

ORDINANCE NO. 2020-08

AN ORDINANCE OF THE VILLAGE OF WELLINGTON FLORIDA AMENDING CHAPTER 2, ARTICLE IV (CODE ENFORCEMENT) SECTION 2-192 (DEFINITIONS) AND SECTION 2-203 (SPECIAL MAGISTRATE) OF WELLINGTON'S CODE OF ORDINANCES TO ELIMINATE THE TERM LIMITS PREVIOUSLY ADOPTED FOR SPECIAL MAGISTRATES, TO CLARIFY THE APPOINTMENT PROCESS AND QUALIFICATIONS FOR SPECIAL MAGISTRATES, AND TO CLARIFY THE DEFINITION OF "SPECIAL MAGISTRATE"; PROVIDING FOR THE REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT HERewith, INCLUDING ORDINANCE NO. 2012-18 AND RESOLUTIONS 2012-29 AND 2015-43; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Village Council may appoint special magistrates to hear and decide cases involving code violations pursuant to Chapter 162, Florida Statutes, and Chapter 2, Article IV of Wellington's Code of Ordinances; and

**WHEREAS**, the Village Council adopted Ordinance No. 2012-18, establishing an eight-year term limit for special magistrates consisting of four (4) consecutive two-year terms, codified in Section 2-203 of Wellington's Code of Ordinances; and

**WHEREAS**, the Village Council adopted Resolution Nos. R2012-29 and R2015-43, establishing qualifications for special magistrates and formalizing the process for selection of special magistrates; and

**WHEREAS**, the Village Council believes it is in the best interest of the Village of Wellington to amend Section 2-203 of Wellington's Code of Ordinances to eliminate the previously adopted term limits and clarify the appointment process and qualifications for special magistrates and to amend Section 2-192 of Wellington's Code of Ordinances to account for the changes to Section 2-203 in the definition of "special magistrate"; and

**WHEREAS**, the Village Council believes that in conjunction with the amendments to Sections 2-192 and 2-203 of Wellington's Code of Ordinances, it is in the best interest of the Village of Wellington to repeal all ordinances and resolutions that conflict with said amendments such that the requirements for special magistrates are concisely articulated in a single location.

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

**SECTION 1.** Section 2-192 of the Code of Ordinances of Wellington, Florida, is hereby amended to clarify the definition of "Special magistrate" as follows:

Sec. 2-192. - Definitions.

*Special magistrate* means a person who is ~~a member in good standing with the Florida Bar~~ appointed by the village council in accordance with Section 2-203 of this Code and is authorized to hear and decide cases involving code violations.

**SECTION 2.** Section 2-203 of the Code of Ordinances of Wellington, Florida, is hereby amended to read as follows:

Sec. 2-203. - Special Magistrate.

(a) One or more persons may be appointed as ~~special~~ Special magistrate Magistrate by ~~Wellington's~~ the Village Council in accordance with the selection process enumerated in subsection (b)(2). ~~A n-appointee~~ Special Magistrate shall serve a two-year term and may be reappointed for an additional two-year term every two years thereafter, ~~provided that for the period beginning in June of 2010, half of the special magistrates shall serve an initial one-year term ending on May 31, 2011, so that the appointments would be staggered in future years. Special magistrates appointed in June of 2012 and beyond may serve a maximum of four consecutive two-year terms after which such special magistrates may not be eligible for reappointment until one two-year term has expired. unless the Special Magistrate elects not to continue to serve or he or she is removed by the Village Council.~~ The compensation for special magistrate services may be authorized as specified in the appointing resolution. A special magistrate may be suspended or removed at any time with or without cause by Wellington's Council.

(b) Approximately 120 days prior to the expiration of a Special Magistrate's two-year term, Village staff shall contact the Special Magistrate to ascertain if the Special Magistrate wishes to continue to serve and notify the Village Council of the Special Magistrate's response. The Council may make recommendations for the Special Magistrate's continued service or removal.

(1) If the Special Magistrate wishes to continue to serve and is not removed by the Village Council, the Council shall adopt a resolution appointing the Special Magistrate for a new two-year term.

(2) If a Special Magistrate elects not to continue to serve or is removed by the Village Council, a Request for Letters of Interest (LOI) shall be advertised for the position.

(i) The Request for LOI shall give prospective applicants thirty (30) days from the initial date of publication to submit their LOI to the Village.

(ii) The Request for LOI may include one or more of the following criteria:

1. The candidate has been admitted to the Florida Bar for a minimum period of five years and is a member in good standing;

- 93 2. The candidate has experience as a municipal attorney;  
94 3. The candidate is willing to serve on a specific rotational  
95 schedule; and  
96 4. The candidate is willing to accept a specific level of  
97 compensation.

98 (iii) Upon the conclusion of the thirty (30) days set forth in subsection  
99 (b)(2)(i), a selection committee shall be formed to review the  
100 candidate submissions and rank the applications consistent with the  
101 policies outlined in the Purchasing and Procurement Manual. The  
102 selection committee shall submit the five (5) highest ranked  
103 candidates to the Village Council for final selection. Neither the  
104 Village Manager, the Village Attorney, the Code Compliance  
105 Manager, nor the Code Compliance staff may serve on a selection  
106 committee.

107 (c) To the extent possible, special magistrates shall serve staggered terms.  
108 Accordingly, the Village Council shall appoint one Special Magistrate to serve an  
109 initial three-year term beginning July 1, 2020 and ending June 30, 2023 and at  
110 least one Special Magistrate to serve a two-year term beginning July 1, 2020 and  
111 ending June 30, 2022. Any additional terms shall be limited to two years as  
112 described herein.

113 (d) The Village Council shall make every effort to promptly and expeditiously fill any  
114 special magistrate vacancy. To the extent a vacancy cannot be filled prior to the  
115 expiration of a Special Magistrate's term, such term shall be extended until the  
116 position is filled in accordance with this section.

117  
118 **SECTION 3.** Ordinance No. 2012-18 is hereby repealed.  
119

120 **SECTION 4.** Resolution Nos. R2012-29 and R2015-43 are hereby repealed.  
121

122 **SECTION 5.** Should any section, paragraph, sentence, clause, or phrase of this  
123 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington  
124 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of  
125 this Ordinance shall prevail to the extent of such conflict.  
126

127 **SECTION 6.** Should any section, paragraph, sentence, clause, or phrase of this  
128 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision  
129 shall not affect the validity of this Ordinance as a whole or any portion or part thereof,  
130 other than the part so declared to be invalid.  
131

132 **SECTION 7.** This Ordinance shall become effective immediately upon adoption  
133 by the Wellington Council following second reading.  
134

135 **PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ upon first reading.  
136

137 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020 on second and  
138 final reading.

**WELLINGTON**

**FOR**

**AGAINST**

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

Anne Gerwig, Mayor

\_\_\_\_\_  
Tanya Siskind, Vice Mayor

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

\_\_\_\_\_  
Michael Drahos, Councilman

\_\_\_\_\_  
Michael J. Napoleone, Councilman

**ATTEST:**

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

Chevelle D. Addie Village Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

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

Laurie S. Cohen, Village Attorney