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**ORDINANCE NO. 2016-15**

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL PROPOSING AMENDMENTS TO SECTION 5 OF WELLINGTON'S CHARTER RELATING TO FILLING OF VACANCIES FOR COUNCILMEMBERS BY AMENDING SECTION 5, SUBSECTION G, "VACANCIES; FORFEITURE OF OFFICE; SUSPENSION; FILLING OF VACANCIES"; PARAGRAPH 4 "FILLING OF VACANCIES" TO ELIMINATE THE POWER TO APPOINT TO FILL COUNCIL VACANCIES AND TO PROVIDE FOR SPECIAL ELECTION WHEN THE UNEXPIRED TERM IS 180 DAYS OR MORE; SPECIFYING THE TIMING REQUIREMENTS FOR SPECIAL ELECTIONS TO FILL MAYORAL AND COUNCILMEMBER VACANCIES; PROVIDING FOR SUBMISSION OF THE PROPOSED CHARTER AMENDMENT TO THE ELECTORS OF WELLINGTON AT THE ELECTION TO BE HELD ON AUGUST 30, 2016; PROVIDING FOR FILING WITH THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR PUBLICATION; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

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32           **WHEREAS**, Wellington's Council deems it necessary and advisable for the voters  
33 of Wellington to consider amending the charter of the Village of Wellington to fill all  
34 vacancies in the same manner and to eliminate the power of council to appoint members  
35 to fill council vacancies;

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

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40           SECTION 1: Section 5, Subsection G. "Vacancies; Forfeiture of Office;  
41 Suspension; Filling of Vacancies", Paragraph 4, "Filling of Vacancies" of Wellington's  
42 Charter is hereby proposed to be amended to read as follows:

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45           4.     *Filling of vacancies.*  
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2 a. If any vacancy occurs in the office of mayor or councilmember,  
3 and less than 180 days remain in the term, such seat shall remain  
4 vacant until a new mayor or councilmember is elected and assumes  
5 the duties of his or her office. of the mayor, then the vice-mayor shall  
6 serve as mayor until a new mayor is elected and assumes the duties  
7 of his or her office. If a vacancy occurs in the office of mayor or  
8 councilmember and 180 days or more remain in the term of the  
9 mayor, then a special election shall be called within not less than 75  
10 days or more than 180 days to fill such vacancy, or as soon thereafter  
11 as the Supervisor of Elections is available to conduct such special  
12 election. If the vacancy occurs in the office of mayor, the vice-mayor  
13 shall serve as mayor until a new mayor is elected, at a special  
14 election as provided herein. The special election shall be called  
15 within not less than 90 days or more than 180 days to fill such  
16 vacancy. If the special election provided for herein is required as a  
17 result of an irrevocable resignation pursuant to Florida Statute  
18 99.012, as amended from time to time, the special election shall  
19 occur during the already scheduled upcoming election.

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21 b. ~~If any vacancy occurs in the office of any councilmember and~~  
22 ~~the remainder of the unexpired term is less than 2 years and 81 days,~~  
23 ~~the remaining councilmembers shall, within 30 days following the~~  
24 ~~occurrence of such vacancy, by majority vote, appoint a person to fill~~  
25 ~~the vacancy for the remainder of the unexpired term. If, however, the~~  
26 ~~remainder of the unexpired term exceeds 2 years and 81 days, the~~  
27 ~~remaining councilmembers shall, within 30 days following the~~  
28 ~~occurrence of such vacancy, by majority vote, appoint a person to fill~~  
29 ~~the vacancy until the next regularly scheduled village election.~~

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31 **SECTION 2.** The charter amendment proposed by this ordinance shall be  
32 submitted to the electors of the Village of Wellington at the election to be held on August  
33 30, 2016 and shall be deemed adopted upon the favorable vote of a majority of the  
34 electors voting at that time upon the following ballot summary and ballot question:

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36 **REFERENDUM QUESTION NO. 1**

37  
38 **Filling of Vacancies for Councilmembers and Timing of Election**

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40 **BALLOT SUMMARY:** The current Charter requires council vacancies be filled by  
41 appointment. The proposed amendment would eliminate appointments, would fill council  
42 vacancies in the same manner as mayoral vacancies by requiring a special election if 180  
43 days or more remain in the unexpired term, and would specify the timing requirements  
44 for special elections to fill mayoral and councilmember vacancies.

45  
46 **BALLOT QUESTION:** Shall councilmember vacancies exceeding 180 days be filled

1 by special election rather than by appointment?

2  
3  Yes

4  
5  No

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

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12 **SECTION 4.** Wellington's Clerk shall cause the ballot title, ballot summary and  
13 ballot question to be published once a week for four consecutive weeks immediately prior  
14 to the election on August 30, 2016.

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

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

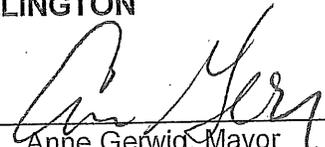
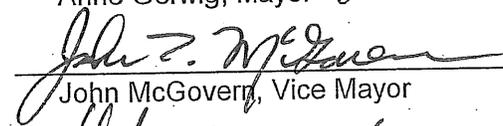
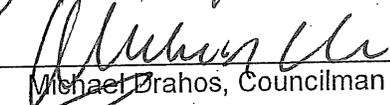
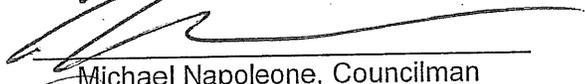
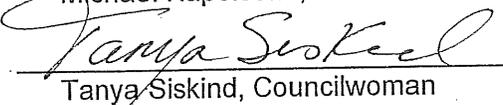
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26 **SECTION 7:** This Ordinance shall become effective immediately upon adoption of  
27 the Wellington Council following second reading.

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1 PASSED this 24<sup>th</sup> day of May, 2016 upon first reading.

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4 PASSED AND ADOPTED this 14<sup>th</sup> day of June, 2016, on second and  
5 final reading.

6  
7 WELLINGTON

	FOR	AGAINST
8 BY: <u></u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9 Anne Gerwig, Mayor		
10 <u></u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11 John McGovern, Vice Mayor		
12 <u></u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13 Michael Drahos, Councilman		
14 <u></u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15 Michael Napoleone, Councilman		
16 <u></u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17 Tanya Siskind, Councilwoman		

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26 ATTEST:

27 BY:   
28 Awilda Rodriguez, Clerk

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35 APPROVED AS TO FORM AND  
36 LEGAL SUFFICIENCY

37 BY:   
38 Laurie S. Cohen, Village Attorney