SECTION 6:** Should any section, paragraph, sentence, clause, or phrase of this
40 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision
41 shall not affect the validity of this Ordinance as a whole as a whole or any portion or part
42 thereof, other than the part so declared to be invalid.

43
44 **SECTION 7:** This Ordinance shall become effective immediately upon adoption
45 of the Wellington Council following second reading.
46

1 **PASSED** this _____ day of October, 2015 upon first reading.

2
3
4 **PASSED AND ADOPTED** this _____ day of November, 2015, on second and final
5 reading.

6
7 **WELLINGTON**

	FOR	AGAINST
8 BY: _____	_____	_____
9 Bob Margolis, Mayor		
10 _____	_____	_____
11 John Greene, Vice Mayor		
12 _____	_____	_____
13 Matt Willhite, Councilman		
14 _____	_____	_____
15 Anne Gerwig, Councilwoman		
16 _____	_____	_____
17 John McGovern, Councilman		

18
19 **ATTEST:**

20 BY: _____
21 Awilda Rodriguez, Clerk

22
23
24 **APPROVED AS TO FORM AND**
25 **LEGAL SUFFICIENCY**

26 BY: _____
27 Laurie S. Cohen, Village Attorney