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RESOLUTION NO. R2015-43

**A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL
SETTING FORTH THE PROVISIONS FOR APPOINTMENT
AND RETENTION OF SPECIAL MAGISTRATES IN
ACCORDANCE WITH SECTION 2-203 OF WELLINGTON'S
CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE
DATE.**

WHEREAS, Section 2-203 of the Wellington Code of Ordinances and Chapter 162 of the Florida Statutes provides that the Wellington Council may appoint special magistrates to hear and decide cases involving code violations; and

WHEREAS, Ordinance No. 2010-12 amended the terms of the Special Magistrates, increasing their term of service from one (1) year to two (2) years and further provided that half of the special magistrates would serve an initial one (1) year term so that the appointments would be staggered in the future; and

WHEREAS, Ordinance No. 2012-18 established an eight (8) year term limit of four (4), two (2) year terms for the Special Magistrates, stated that the amendment was not to be applied retroactively to prior terms or by those special magistrates that were currently retained; and

WHEREAS, it is the purpose of this Resolution to formalize the process for the selection of Special Magistrates.

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

SECTION 1. The above recitals are hereby affirmed and ratified as being true and correct.

SECTION 2. The process for selection of Special Magistrates shall be as follows:

- a. Special Magistrates shall be appointed by the Council to serve no more than four (4) consecutive terms of two (2) years.
- b. The Council may appoint as many as four (4) Special Magistrates to serve and such service shall be equally rotated between the appointed Special Magistrates.
- c. Approximately 120 days prior to the expiration of a Special Magistrate's term, staff shall contact the Special Magistrate to ascertain if the magistrate wishes to continue to serve as outlined in section a.

- 1
- 2 d. If a Special Magistrate informs that he/she will not continue to serve, has
- 3 already served an eight (8) year term, or is removed by the Village
- 4 Council, staff shall advertise a Request for Letters of Interest (LOI) for the
- 5 position.
- 6
- 7 e. Publication and advertisement for the opening may be placed in or on the
- 8 following:
- 9 i. Florida Bar News
- 10 ii. Palm Beach County Bar Bulletin
- 11 iii. Palm Bach Post and local newspapers
- 12 iv. Village website
- 13 v. Channel 18
- 14
- 15 f. The LOI shall give prospective applicants 30 days from the initial date of
- 16 publication to submit their Letters of Interest to the Village.
- 17
- 18 g. The Request for LOI may include one or more of the following criteria:
- 19 i. the candidate has been admitted to the Florida Bar for a
- 20 minimum period of five years and is in good standing; ii. the
- 21 candidate has experience in prosecuting, defending or adjudicating code
- 22 compliance cases;
- 23 iii. the candidate has experience as a municipal attorney;
- 24 iv. the candidate is willing to serve on a specific rotational
- 25 schedule; and
- 26 v. the candidate is willing to accept a specific level of
- 27 compensation
- 28
- 29 h. A selection committee shall be formed to review the candidate submissions
- 30 and to score and rank the applications per policies outlined in the Purchasing
- 31 Manual. Neither the Village Manager, the Village Attorney, or the Code
- 32 Compliance staff may serve on a selection committee.
- 33
- 34 i. The selection committee shall submit the five (5) highest ranked candidates to
- 35 the Village Council for final selection.
- 36
- 37 j. The selection committee shall be mindful that at least one Special Magistrate
- 38 must not be a Wellington resident.
- 39

40 **SECTION 3.** Should any section, paragraph, sentence, clause or phrase of

41 this Resolution conflict with any section, paragraph, clause or phrase of any prior

42 Wellington Resolution, then in that event, the provisions of this Resolution shall

43 prevail to the extent of such conflict.

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46 **SECTION 4.** Should any section, paragraph, sentence, clause, phrase or

47 other part of this Resolution be declared by a court of competent jurisdiction to be

1 invalid, such decision shall not affect the validity of this Resolution as a whole or any
2 portion or part thereof, other than the part so declared to be invalid.
3

4 **SECTION 5.** This Resolution shall be effective immediately upon adoption.
5

6
7 **PASSED AND ADOPTED** this 9th day of June 2015.
8

9 **ATTEST:**

WELLINGTON

10
11 BY: Awilda Rodriguez

12 Awilda Rodriguez, Wellington Clerk

By: Bob Margolis

13 Bob Margolis, Mayor

14 **APPROVED AS TO FORM AND**
15 **LEGAL SUFFICIENCY**

16
17 BY: Laurie Cohen

18 Laurie Cohen, Village Attorney