

ORDINANCE 2020-21

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 3.08 (c), OF THE CHARTER OF THE CITY OF LAKE WALES TO REVISE THE MANNER IN WHICH A VACANCY IN OFFICE IS FILLED; PROVIDING UPON FINAL PASSAGE OF THE ORDINANCE FOR THE PROPOSED AMENDMENT TO BE PLACED ON THE BALLOT FOR A VOTE OF THE ELECTORS OF THE CITY AT THE 2021 MUNICIPAL ELECTION OR AT A SPECIAL ELECTION CALLED FOR THE PURPOSE OF VOTING ON A CHARTER AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission of the City of Lake Wales (“City Commission”) is the governing body of the City of Lake Wales, Florida, an incorporated Florida municipality; and

WHEREAS, §8-86 of the Lake Wales Code of Ordinances and §166.031, Florida Statutes, sets forth the process for amending the Charter of a Florida municipality and specifically allows for charter amendments to be proposed to municipal electors by the municipality’s governing body; and

WHEREAS, the City Commission of the City of Lake Wales finds it in the best interests of the citizens of the City to initiate an ordinance proposing an amendment to Article III, Section 3.08 (c), Filling of vacancies, of the City’s Charter to provide that a vacancy that has more than one year remaining in the term will be filled by the electorate at the next available election. The City Commission will appoint an individual to serve until the next available election and the newly elected commission member would serve the balance of the unexpired term; and

WHEREAS, the City Commission of the City of Lake Wales finds that this ordinance proposes a single-subject amendment to the *Charter of the City of Lake Wales, Polk County, Florida*; **NOW, THEREFORE**,

Be it enacted by the City Commission of the City of Lake Wales, Florida:

Article III, Section 3.08 (c) of the *Charter of the City of Lake Wales, Polk County, Florida*, shall be amended to read as follows:

Section 1.

§ 3.08 (c). Filling of vacancies.

A vacancy of the commission shall be filled by majority vote of the remaining commission members. Should more than one year remain of the term of the office of the member whose seat was vacated, the remaining commissioners will, within 30 days of the vacancy, appoint an interim member to serve until the next available election. The remainder of the term will then be filled by the commission member chosen by the electorate for the remainder of the term.

Ballot Title:

Election of a candidate to fill a vacancy occurring on the city commission with the remaining commission members to appoint an interim commissioner to serve until the next available election when more than one year remains in the term of the vacated office.

Ballot Summary:

Proposing that a vacancy which occurs on the city commission be filled within 30 days by majority vote of the remaining members of the city commission. When the remaining term exceeds one year, the individual appointed to serve shall do so on an interim basis until the next available election when a candidate will be elected and installed in office to serve the remainder of the term for the vacated seat on the city commission.

Ballot Question:

Shall the above described Amendment be adopted?

FOR _____

AGAINST _____

Section 2. After final passage of this Ordinance, the proposed amendment shall be placed on the ballot for a vote of the electors at the 2021 municipal election held within the City Lake Wales, Florida, or at a special election called for the purpose of voting on charter amendments, whichever election occurs first. In accordance with §166.031, Florida Statutes, Section 1 of this Ordinance shall take effect only upon adoption of the amendment by a majority of the electors voting in a regular municipal election or in a duly called special election to consider the proposed amendment.

INTRODUCED on First Reading this _____ day of _____, 2020.

PASSED AND ENACTED on Second Reading, with a quorum present and voting, by the City Commission of the City of Lake Wales, Florida, this _____ day of _____, 2020.

CITY OF LAKE WALES, FLORIDA

Eugene Fultz, Mayor

Attest:

Jennifer Nanek, CMC, City Clerk

Prepared by:

Albert C. Galloway, Jr., City Attorney