

CHAPTER ..

95-496

HB 1439, First Engrossed/ntc

House Bill No. 1439

1	A bill to be entitled	1:btc
2	An act relating to Palm Beach County; creating	1.3
3	the "Village of Wellington Charter"; providing	1.4
4	legislative intent; establishing the Village of	
5	Wellington; providing municipal boundaries and	1.5
6	municipal powers; providing a council-manager	
7	form of government; providing for election of a	1.6
8	village council; providing for membership,	
9	qualifications, terms, powers, and duties of	1.7
10	its members, including the mayor; providing for	
11	a vice mayor; providing for compensation and	
12	expenses; providing general powers and duties;	1.8
13	providing circumstances resulting in vacancy in	
14	office; providing grounds for forfeiture and	1.9
15	suspension; providing for filling of vacancies;	
16	providing for meetings; providing for keeping	1.10
17	of records; providing for adoption,	
18	distribution, and recording of technical codes;	1.11
19	providing a limitation upon employment of	
20	council members; prohibiting certain	1.12
21	interference with village employees which shall	
22	constitute malfeasance in office; establishing	1.13
23	the fiscal year; providing for adoption of	
24	annual budget and appropriation; providing	1.14
25	amendments for supplemental, reduction, and	
26	transfer of appropriations; providing for	1.15
27	limitations; providing for appointment of	
28	charter officers, including a village manager	1.16
29	and village attorney; providing for removal,	
30	compensation, and filling of vacancies;	
31	providing qualifications, powers, and duties;	1.17

1	providing for nonpartisan elections and for	
2	matters relative thereto; providing for recall;	1.18
3	providing for initiative and referenda;	
4	providing the village a transitional schedule	1.19
5	and procedures for first election; providing	
6	for first-year expenses; providing for adoption	1.20
7	of transitional ordinances, resolutions,	
8	comprehensive plan, and local development	1.21
9	regulations; providing for accelerated	
10	entitlement to state-shared revenues; providing	1.22
11	for gas tax revenue; providing for continuation	
12	of the Palm Beach County Fire Rescue Municipal	1.23
13	Service Taxing Unit; providing for continuation	
14	of the Palm Beach County Library Taxing	1.24
15	District; providing for dissolution of the Palm	
16	Beach County Municipal Service Taxing Unit B,	1.25
17	dissolution of the Palm Beach County Municipal	
18	Service Taxing Unit C and dissolution of Palm	1.26
19	Beach County Municipal Service Taxing Unit F;	
20	providing for law enforcement; providing for ←	
21	continuation and transfer of Acme Improvement	1.27
22	District and for transfer of its assets and	
23	liabilities; providing that all special acts of	1.28
24	Acme Improvement District shall become	
25	ordinances of the village; providing land	1.29
26	descriptions of the village; providing for	
27	future amendments of the charter; providing for	1.30
28	standards of conduct in office; providing for	
29	severability; providing for referendum	1.31
30	approval; providing effective dates.	
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1	Be It Enacted by the Legislature of the State of Florida:	1:enc
2		
3	Section 1. Short title.--This act, together with any	1.33
4	future amendments thereto, shall be known and may be cited as	1.35
5	the "Village of Wellington Charter," hereinafter referred to	
6	as "the charter."	1:qq
7	Section 2. Legislative intent.--The Legislature hereby	1.37
8	finds and declares that:	
9	A. The Wellington area in Palm Beach County includes a	1.38
10	compact and contiguous community of approximately 28,000	1.39
11	residents susceptible to urban services, and constitutes a	
12	community amenable to separate municipal government.	1.40
13	B. It is in the best interests of the public health,	1.41
14	safety, and welfare of the residents of the Wellington area to	1.42
15	form a separate municipality for the Wellington area with all	
16	the powers and authority necessary to provide adequate and	1.43
17	efficient municipal services to its residents.	
18	C. It is intended that this charter and the	1.44
19	incorporation of the Wellington area will serve to preserve	
20	and protect the distinctive characteristics of the individual	1.45
21	communities within the boundaries of the Village of	1.46
22	Wellington.	
23	D. It is the intent of this charter and the	1.47
24	incorporation of the Wellington area that land development	1.48
25	costs for infrastructure improvements associated with new land	
26	development shall be paid for by the developer of said land or	1.49
27	the ultimate owners or users of said land.	
28	Section 3. Incorporation of municipality; corporate	1.50
29	limits.--There is hereby created, effective December 31, 1995,	1.51
30	in Palm Beach County, a new municipality to be known as the	
31	Village of Wellington, which shall have a council-manager form	1.52

1	of government. The corporate boundaries of the Village of	1.53
2	Wellington, hereinafter referred to as "village," shall be as	1.54
3	described in section 11.	
4	Section 4. Municipal powers.--The village shall be a	1.55
5	body corporate and politic and shall have all the powers of a	1.56
6	municipality under the Constitution and laws of the State of	
7	Florida, as fully and completely as though such powers were	1.58
8	specifically enumerated in this charter, unless otherwise	
9	prohibited by or contrary to the provisions of this charter.	1.59
10	The village shall have all governmental, corporate, and	1.60
11	proprietary powers necessary to enable it to conduct municipal	1.61
12	government, perform municipal functions, and render municipal	
13	services, and may exercise any power for municipal services	1.62
14	unless expressly prohibited by law. The powers of the village	1.63
15	shall be liberally construed in favor of the village.	
16	Section 5. Village council.--	1.64
17	A. Village council; composition; qualifications of	1.65
18	council members.--	
19	1. There shall be a five member village council,	1.66
20	consisting of council members each elected from and	1.67
21	representing the village at large.	
22	2. There shall be five separate council seats to be	1.68
23	designated as Seat 1, Seat 2, Seat 3, Seat 4, and Seat 5.	1.70
24	Candidates must qualify for council elections by seat, and the	
25	council members elected to those seats shall hold Seats 1	1.71
26	through 5 respectively.	
27	3. To qualify for office:	1.72
28	a. Each candidate for the office of village council	1.73
29	shall be a registered voter in the State of Florida and a	1.74
30	resident of the village.	1.75
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1	b. At the time of qualification, each candidate for a	1.76
2	council seat shall reside within the boundaries of the village	1.77
3	and, if elected, shall maintain such residency throughout his	
4	or her term of office. For the initial election, following	1.79
5	the referendum approving the creation of the village,	
6	candidates for office shall qualify as provided in section 9B.	1.80
7	Thereafter, candidates shall qualify as provided in section	1.81
8	8C.	
9	B. Term of office.--The term of office for council	1.82
10	members shall be 4 years. Each council member shall remain in	1.83
11	office until a successor is elected and assumes the duties of	1.84
12	the position, except as otherwise provided herein. No council	2.1
13	member shall serve more than two consecutive terms of office.	
14	C. The mayor; powers and duties.--	2.2
15	1. The village council, at its first regular meeting	2.3
16	after the fourth Tuesday of each March, shall elect from its	2.4
17	membership a mayor and a vice mayor who shall serve at the	
18	pleasure of the village council and who shall have the same	2.5
19	legislative powers and duties as any other council member,	2.6
20	except as provided in section 5C.2.	
21	2. In addition to carrying out the regular duties	2.7
22	under section 5C.1., the mayor shall preside at the meetings	2.8
23	of the council and shall be recognized as the head of village	
24	government for service of process, ceremonial matters, and the	2.9
25	signature or execution of ordinances, contracts, deeds, bonds,	2.10
26	and other instruments and documents. The mayor shall have no	2.11
27	administrative duties other than those necessary to accomplish	
28	these actions, or such other actions as may be authorized by	2.12
29	the village council, consistent with general or special law.	2.13
30	D. The vice mayor.--The vice mayor shall serve as	2.14
31	acting mayor during the absence or disability of the mayor.	2.15

1	In the absence of the mayor and the vice mayor, the remaining	2.16
2	council members shall select a council member to serve as	2.17
3	acting mayor.	
4	E. Compensation and expenses.--Village council members	2.18
5	shall initially be compensated at the rate of \$300 per month,	2.19
6	and shall be entitled to receive reimbursement in accordance	2.20
7	with Florida Statutes for authorized travel and per diem	2.21
8	expenses incurred in the performance of their official duties.	
9	The village council, by not less than four affirmative votes,	2.22
10	may elect to provide for an increase in compensation by	2.23
11	ordinance. However, no such ordinance establishing or	2.24
12	increasing compensation shall take effect until the date of	2.25
13	commencement of the terms of council members elected at the	2.26
14	next regular election which follows the adoption of said	
15	ordinance.	
16	F. General powers and duties of council.--Except as	2.27
17	otherwise prescribed herein or provided by law, legislative	2.28
18	and police powers of the village shall be vested in the	
19	council. The council shall provide for the exercise of its	2.29
20	powers and for the performance of all duties and obligations	2.30
21	imposed on the village by law.	
22	G. Vacancies; forfeiture of office; suspension;	2.31
23	filling of vacancies.--	
24	1. Vacancies.--A vacancy in the office of a council	2.32
25	member shall occur upon the death of the incumbent, removal	2.33
26	from office as authorized by law, resignation, appointment to	
27	other public office which creates dual office holding,	2.34
28	judicially determined incompetency, or forfeiture of office as	2.35
29	described in section 5G.2.	
30	2. Forfeiture of office.--A council member shall	2.36
31	forfeit his or her office upon determination by the council,	2.37

1	acting as a body, at a duly noticed public meeting that he or	
2	she:	
3	a. Lacks at any time, or fails to maintain during his	2.38
4	or her term of office, any qualification for the office	2.39
5	prescribed by this charter or otherwise required by law;	
6	b. Is convicted of a felony, or enters a plea of	2.40
7	guilty or nolo contendere to a crime punishable as a felony,	2.41
8	even if adjudication is withheld;	
9	c. Is convicted of a first degree misdemeanor arising	2.42
10	directly out of his or her official conduct or duties, or	2.43
11	enters a plea of guilty or nolo contendere thereto, even if	
12	adjudication of guilt has been withheld;	2.44
13	d. Is found to have violated any standard of conduct	2.45
14	or code of ethics established by law for public officials and	2.46
15	has been suspended from office by the Governor, unless	
16	subsequently reinstated as provided by law; or	2.47
17	e. Is absent from three consecutive regular council	2.48
18	meetings without justifiable reason, or for any other reason	2.49
19	established in this charter.	
20	3. Suspension from office.--A council member shall be	2.50
21	suspended from office upon return of an indictment or issuance	2.51
22	of any information charging the council member with any crime	
23	which is punishable as a felony or with any crime arising out	2.52
24	of his or her official duties which is punishable as a first	2.53
25	degree misdemeanor. Pursuant thereto:	2.54
26	a. During the period of suspension, the council member	2.55
27	shall not perform any official act, duty, or function, or	2.56
28	receive any pay, allowance, emolument, or privilege of office.	
29	b. If the council member is subsequently found not	2.57
30	guilty of the charge, or if the charge is otherwise dismissed,	
31	reduced, or altered in such a manner that suspension would no	2.58

1	longer be required as provided herein, the suspension shall be	
2	lifted and the council member shall be entitled to receive	2.59
3	full back pay and such other emoluments or allowances as he or	2.60
4	she would have been entitled to had the suspension not	2.61
5	occurred.	
6	4. Filling of vacancies.--	2.62
7	a. If a vacancy occurs in the office of mayor, the	2.63
8	vice mayor shall serve as mayor until a new mayor is elected	2.64
9	as provided in section 5C.1. and assumes the duties of his or	
10	her office.	
11	b. If any vacancy occurs in the office of any council	2.65
12	member and the remainder of the unexpired term is less than 2	2.66
13	years and 81 days, the remaining council members shall, within	
14	30 days following the occurrence of such vacancy, by majority	2.67
15	vote, appoint a person to fill the vacancy for the remainder	2.68
16	of the unexpired term. IF, however, the remainder of the	2.69
17	unexpired term exceeds 2 years and 81 days, the remaining	
18	council members shall, within 30 days following the occurrence	2.70
19	of such vacancy, by majority vote, appoint a person to fill	2.71
20	the vacancy until the next regularly scheduled village	2.72
21	election.	
22	c. Any person appointed to fill a vacant seat on the	2.73
23	council shall be required to meet the qualifications of the	2.74
24	seat to which he or she is appointed.	
25	H. Village council meetings.--The council shall	2.75
26	conduct regular meetings at such times and places as the	
27	council shall prescribe by resolution. Such meetings shall be	2.76
28	public meetings within the meaning of s. 286.011, Florida	
29	Statutes, and shall be subject to notice and other	2.77
30	requirements of law applicable to public meetings. Pursuant	2.78
31	thereto:	

1	1. Special meetings may be held at the call of the	2.79
2	mayor, or in his or her absence, at the call of the vice	2.80
3	mayor. Special meetings may also be called upon the request	2.81
4	of a majority of the council members. Unless of an emergency	2.82
5	nature, the person or persons calling such a meeting shall	
6	provide not less than 72 hours' prior notice of the meeting to	2.83
7	the public.	2.84
8	2. Elected or reelected council members shall be	3.1
9	inducted into office at the first regularly scheduled meeting	3.2
10	following certification of their election.	
11	3. A majority of the council shall constitute a	3.3
12	quorum. No action of the council shall be valid unless	3.4
13	adopted by an affirmative vote of the majority of the council	3.5
14	members in attendance, unless otherwise provided by law. All	3.6
15	actions of the village council shall be by ordinance,	
16	resolution, or motion.	
17	I. Village records.--The council shall, in a properly	3.7
18	indexed book kept for the purpose, provide for the	3.8
19	authentication and recording in full of all minutes of	
20	meetings, and all ordinances and resolutions adopted by the	3.9
21	council, and the same shall at all times be a public record.	3.10
22	The council shall further maintain a current codification of	3.11
23	all ordinances. Such codification shall be printed and shall	3.12
24	be made available for distribution to the public on a	3.13
25	continuing basis. All ordinances or resolutions of the	3.14
26	council shall be signed by the mayor, or vice mayor in the	
27	absence or disability of the mayor, or by the acting mayor in	3.15
28	the absence or disability of both the mayor and the vice	3.16
29	mayor, and attested to by the village clerk.	
30	J. Adoption of codes.--The council may adopt any	3.17
31	standard code of technical regulations by reference thereto in	3.18

1	an adopting ordinance and may amend the code in the adopting	
2	ordinance or later amendatory ordinance. The procedures and	3.20
3	requirements governing such an adopting ordinance shall be as	
4	prescribed for ordinances generally, except that:	3.21
5	1. Requirements regarding distribution and filing of	3.22
6	copies of the ordinance shall not be construed to require	3.23
7	distribution and filing of copies of the adopted code of	
8	technical regulations, except as provided in Section 5J.2.	3.24
9	2. A copy of each adopted code of technical	3.25
10	regulations, as well as of the adopting ordinance, shall be	3.26
11	authenticated and recorded by the village clerk.	3.27
12	K. Limitation of employment of council members.--No	3.28
13	council member shall be in the employment of the village while	3.29
14	in office, nor shall any former council member be employed by	
15	the village until after the expiration of 1 year from the time	3.30
16	of leaving office.	
17	L. Noninterference by village council.--Except for the	3.31
18	purposes of inquiry and information, the council and its	3.32
19	members, including committees thereof, are expressly	
20	prohibited from interfering with the performance of the duties	3.33
21	of any employee of the village government who is under the	3.34
22	direct or indirect supervision of the village manager or	
23	village attorney. Such action shall be malfeasance within the	3.35
24	meaning of ss. 112.317 and 112.51, Florida Statutes.	
25	Section 6. Budget and appropriations.--	3.36
26	A. Fiscal year.--The village shall have a fiscal year	3.38
27	which shall begin on October 1 of each year and end on	
28	September 30 of the succeeding year.	3.39
29	B. Budget adoption.--The council shall by resolution	3.40
30	adopt a budget on or before the 30th day of September of each	3.41
31	year, following a minimum of two public hearings on the	3.42

1	proposed budget. A resolution adopting the annual budget	3.43
2	shall constitute appropriation of the amounts specified	
3	therein as expenditures from funds indicated.	3.44
4	C. Appropriation amendments during the fiscal year.--	3.45
5	1. Supplemental appropriations.--If, during the fiscal	3.46
6	year, revenues in excess of those estimated in the budget are	3.47
7	available for appropriation, the council by resolution may	
8	make supplemental appropriations for the year in an amount not	3.48
9	to exceed such excess.	
10	2. Reduction of appropriations.--If, at any time	3.49
11	during the fiscal year, it appears probable to the village	3.50
12	manager that the revenues available will be insufficient to	
13	meet the amount appropriated, the village manager shall report	3.52
14	same to the council without delay, indicating the estimated	
15	amount of the deficit, any remedial action taken, and	3.53
16	recommendations as to any other steps that should be taken.	
17	The council shall then take such further action as it deems	3.54
18	necessary to prevent or minimize any deficit and, for that	3.55
19	purpose, the council may by resolution reduce one or more	
20	appropriations accordingly.	3.56
21	3. Limitations; effective date.--No appropriation for	3.57
22	debt service may be reduced or transferred, and no	3.58
23	appropriation may be reduced below any amount required by law	3.59
24	to be appropriated, or by more than the unencumbered balance	3.60
25	thereof. Other provisions of law to the contrary	3.61
26	notwithstanding, the supplemental and emergency appropriations	3.62
27	and reduction or transfer of appropriations authorized by this	
28	section may be made effective immediately upon adoption.	3.63
29	Section 7. Charter officers.--	3.64
30	A. Designation.--The village manager and the village	3.65
31	attorney are designated as charter officers, except that the	3.66

1	office of village attorney may be contracted to an attorney or	3.67
2	law firm.	
3	B. Appointment; removal; compensation; filling of	3.68
4	vacancies.--	
5	1. The charter officers shall be appointed by a	3.69
6	majority vote of the full council and shall serve at the	3.70
7	pleasure of the council.	
8	2. The charter officers shall be removed from office	3.71
9	only by a majority vote of the full council. Upon demand by a	3.73
10	charter officer, a public hearing shall be held prior to such	3.74
11	removal.	
12	3. The compensation of the charter officers shall be	3.75
13	fixed by the village council.	
14	4. The village council shall begin the process to fill	3.76
15	a vacancy in a charter office within 90 days of the vacancy.	3.77
16	An acting village manager or an acting village attorney may be	3.78
17	appointed by the council during a vacancy in such charter	3.79
18	office.	
19	5. The charter officers shall not be a candidate for	3.80
20	village council while holding their charter officer position.	3.81
21	C. Village manager.--The village manager shall be the	3.82
22	chief administrative officer of the village.	3.83
23	1. Qualifications.--The village manager shall be	3.84
24	selected on the basis of experience, expertise, and management	4.1
25	ability as it pertains to running municipal government.	
26	2. Powers and duties.--The village manager shall:	4.2
27	a. As the chief administrative officer of the village,	4.4
28	direct and supervise the administration of all departments,	
29	offices, and agencies of the village, except the offices of	4.5
30	village attorney, and except as otherwise provided by this	4.6
31	charter or by law.	

1	b. Appoint, suspend, or remove any employee of the	4.7
2	village or appointive administrative officer provided for, by,	4.8
3	or under this charter, except the office of village attorney,	
4	and except as may otherwise be provided by law, this charter,	4.9
5	or personnel rules adopted pursuant to the charter. The	4.11
6	village manager may authorize any administrative officer who	
7	is subject to his or her direction and supervision to exercise	4.12
8	these powers with respect to subordinates in that officer's	
9	department, office, or agency.	4.13
10	c. Ensure that all laws, provisions of this charter,	4.14
11	and acts of the council are faithfully executed.	
12	d. Prepare and submit the annual budget, and capital	4.15
13	program to the council in the form prescribed by ordinance.	4.16
14	e. Attend meetings of the village council.	4.17
15	f. Draw and sign vouchers upon depositories as	4.18
16	provided by ordinance, and keep, or cause to be kept, a true	4.19
17	and accurate account of same.	
18	g. Sign all licenses issued by the village, and issue	4.20
19	receipts for all moneys paid to the village, and deposit said	4.21
20	moneys in the proper depositories on the first banking day	
21	after receipt. The village manager may delegate the	4.22
22	responsibilities of this subparagraph to an appropriate	
23	village employee who shall be bonded.	4.23
24	h. Provide administrative services in support of the	4.24
25	official duties of the mayor and the council.	4.25
26	i. Keep the council advised as to the financial	4.26
27	condition and future needs of the village and make	4.27
28	recommendations to the council concerning the affairs of the	
29	village.	
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1	j. Submit to the council, and make available to the	4.28
2	public, a complete report on finances and administrative	4.29
3	activities of the village as of the end of each fiscal year.	4.30
4	k. Sign contracts on behalf of the village to the	4.31
5	extent authorized by ordinance.	
6	l. Perform such other duties as are specified in this	4.32
7	charter or as may be required by the council.	4.33
8	D. Village attorney.--The village attorney shall be	4.34
9	the chief legal officer of the village.	4.35
10	1. Qualifications.--The village attorney shall be a	4.36
11	member of The Florida Bar in good standing.	
12	2. Powers and Duties.--The village attorney:	4.37
13	a. Shall serve as chief legal advisor to the village	4.38
14	council, the charter officers, and all village departments,	4.39
15	offices and agencies.	
16	b. May hire such assistants as may be required, when	4.40
17	approved by the village council.	
18	c. Shall attend village council meetings unless	4.41
19	excused by the village council, and shall perform such	4.42
20	professional duties as may be required by law or by the	
21	council in furtherance of the law.	4.43
22	d. Shall prepare an annual budget for the operation of	4.44
23	the office of the village attorney and shall submit this	4.45
24	budget to the village manager for inclusion in the annual	
25	village budget, in accordance with uniform village procedures.	4.46
26	Section 8. Elections.--	4.47
27	A. Electors.--Any person who is a resident of the	4.48
28	village, who has qualified as an elector of this state, and	
29	who registers in the manner prescribed by law shall be an	4.49
30	elector of the village.	
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1	B. Nonpartisan elections.--All elections for the	4.50
2	village council members shall be conducted on a nonpartisan	4.51
3	basis without any designation of political party affiliation.	
4	C. Qualifying for office.--Any resident of the village	4.52
5	who wishes to become a candidate for a village elective office	4.54
6	shall qualify with the village clerk no sooner than noon on	4.55
7	the last Tuesday in January nor later than noon on the second	
8	Tuesday in February of the year in which the election is to be	4.56
9	held.	
10	D. Schedule for general elections and runoffs.--The	4.57
11	regular village election shall be the second Tuesday in March	4.58
12	of each election year. Such village elections shall be	4.59
13	general village elections. In the event no candidate for an	4.60
14	office receives a majority of the votes cast for said office,	
15	then a runoff election shall be held on the fourth Tuesday in	4.61
16	March.	
17	E. Schedule for other elections.--	4.62
18	1. An election to fill the remainder of an unexpired	4.63
19	term shall be held as provided in section 8D.	
20	2. Special municipal elections shall be held in the	4.64
21	same manner as regular elections, except that the village	4.65
22	council, by ordinance, shall fix the time for holding of such	
23	elections.	
24	F. Determination of election to office.--If only one	4.67
25	candidate qualifies for an office, said candidate shall be	
26	deemed to be elected. If two or more candidates qualify for	4.69
27	an office, the names of those candidates shall be placed on	
28	the ballot at the general election. If no candidate for an	4.71
29	office receives a majority of the votes cast for said office,	
30	then the two candidates for the office receiving the highest	4.72
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1	vote in the general election shall run again in the runoff	4.73
2	election, provided that:	
3	1. If more than two candidates for an office receive	4.74
4	an equal and highest number of votes, the name of each	4.75
5	candidate shall be placed on the runoff election ballot.	
6	2. In any contest in which there is a tie for second	4.76
7	place, the name of the candidate placing first and the name of	4.77
8	each candidate tying for second shall be placed upon the	
9	runoff election ballot. The candidate receiving the highest	4.79
10	number of votes cast for the office in the runoff election	4.80
11	shall be elected to such office. If the vote at the runoff	4.81
12	election results in a tie, the outcome shall be determined by	
13	lot.	
14	G. <u>Village canvassing board.</u> -- <u>The village canvassing</u>	4.82
15	<u>board shall be composed of those members of the village</u>	4.83
16	<u>council who are not candidates for reelection and the village</u>	4.84
17	<u>clerk, who shall act as chairperson. At the close of the</u>	5.1
18	<u>polls of any village election, or as soon thereafter as</u>	
19	<u>practicable, the canvassing board shall meet at a time and</u>	5.2
20	<u>place designated by the chairperson and shall proceed to</u>	
21	<u>publicly canvass the vote as shown by the returns then on file</u>	5.3
22	<u>in the office of the village clerk, and then shall publicly</u>	5.4
23	<u>canvass the absentee elector ballots.</u> The canvassing board	5.5
24	<u>shall prepare and sign a certificate containing the total</u>	
25	<u>number of votes cast for each candidate or other measure voted</u>	5.6
26	<u>upon. The certificate shall be placed on file with the</u>	5.7
27	<u>village clerk.</u>	5.8
28	H. Recall of village council members.--Any member of	5.9
29	the village council may be removed from office by the electors	5.10
30	of the village following the procedures for recall established	
31	by general law.	5.11

1	I. Initiative and referendum.--	5.12
2	1. Power to initiate and reconsider ordinances.--	5.13
3	a. Initiative.--The electors of the village shall have	5.14
4	the power to propose ordinances to the village council and, if	5.15
5	the village council fails to adopt an ordinance so proposed	5.16
6	without any change in substance, to adopt or reject it at a	
7	village election, provided that such power shall not extend to	5.17
8	the annual budget or capital program or any ordinance	
9	appropriating money, levying taxes, or setting salaries of	5.18
10	village officers or employees.	
11	b. Referendum.--	5.19
12	(1) The village council shall have the power, by	5.20
13	resolution, to call for a referendum vote by the electors of	5.22
14	the village at any time, provided that the purpose of such	
15	referendum is presented to the village at a public hearing at	5.23
16	least 60 days prior to the adoption of said resolution. Any	5.24
17	resolution calling for a referendum vote of the electors of	
18	the village must be passed by the affirmative vote of not less	5.25
19	than four members of the council.	
20	(2) The electors of the village shall have the power	5.26
21	to require reconsideration by the village council of any	5.27
22	adopted ordinance and, if the village council fails to repeal	
23	an ordinance so reconsidered, to approve or reject it at a	5.28
24	village election, provided that such power shall not extend to	5.29
25	the annual budget or capital program or any ordinance	
26	appropriating money, levying taxes, or setting salaries of	5.30
27	village officers or employees.	
28	(3) Notwithstanding anything in section 81.1.a.(2) to	5.31
29	the contrary, the referendum power shall extend to any	5.32
30	ordinance levying ad valorem taxes, provided that the	5.33
31	ordinance increases the total village tax rate above 5 mills,	

1	and that all petitions with respect to the referendum are	5.34
2	filed within 30 days after the date of adoption of the	
3	ordinance.	5.35
4	2. Commencement of proceedings.--Any 10 electors may	5.36
5	commence initiative or referendum proceedings by filing with	5.37
6	the village clerk an affidavit stating that they shall	
7	constitute the petitioner's committee and be responsible for	5.38
8	circulating the petition and filing it in proper form stating	5.39
9	their names and addresses and specifying the address to which	
10	all notices to the committee are to be sent, and setting out	5.40
11	in full the proposed initiative ordinance or citing the	5.41
12	ordinance sought to be reconsidered. Promptly after the	5.42
13	affidavit of the petitioner's committee is filed, the village	
14	clerk may, at the committee's request, issue the appropriate	5.43
15	petition blanks to the petitioner's committee at the	
16	committee's expense.	5.45
17	3. Petitions.--	5.46
18	a. Initiative and referendum petitions must be signed	5.47
19	by electors of the village equal in number to at least 10	5.48
20	percent of the total number of electors registered to vote in	
21	the last regular village election.	5.49
22	b. All papers of a petition shall be assembled as one	5.50
23	instrument of filing. Each signature shall be executed in ink	5.51
24	and shall be followed by the printed name and address of the	5.52
25	person signing. Petitions shall contain or have attached	5.53
26	thereto throughout their circulation the full text of the	
27	ordinance proposed or sought to be reconsidered.	5.54
28	c. Each paper of a petition shall have attached to it	5.55
29	when filed an affidavit executed by the circulator thereof	5.56
30	stating that he or she personally circulated the paper, the	
31	number of signatures thereon, that all signatures were affixed	5.57

1	in his or her presence, that he or she believes them to be the	5.58
2	genuine signatures of the persons whose names they purport to	5.59
3	be, and that each signer had an opportunity before signing to	
4	read the full text of the ordinance proposed or sought to be	5.60
5	reconsidered.	
6	d. Except as otherwise provided in section 8I.1.a.(2),	5.61
7	all initiative and referendum petitions must be filed within	5.62
8	60 days of the date on which proceedings with respect to such	
9	initiative or referendum are commenced, and all requirements	5.63
10	of the process, including, but not limited to, the submission	5.64
11	of the signatures required, must be completed no later than 90	
12	days following the date of filing said initiative or	5.65
13	referendum petition.	
14	4. Procedure for filing.--	5.66
15	a. Within 20 days after an initiative petition or a	5.67
16	referendum petition is filed, the village clerk shall complete	5.68
17	a certificate as to its sufficiency, specifying, if it is	5.69
18	insufficient, the particulars wherein it is defective and	
19	shall promptly send a copy of the certificate to the	5.70
20	petitioner's committee by registered mail. Grounds for	5.71
21	insufficiency are only those specifics in section 8I.3.c. that	
22	are not met. A petition certified insufficient for lack of	5.72
23	the required number of valid signatures may be amended once if	5.73
24	the petitioner's committee files a notice of intent to amend	
25	it with the designated official within 2 business days after	5.74
26	receiving the copy of the certificate and files a	
27	supplementary petition upon additional papers within 10 days	5.75
28	after receiving the copy of such certificate. Such	5.77
29	supplementary petition shall comply with original petition	
30	requirements, and within 5 days after it is filed, the village	5.78
31	clerk shall complete a certificate as to the sufficiency of	

1	the petition as amended and promptly send a copy of such	5.79
2	certificate to the petitioner's committee by registered mail.	5.80
3	If a petition or an amended petition is certified sufficient,	5.82
4	or if a petition or amended petition is certified insufficient	
5	and the petitioner's committee does not elect to amend or	5.83
6	request the village council review under section 8I.4.b.	5.84
7	within the time required, the village clerk shall promptly	
8	present a certificate to the village council and such	6.1
9	certificate shall then be a final determination as to the	
10	sufficiency of the petition.	6.2
11	b. The village council review.--If a petition has been	6.3
12	certified insufficient and the petitioner's committee does not	6.4
13	file notice of intent to amend it or if an amended petition	
14	has been certified insufficient, the committee may, within two	6.5
15	2 business days after receiving the copy of such certificate,	6.6
16	file a request that it be reviewed by the village council.	
17	The village council shall review the certificate at its next	6.7
18	meeting following the village council's filing of such request	6.8
19	and approve or disapprove it, and determination shall then be	6.9
20	final as to the sufficiency of the petition.	
21	5. Action on petitions.--	6.10
22	a. Action by the village council.--When an initiative	6.11
23	or referendum petition has been determined sufficient, the	6.12
24	village council shall promptly consider the proposed	
25	initiative ordinance or reconsider the referendum ordinance by	6.13
26	voting its repeal. The repeal of an ordinance relating to the	6.14
27	levy of ad valorem taxes shall be by ordinance. IF the	6.15
28	village council fails to adopt a proposed initiative ordinance	
29	without any change in substance within 45 days or fails to	6.16
30	repeal the referendum ordinance within 30 days or, in the case	
31	of a referendum authorized pursuant to section 8I.1.b.(3),	6.17

1	within 5 days after the date on which the petition is	6.18
2	determined to be sufficient, it shall submit the proposed	
3	initiative or referendum ordinance to the electors of the	6.19
4	village. If the village council fails to act on a proposed	6.21
5	initiative ordinance or a referendum ordinance within the time	
6	period specified, the village council shall be deemed to have	6.22
7	failed to adopt the proposed initiative ordinance or failed to	6.23
8	repeal the referendum ordinance on the last day that the	
9	village council was authorized to act on such matter.	6.24
10	b. Submission to electors.--The vote of the village council	6.25
11	a proposed initiative or referendum ordinance shall be held	6.26
12	not less than 30 or more than 60 days from the date the	
13	village council acted or was deemed to have acted pursuant to	6.27
14	section 8I.5.a. that the petition was determined sufficient.	6.28
15	If no regular election is to be held within the period	6.29
16	described in this paragraph, the village council shall provide	6.30
17	for a special election, except that the village council may,	
18	in its discretion, provide for a special election at an	6.31
19	earlier date within the described period. Copies of the	6.32
20	proposed initiative or referendum ordinance shall be made	6.33
21	available at the polls.	
22	c. Withdrawal of petitions.--An initiative or	6.34
23	referendum petition may be withdrawn at any time prior to the	6.35
24	15th day preceding the day scheduled for a vote of the village	
25	by filing with the village clerk a request for withdrawal	6.36
26	signed by at least eight members of the petitioner's	
27	committee. Upon the filing of such request, the petition	6.32
28	shall have no further force or effect and all proceedings	
29	thereon shall be terminated.	
30	6. Results of election.--	6.39
31		

1	a. Initiative.--If a majority of the qualified	6.41
2	electors voting on a proposed initiative ordinance vote in its	6.42
3	favor, it shall be considered adopted upon certification of	
4	the election results. If conflicting ordinances are approved	6.44
5	at the same election, the one receiving the greatest number of	6.45
6	affirmative votes shall prevail to the extent of such	
7	conflict.	6.46
8	b. If a majority of the qualified electors voting on a	6.47
9	referendum ordinance vote against it, it shall be considered	6.48
10	repealed upon certification of the election results. . .	
11	Section 9. Transition schedule.--	6.49
12	A. Referendum.--The referendum election called for by	6.50
13	this act shall be held on November 7, 1995, at which time the	6.51
14	following question shall be placed upon the ballot:	
15		
16	"SHALL CHAPTER 95- , LAWS OF FLORIDA,	1:qq
17	CREATING THE VILLAGE OF WELLINGTON AND	
18	PROVIDING ITS CHARTER BE APPROVED?"	6.54
19		
20	In the event this question is answered affirmatively by a	6.55
21	majority of voters voting in the referendum, the provisions of	6.56
22	this charter will take effect as provided in section 14.	
23	B. Initial election of council members.--	6.57
24	1. Dates.--Following the adoption of this charter in	6.58
25	accordance with section 9A., the Palm Beach County Commission	6.59
26	shall call a special election for the election of the five	6.60
27	village council members to be held on March 12, 1996. In the	6.61
28	event no candidate for an office receives a majority of the	
29	votes cast for said office, then a runoff election shall be	6.62
30	held on March 26, 1996.	
31		

1	2. Qualifying period.--Between noon on January 30,	6.63
2	1996, and noon on February 13, 1996, any individual who wishes	6.64
3	to run for one of the five initial seats on the council shall	
4	qualify as a candidate with the Palm Beach County Supervisor	6.65
5	of Elections in accordance with the provisions of this charter	6.66
6	and general law.	
7	3. Certification of election results.--For the initial	6.67
8	election, the Palm Beach County Commission shall appoint a	6.68
9	canvassing board which shall certify the results of the	
10	election.	
11	4. Induction into office.--Those candidates who are	6.69
12	elected on March 12, 1996, and March 26, 1996, shall take	6.70
13	office at the initial village council meeting, which shall be	6.71
14	held at 7 p.m. on March 28, 1996, at the Wellington High	
15	School, Wellington, Florida.	6.72
16	5. Initial terms of office.--In order to provide for	6.73
17	staggering terms of office, the initial term of office for	6.74
18	those three council candidates receiving the highest number of	
19	votes in the initial election shall be 4 years, and for the	6.75
20	remaining elected candidates 2 years.	
21	C. Creation and establishment of village.--For the	6.76
22	purpose of compliance with s. 200.066, Florida Statutes,	6.77
23	relating to assessment and collection of ad valorem taxes, the	
24	village is hereby created and established effective December	6.78
25	31, 1995, notwithstanding anything to the contrary contained	6.79
26	herein, the village although created and established as of	
27	December 31, 1995, shall not be operational until March 28,	6.81
28	1996.	
29	D. First year expenses.--The village council, in order	6.82
30	to provide moneys for the expenses and support of the village,	6.83
31	shall have the power to borrow money necessary for the	

1	operation of village government until such time as a budget is	6.84
2	adopted and revenues are raised in accordance with the	7.1
3	provisions of this charter.	
4	E. Transitional ordinances and resolutions.--The	7.2
5	village council shall adopt ordinances and resolutions.	7.3
6	required to effect the transition. Ordinances adopted within	7.4
7	60 days after the first council meeting may be passed as	
8	emergency ordinances. These transitional ordinances, passed	7.6
9	as emergency ordinances, shall be effective for no longer than	7.7
10	90 days after adoption, and thereafter may be readopted;	
11	renewed, or otherwise continued only in the manner normally	7.8
12	prescribed for ordinances.	
13	F. Transitional comprehensive plan and land	7.9
14	development regulations.--	
15	1. Until such time as the village adopts a	7.10
16	comprehensive plan, the applicable provisions of the	7.11
17	Comprehensive Plan of Palm Beach County, as the same exists on	
18	the day the village commences corporate existence, shall	7.12
19	remain in effect as the village's transitional comprehensive	
20	plan. However, all planning functions, duties, and authority	7.14
21	shall thereafter be vested in the Village Council of	7.15
22	Wellington which shall be deemed the local planning agency	
23	until the council establishes a separate local planning	7.16
24	agency. Any amendment to any zoning as established in the	7.17
25	current county land use plan, which is adopted by the village,	7.18
26	shall only be by an ordinance adopted by the affirmative vote	
27	of not less than four members of the council. Any increase in	7.20
28	the residential density or intensity, as established in the	
29	current county land use plan which is adopted by the village	7.21
30	shall only be by an ordinance adopted by the affirmative vote	
31	of not less than four members of the council. This charter	7.23

1	shall not affect any of the rights and obligations, between	
2	and among any persons, which have been and are established by	7.24
3	or result from any existing planned unit developments in the	
4	area which are established by this charter. Notwithstanding	7.26
5	any other provision within general law or this charter, if,	
6	before the village adopts its comprehensive plan and land	7.27
7	development regulations, an application for development	
8	approval is filed for a development of regional impact on a	7.28
9	parcel of land located within the corporate boundaries of the	7.29
10	village, as described in Section 11 herein, the comprehensive	
11	plan and land development regulations of Palm Beach County	7.30
12	shall govern all development approvals for the development of	7.31
13	regional impact until 48 months subsequent to the date the	
14	village commences corporate existence and during that 48-month	7.33
15	period all local government orders and development permits	
16	associated with the development of regional impact shall be	7.34
17	administered and issued by Palm Beach County.	7.35
18	2. With the exception of the Development of Regional	7.36
19	Impact exemption provided in subparagraph F.1., all powers and	7.37
20	duties of the planning commission, zoning authority, any	
21	boards of adjustment, and the County Commission of Palm Beach	7.39
22	County, as set forth in these transitional zoning and land use	7.40
23	regulations, shall be vested in the Village Council of	
24	Wellington until such time as the village council delegates	7.41
25	all or a portion thereof to another entity.	
26	3. With the exception of the Development of Regional	7.42
27	Impact exemption provided in subparagraph F.1., subsequent to	7.43
28	the commencement of the village's corporate existence, no	
29	amendment of the comprehensive plan or land development	7.45
30	regulations enacted by the Palm Beach County Commission shall	7.46
31	be deemed as an amendment of the village's transitional	7.47

1	comprehensive plan or land development regulations or	
2	otherwise take effect within the village's corporate limits	7.48
3	unless approved by the village council.	
4	G. State shared revenues.--The Village of Wellington	7.49
5	shall be entitled to participate in all shared revenue	7.50
6	programs of the State of Florida effective immediately on the	7.51
7	date of incorporation. The provisions of subsection	7.52
8	218.23(1), Florida Statutes, shall be waived for the purpose	
9	of eligibility to receive revenue sharing funds from the date	7.53
10	of incorporation through the state fiscal-year 1996-1997	7.54
11	Initial population estimates for calculating eligibility for	7.55
12	shared revenues shall be determined by the University of	7.56
13	Florida Bureau of Economic and Business Research. Should the	7.57
14	bureau be unable to provide an appropriate population	
15	estimate, the Palm Beach County Planning Division estimate	7.58
16	should be utilized.	
17	H. Gas tax revenues.--Notwithstanding the requirements	7.59
18	of section 336.025, Florida Statutes, to the contrary, the	7.60
19	Village of Wellington shall be entitled to receive local	7.61
20	option gas tax revenues beginning October 1, 1996. The amount	7.62
21	of said revenues distributed to the Village of Wellington	
22	shall be determined pursuant to Ordinance 86-23 of Palm Beach	7.63
23	County.	
24	Section 10. Continuation, merger, and dissolution of	7.64
25	existing districts.--	
26	A. Palm Beach County Fire Rescue Municipal Service	7.65
27	Taxing Unit; continuation.--Notwithstanding the incorporation	7.66
28	of the Village of Wellington, that portion of the Palm Beach	7.67
29	County Fire Rescue Municipal Service Taxing Unit, a special	
30	taxing district created by the Palm Beach County Commission	7.69
31	that lies within the boundaries of the Village of Wellington,	

1	is authorized to continue in existence, until the village	7.70
2	adopts an ordinance to the contrary. However, the village	7.71
3	shall not establish a village fire department without a	
4	referendum.	
5	B. Law enforcement.--Law enforcement services shall	7.72
6	continue to be provided by the Palm Beach County Sheriff's	7.73
7	Office, or contracted with other law enforcement agencies,	
8	until the village adopts an ordinance to the contrary;	7.74
9	provided that the village shall not establish a village police	7.75
10	department without a referendum.	
11	C. Palm Beach County Library Taxing District;	7.76
12	continuation.--Notwithstanding the incorporation of the	7.77
13	Village of Wellington, that portion of the Palm Beach County	7.78
14	Library Taxing District, a dependent district of Palm Beach	
15	County created by chapter 67-1869, Laws of Florida, as	7.79
16	amended, that lies within the boundaries of the Village of	7.80
17	Wellington, is authorized but not required to continue in	
18	existence.	
19	D. Palm Beach County Municipal Service Taxing Unit	7.81
20	B.--That portion of Palm Beach County Municipal Service Taxing	7.82
21	Unit B, a dependent district of Palm Beach County created by	
22	the Palm Beach Commission that lies within the boundaries of	7.83
23	the Village of Wellington, shall cease to exist within the	7.84
24	municipal boundaries of the Village of Wellington on September	
25	30, 1996.	
26	E. Palm Beach County Municipal Service Taxing Unit	8.1
27	C.--That portion of Palm Beach County Municipal Service Taxing	8.2
28	Unit C, a dependent district of Palm Beach County created by	
29	the Palm Beach County Commission that lies within the	8.3
30	boundaries of the Village of Wellington, shall cease to exist	8.4
31		

1	within the municipal boundaries of the Village of Wellington	
2	on September 30, 1996.	
3	F. Palm Beach County Municipal Service Taxing Unit	8.5
4	F.--That portion of Palm Beach County Municipal Service Taxing	8.6
5	Unit F, a dependent district of Palm Beach County created by	8.7
6	the Palm Beach County Commission that lies within the	
7	boundaries of the Village of Wellington, shall cease to exist	8.8
8	within the municipal boundaries of the Village of Wellington	
9	on September 30, 1996.	8.9
10	G. Acme Improvement District continuation and	8.10 ←
11	transfer.--The Acme Improvement District, an independent	8.11
12	special district created by a special act of the Legislature,	
13	shall become a <u>dependent district</u> of the Village of Wellington	8.12
14	on March 28, 1996. All special acts of the Acme Improvement	8.13
15	District shall become Ordinances of the Village of Wellington	8.14
16	on March 28, 1996.	
17	1. The assets, liabilities, and written contracts of	8.15
18	the Acme Improvement District, including all rights,	8.16
19	obligations, duties and relationships now existing by law or	
20	agreement, shall be unaffected and shall remain in full force	8.17
21	and effect and shall be those of the district as a dependent	8.18
22	district of the Village of Wellington. All rights,	8.19
23	obligations, duties, and relationships now existing by law or	
24	agreement shall remain in full force and effect and shall be	8.20
25	those of the district as a dependent district of the Village	
26	of Wellington. All rights, claims, actions, orders, and all	8.22
27	contracts of the special district and all legal or	
28	administrative proceedings involving the district shall	8.23
29	continue in full force and effect under the jurisdiction of	8.24
30	the district as a dependent district of the Village of	
31	Wellington.	

1	2. Effective March 28, 1996, at 7 p.m., the terms of	8.25
2	office of the Board of Supervisors of the Acme Improvement	8.26
3	District shall terminate, and the village council members of	
4	the Village of Wellington shall assume the duties and	8.27
5	responsibilities of the Board of Supervisors.	
6	3. To the extent not inconsistent with this charter,	8.28
7	all resolutions and policies of the Acme Improvement District	8.29
8	shall remain in effect until amended, revised, or repealed by	8.30
9	the village council.	
10	4. Additional provisions which are necessary to effect	8.31
11	this transition and to provide for the operation of the Acme	8.32
12	Improvement District as a dependent district of the village	
13	shall be adopted by ordinance.	8.33
14	Section 11. Land description.--The corporate	8.34
15	boundaries of the village shall be as follows:	8.35
16		
17	DESCRIPTION OF BASIN A, BASIN B,	8.35
18	WELLINGTON'S EDGE TRACTS AND BREFRANK TRACT	8.36
19		
20	Lands in Township 43 South, Range 41 East, Palm	8.37
21	Beach County, Florida, as follows: Those	8.38
22	portions of Sections 31, 32, 33, 34 and 35	
23	lying southerly of the SOUTH FLORIDA WATER	
24	MANAGEMENT DISTRICT CANAL C-51 right-of-way	8.39
25	(WEST PALM BEACH CANAL, so called).	
26		
27	TOGETHER WITH	8.41
28		
29	Lands in Township 44 South, Range 40 East, Palm	8.42
30	Beach County, Florida, as follows: That part	8.43
31	of the North Half (N 1/2) of the North Half (N	

1	1/2) of Section 25 lying northeasterly of the	8.44
2	600 foot wide SOUTH FLORIDA WATER MANAGEMENT	
3	DISTRICT LEVEE L-40 right-of-way.	
4		
5	TOGETHER WITH	8.45
6		
7	Lands in Township 44 South, Range 41 East, Palm	8.46
8	Beach County, Florida, as follows: All of	8.47
9	Sections 2 through 11, inclusive, 14 through	
10	23, inclusive, 26 through 29, inclusive, 33,	
11	34, and those parts of Sections 30, 31, and 32	8.48
12	lying northeasterly of the 600 foot wide SOUTH	
13	FLORIDA WATER MANAGEMENT DISTRICT LEVEE L-40	8.49
14	right-of-way; AND the Southwest Quarter (SW	
15	1/4) of Section 12 less all that part thereof	8.50
16	lying southerly of the southerly right-of-way	
17	line of FOREST HILL BOULEVARD as same is	8.51
18	described in Official Record Book 2198 at pages	
19	1200 and 1201, Public Records of Palm Beach	8.52
20	County, Florida, and less all that part of the	
21	East 40 feet thereof lying northerly and	8.53
22	southerly of the said right-of-way of FOREST	
23	HILL BOULEVARD; AND all that part of the	
24	Southeast Quarter (SE 1/4) of said Section 12	8.54
25	bounded on the North by the South line and the	
26	westerly extension thereof of the North 80 feet	8.55
27	of TRACTS 22, 23, and 24, BLOCK 18, PALM BEACH	
28	FARMS COMPANY PLAT NO. 3, as same is recorded	8.56
29	in Plat Book 2 at pages 45 through 54,	
30	inclusive, Public Records of Palm Beach County,	8.57
31	Florida, bounded on the East by the West line	

1	and the southerly extension thereof of the East	8.58
2	335.91 feet of TRACTS 22 and 27 of said BLOCK	
3	18, bounded on the South by the southerly	8.59
4	right-of-way line of FOREST HILL BOULEVARD as	
5	same is described in Official Record Book 2198	8.60
6	at pages 1200 and 1201, Public Records of Palm	
7	Beach County, Florida, and bounded on the West	8.61
8	by the West line of the said Southeast Quarter	
9	(SE 1/4) of Section 12; AND all that part of	8.62
10	the Southeast Quarter (SE 1/4) of said Section	
11	12 lying within the right-of-way of FOREST HILL	8.63
12	BOULEVARD as said right-of-way is described in	
13	Official Record Book 2198 at pages 1200 and	8.64
14	1201, Public Records of Palm Beach County,	
15	Florida, bounded on the East by the southerly	8.65
16	extension of the East line of TRACTS 22 and 27	
17	of BLOCK 18, PALM BEACH FARMS COMPANY PLAT NO.	8.66
18	3, as said plat is recorded in Plat Book 2 at	
19	pages 45 through 54, inclusive, Public Records	8.67
20	of Palm Beach County, Florida, and bounded on	
21	the West by the southerly extension of the West	8.68
22	line of the East 335.91 feet of said TRACTS 22	
23	and 27 of BLOCK 18; AND a parcel of land lying	8.69
24	in the North Three Quarters (N 3/4) of Section	
25	13 described thusly - beginning at the	
26	Northwest corner of said Section 13; (bearings	8.70
27	cited herein are in a meridian assuming South	8.71
28	87-44-41 East along the North line of said	
29	Section 13), run South 87-44-41 East along the	
30	North line of said Section 13, a distance of	8.73
31	2643.75 feet to the North quarter corner of	

1	Section 13; thence continue South 87-44-41	8.74
2	East, a distance of 883.06 feet to a point of	
3	curvature; thence along the arc of a curve to	8.75
4	the right having a radius of 5616.58 feet and a	
5	central angle of 6-53-57, a distance of 676.31	8.77
6	feet to the point of tangency; thence South 80-	
7	50-44 East, a distance of 249.96 feet to a	
8	point of curvature; thence along a curve to the	8.78
9	left having a radius of 5842.58 feet, through a	
10	central angle of 5-32-46, a distance of 565.55	8.79
11	feet to the westerly right-of-way line of STATE	
12	ROAD NO. 7; thence South 00-21-56 East, a	8.80
13	distance of 548.66 feet; thence South 01-58-01	
14	West, along a line parallel with and 240 feet	8.81
15	westerly from (as measured at right angles to)	
16	the East line of said Section 13, a distance of	8.82
17	363.28 feet; thence North 88-19-38 West, a	
18	distance of 28.46 feet; thence South 01-57-22	8.83
19	West, a distance of 208.71 feet; thence South	
20	88-18-59 East, a distance of 199.16 feet to the	8.84
21	westerly right-of-way line of STATE ROAD NO. 7;	
22	thence South 02-04-34 West, along the said	9.1
23	westerly right-of-way line of STATE ROAD NO. 7,	
24	a distance of 2520.50 feet; thence North 88-05-	9.2
25	25 West, along the South line of the North Half	
26	(N 1/2) of the South Half (S 1/2) of said	9.3
27	Section 13, a distance of 5208.20 feet to the	
28	West line of said Section 13; thence North 01-	9.4
29	52-58 East, a distance of 1360.79 feet to the	
30	West quarter corner of said Section 13; thence	9.5
31	North 01-54-00 East, a distance of 2720.57 feet	

1	to the POINT OF BEGINNING. LESS AND EXCEPT	9.6
2	right-of-way for LAKE WORTH DRAINAGE DISTRICT.	
3		
4	Section 12. General provisions.--	9.8
5	A. Charter amendments.--This charter may be amended in	9.9
6	accordance with the provisions for charter amendments as	9.10
7	specified in the Municipal Home Rule Powers Act, chapter 166,	
8	Florida Statutes, as the same may be amended from time to	9.11
9	time, or its successor, or as may otherwise be provided by	9.12
10	general law. The form, content, and certification of any	9.13
11	petition to amend shall be established by ordinance.	9.14
12	B. Standards of conduct.--All elected officials and	9.15
13	employees of the village shall be subject to the standards of	9.16
14	conduct for public officers and employees set by general law.	
15	In addition, the village council shall, no later than 6 months	9.17
16	from the effective date of incorporation, establish by	9.18
17	ordinance a code of ethics for officials and employees of the	
18	village which may be supplemental to general law, but in no	9.19
19	case may such an ordinance diminish the provisions of general	9.20
20	law. The intent of this provision of the charter is to	9.21
21	require more stringent standards than those provided under	9.22
22	general law.	
23	Section 13. Severability.--If any provisions of this	9.23
24	act, or the application thereof to any person or circumstance,	9.24
25	is held invalid, the invalidity shall not affect other	
26	provisions or applications of this act which can be given	9.25
27	effect without the invalid provision or application, and to	9.26
28	this end the provisions of this act are declared severable.	9.27
29	Section 14. Effective dates.--This act shall take	9.28
30	effect only upon its approval by a majority vote of those	9.29
31	qualified electors residing within the proposed corporate	

1	limits of the proposed Village of Wellington as described in	9.30
2	section 11, voting in a referendum election to be called by	9.31
3	the Palm Beach County Commission and to be held on November 7,	
4	1995, in accordance with the provisions of law relating to	9.32
5	elections currently in force, except that:	
6	A. Section 1, section 2, section 9A. and this section	9.33
7	shall take effect upon becoming a law.	9.34
8	B. If approved by the electorate, section 3, section	9.35
9	9B. and section 9C. shall take effect immediately upon	9.37
10	certification of the election results by the Palm Beach County	9.38
11	Supervisor of Elections.	
12	C. The remainder of this act shall take effect March	9.39
13	28, 1996.	9.40
14		
15	Became a law without the Governor's approval <u>JUN 17 1995</u>	
16	Filed in Office Secretary of State <u>JUN 16 1995</u>	
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State of Florida



Department of State Division of Elections

I, SANDRA B. MORTHAM, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Chapter 95-496, Laws of Florida, Acts of 1995, as shown by the records of this office.



Given under my hand and the
Great Seal of the State of Florida,
at Tallahassee, the Capital, this the
31st. day of July,
A.D., 1995.

Sandra B. Mortham

Sandra B. Mortham
Secretary of State

MANLEY R. CALDWELL, JR.
NETH W. EDWARDS
CHARLES F. SCHOECH
MARY M. VIATOR
BETSY S. BURDEN
WILLIAM E. CORLEY, III
JOHN A. WEIG

LAW OFFICES
CALDWELL & PACETTI
324 ROYAL PALM WAY
PALM BEACH, FLORIDA 33480-4352
TELEPHONE (407) 655-0620
TELECOPIER (407) 655-3775

RETIRED
ARTHUR E. BARROW
MADISON F. PACETTI
1914-1994
PLEASE REPLY TO
POST OFFICE BOX 2775
PALM BEACH, FL 33480-2775

August 3, 1995

Mr. Colin Baenziger
Acme Improvement District
14000 Greenbriar Boulevard
West Palm Beach, FL 33416

Re: Acme Improvement District

Dear Colin:

Enclosed is a certified copy of Chapter 95-496, Laws of Florida, dealing with the Wellington Incorporation which was recently passed in the last legislative session.

Sincerely,


Mary M. Viator

MMV:mt
Enclosure

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ORDINANCE NO. 2002-19

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA PROPOSING AMENDMENTS TO THE VILLAGE CHARTER RELATING TO THE ELECTION OF THE MAYOR; AMENDING SECTION 5 OF THE VILLAGE CHARTER ENTITLED "VILLAGE COUNCIL" TO PROVIDE THAT THE MAYOR SHALL BE ELECTED SEPARATELY FROM OTHER VILLAGE COUNCIL MEMBERS BEGINNING IN 2003; PROVIDING FOR TERMS OF OFFICE FOR THE MAYOR; PROVIDING FOR THE FILLING OF VACANCIES IN THE OFFICE OF MAYOR; CREATING A NEW SUBSECTION 5(M) OF THE CHARTER TO PROVIDE TRANSITIONAL PROVISIONS; PROVIDING FOR SUBMISSION OF THE PROPOSED CHARTER AMENDMENTS TO THE ELECTORS OF THE VILLAGE AT THE GENERAL ELECTION ON NOVEMBER 5, 2002; AND PROVIDING 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 Charter; and

WHEREAS, the Village Council of the Village of Wellington deems it necessary and advisable for the voters of the Village to consider amending the Charter of the Village to provide for the office of Mayor as a separately elected office.

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

SECTION 1. Section 5 entitled "Village Council" of the Charter of the Village of Wellington is amended to read:

Section 5. Village council

A. Village council; composition; qualifications of councilmembers.

1. There shall be a five-member village council, consisting of a mayor and four councilmembers, each elected from and representing the village at large.
2. There shall be five separate ~~council~~ seats to be designated as mayor, seat 1, seat 2, seat 3, and seat 4, ~~and Seat 5~~. Candidates must qualify for mayor and council elections by seat, and the councilmembers elected to those seats shall hold the seat of mayor and seats 1 through 4, respectively.
3. To qualify for office:
 - a. Each candidate for the office of village council shall be a registered voter in the State of Florida and a resident of the village.

1 | b. At the time of qualification, each candidate for mayor or a council seat shall
2 | reside within the boundaries of the village and, if elected, shall maintain such
3 | residency throughout his or her term of office. ~~For the initial election, following~~
4 | ~~the referendum approving the creation of the village, c~~Candidates for office
5 | shall qualify as provided in section 9.B. ~~Hereafter, candidates shall qualify as~~
6 | ~~provided in section 8.C.~~

7 | B. **Term of office.** The term of office for councilmembers shall be four years. ~~The term~~
8 | ~~of office for mayor shall be two years.~~ The mayor and ~~Each each~~ councilmember
9 | shall remain in office until a successor is elected and assumes the duties of the
10 | position, except as otherwise provided herein. No councilmember shall serve more
11 | than two consecutive terms of office. No mayor shall serve more than four
12 | consecutive terms of office. The office of mayor and the office of councilmember
13 | shall be considered separate offices for purposes of this section.

14 | C. **The mayor; powers and duties.**

15 |
16 | 1. One member of the council shall be the mayor, who shall be elected to the office
17 | in the manner provided in section 5.A of this charter, except as provided in this
18 | article for the filling of a vacancy in the office of mayor. ~~The village council, at its~~
19 | ~~first regular meeting after the fourth Tuesday of each March, shall elect from its~~
20 | ~~membership a mayor and a vice mayor who shall serve at the pleasure of the~~
21 | ~~village council and who~~ The mayor shall have the same legislative powers and
22 | duties as any other councilmember, except as provided in section 5.C.2.
23 |

24 | 2. In addition to carrying out the regular duties under section 5.C.1., the mayor shall
25 | preside at the meetings of the council and shall be recognized as the head of
26 | village government for service of process, ceremonial matters, and the signature
27 | or execution of ordinances, contracts, deeds, bonds, and other instruments and
28 | documents. The mayor shall have no administrative duties other than those
29 | necessary to accomplish these actions, or such other actions as may be
30 | authorized by the village council, consistent with general or special law.
31 |

32 | D. **The vice-mayor.**

33 |
34 | 1. The village council, at its first regular meeting after the fourth Tuesday of each
35 | March, shall elect from its membership a vice-mayor who shall serve at the
36 | pleasure of the village council and who shall have the same legislative powers
37 | and duties as the mayor or any other councilmember.
38 |

39 | 2. The vice-mayor shall serve as acting mayor during the absence or disability of
40 | the mayor. In the absence of the mayor and the vice-mayor, the remaining
41 | councilmembers shall select a councilmember to serve as acting mayor.
42 |

43 | E. **Compensation and expenses.** Village councilmembers shall initially be
44 | compensated at the rate of \$300 per month, and shall be entitled to receive
45 | reimbursement in accordance with Florida Statutes for authorized travel and per-
46 | diem expenses incurred in the performance of their official duties. The village
47 | council, by not less than four affirmative votes, may elect to provide for an increase
48 | in compensation by ordinance. However, no such ordinance establishing or

1 increasing compensation shall take effect until the date of commencement of the
2 terms of councilmembers elected at the next regular election which follows the
3 adoption of said ordinance.
4

5 **F. General powers and duties of council.** Except as otherwise prescribed herein or
6 provided by law, legislative and police powers of the village shall be vested in the
7 council. The council shall provide for the exercise of its powers and for the
8 performance of all duties and obligations imposed on the village by law.
9

10 **G. Vacancies; forfeiture of office; suspension; filling of vacancies.**

11
12 1. **Vacancies.** A vacancy in the office of mayor or any a councilmember shall occur
13 upon the death of the incumbent, removal from office as authorized by law,
14 resignation, appointment to other public office which creates dual office holding,
15 judicially determined incompetency, or forfeiture of office as described in section
16 5.G.2.
17

18 2. **Forfeiture of office.** The mayor or any A councilmember shall forfeit his or her
19 office upon determination by the council, acting as a body, at a duly noticed
20 public meeting that he or she:

21
22 a. Lacks at any time, or fails to maintain during his or her term of office, any
23 qualification for the office prescribed by this charter or otherwise required by
24 law;
25

26 b. Is convicted of a felony, or enters a plea of guilty or nolo contendere to a
27 crime punishable as a felony, even if adjudication is withheld;
28

29 c. Is convicted of a first-degree misdemeanor arising directly out of his or her
30 official conduct or duties, or enters a plea of guilty or nolo contendere thereto,
31 even if adjudication of guilt has been withheld;
32

33 d. Is found to have violated any standard of conduct or code of ethics
34 established by law for public officials and has been suspended from office by
35 the Governor, unless subsequently reinstated as provided by law; or
36

37 e. Is absent from three consecutive regular council meetings without justifiable
38 reason, or for any other reason established in this charter.
39

40 3. **Suspension from office.** The mayor or any A councilmember shall be suspended
41 from office upon return of an indictment or issuance of any information charging
42 the mayor or any councilmember with any crime which is punishable as a felony
43 or with any crime arising out of his or her official duties which is punishable as a
44 first-degree misdemeanor. Pursuant thereto:
45

46 a. During the period of suspension, the mayor or any councilmember shall not
47 perform any official act, duty, or function, or receive any pay, allowance,
48 emolument, or privilege of office.
49

1 | b. If the mayor or any councilmember is subsequently found not guilty of the
2 | charge, or if the charge is otherwise dismissed, reduced, or altered in such a
3 | manner that suspension would no longer be required as provided herein, the
4 | suspension shall be lifted and the mayor or any councilmember shall be
5 | entitled to receive full back pay and such other emoluments or allowances as
6 | he or she would have been entitled to had the suspension not occurred.

7 |
8 | 4. *Filling of vacancies.*
9 |

10 | a. If a vacancy occurs in the office of mayor, and less than 120 days remain in
11 | the term of the mayor, then the vice-mayor shall serve as mayor until a new
12 | mayor is elected as provided in section 5.C.1. and assumes the duties of his
13 | or her office. If a vacancy occurs in the office of mayor and 120 days or more
14 | remain in the term of the mayor, then the vice-mayor shall serve as mayor
15 | until a new mayor is elected at a special election as provided herein. The
16 | special election shall be called within not less than 90 days or more than 120
17 | days to fill such vacancy.

18 |
19 | b. If any vacancy occurs in the office of any councilmember and the remainder
20 | of the unexpired term is less than 2 years and 81 days, the remaining
21 | councilmembers shall, within 30 days following the occurrence of such
22 | vacancy, by majority vote, appoint a person to fill the vacancy for the
23 | remainder of the unexpired term. If, however, the remainder of the unexpired
24 | term exceeds 2 years and 81 days, the remaining councilmembers shall,
25 | within 30 days following the occurrence of such vacancy, by majority vote,
26 | appoint a person to fill the vacancy until the next regularly scheduled village
27 | election.

28 |
29 | c. Any person appointed to fill a vacant seat on the council shall be required to
30 | meet the qualifications of the seat to which he or she is appointed.
31 |

32 | **H. Village council meetings.** The council shall conduct regular meetings at such times
33 | and places as the council shall prescribe by resolution. Such meetings shall be
34 | public meetings within the meaning of Section 286.011, Florida Statutes, and shall
35 | be subject to notice and other requirements of law applicable to public meetings.
36 | Pursuant thereto:

37 |
38 | 1. Special meetings may be held at the call of the mayor, or in his or her absence,
39 | at the call of the vice-mayor. Special meetings may also be called upon the
40 | request of a majority of the councilmembers. Unless of an emergency nature, the
41 | person or persons calling such a meeting shall provide not less than 72 hours'
42 | prior notice of the meeting to the public.

43 |
44 | 2. ~~The~~ Elected or re-elected mayor and councilmembers shall be inducted into
45 | office at the first regularly scheduled meeting following certification of their
46 | election.

47 |
48 | 3. A majority of the council shall constitute a quorum. No action of the council shall
49 | be valid unless adopted by an affirmative vote of the majority of the

1 councilmembers in attendance, unless otherwise provided by law. All actions of
2 the village council shall be by ordinance, resolution, or motion.

3
4 **I. Village records.** The council shall, in a properly indexed book kept for the purpose,
5 provide for the authentication and recording in full of all minutes of meetings, and all
6 ordinances and resolutions adopted by the council, and the same shall at all times
7 be a public record. The council shall further maintain a current codification of all
8 ordinances. Such codification shall be printed and shall be made available for
9 distribution to the public on a continuing basis. All ordinances or resolutions of the
10 council shall be signed by the mayor, or vice-mayor in the absence or disability of
11 the mayor, or by the acting mayor in the absence or disability of both the mayor and
12 the vice-mayor, and attested to by the village clerk.

13
14 **J. Adoption of codes.** The council may adopt any standard code of technical
15 regulations by reference thereto in an adopting ordinance and may amend the code
16 in the adopting ordinance or later amendatory ordinance. The procedures and
17 requirements governing such an adopting ordinance shall be as prescribed for
18 ordinances generally, except that:

- 19
20 1. Requirements regarding distribution and filing of copies of the ordinance shall not
21 be construed to require distribution and filing of copies of the adopted code of
22 technical regulations, except as provided in Section 5.J.2.
23
24 2. A copy of each adopted code of technical regulations, as well as of the adopting
25 ordinance, shall be authenticated and recorded by the village clerk.

26
27 **K. Limitation of employment of councilmembers.** Neither the mayor nor any Ne
28 councilmember shall be in the employment of the village while in office, nor shall any
29 former mayor or councilmember be employed by the village until after the expiration
30 of one year from the time of leaving office.

31
32 **L. Noninterference by village council.** Except for the purposes of inquiry and
33 information, the ~~council and its members~~ mayor and councilmembers including
34 ~~committees thereof,~~ are expressly prohibited from interfering with the performance of
35 the duties of any employee of the village government who is under the direct or
36 indirect supervision of the village manager or village attorney. Such action shall be
37 malfeasance within the meaning of Sections 112.317 and 112.51, Florida Statutes.

38
39 **SECTION 2.** A new Section 5(M) of the Charter is created to read:

40
41 **M. Transitional.**

42
43 The Mayor shall be elected for an initial three-year term beginning with a special
44 municipal election in March, 2003. Thereafter, the mayor will be elected for two-year
45 terms as provided in section 5.B.

46
47 Village Council seat 4 shall be redesignated as the seat of the mayor for purposes of
48 qualifying candidates for the office of mayor for the election of 2003. On November
49 5, 2002, a vacancy will exist in the office of council seat 4. The remaining
50 councilmembers shall, within 30 days following the occurrence of the vacancy, by

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majority vote, appoint a person to fill the vacancy until the special election of March 2003.

After the election of March 2003, village council seat 5 shall be redesignated as village council seat 4.

Any Councilmember who desires to run for the office of mayor [in the March 2003 election] shall present an irrevocable resignation from the Office of councilmember no later than the time prescribed by Section 99.012, Florida Statutes, said resignation to be effective as of the date of the special election of March 2003. Such a resignation will create a vacancy in as of the date of the special election in March 2003. The Council shall, within 30 days following the occurrence of the vacancy, by affirmative vote of no less than three members, appoint a person to fill the vacancy until the regular election of March 2004.

SECTION 3. The Charter amendment proposed by this Ordinance shall be submitted to the electors of the Village of Wellington at the General Election held on November 5, 2002, and shall be deemed adopted upon the favorable vote of a majority of the electors voting at that time upon the following question:

REFERENDUM QUESTION NO. _____

VILLAGE OF WELLINGTON CHARTER AMENDMENT

ELECTED OFFICE OF MAYOR

Ordinance No. 2002-19 proposes to amend the Village of Wellington Charter to provide that the Mayor shall be a separately elected office commencing in 2003. The charter amendment also establishes an initial term of three years for the Mayor and two year terms thereafter; provides a method for filling a vacancy in the office of mayor and establishes transitional provisions to effectuate these amendments.

Shall the above-described charter amendment be adopted?

YES _____

NO _____

SECTION 4. In the event of adoption by the electorate as provided herein, the Village Clerk shall forthwith incorporate the amendment into the Village Charter by preparing a true copy of Article V as amended, and shall file the revised Article with the Florida Department of State, at which time the revised Article shall take effect.

SECTION 5. The Village Clerk shall cause this Ordinance to be published once a week for four (4) consecutive weeks immediately prior to the General Election on November 5, 2002.

SECTION 6. This Ordinance shall take effect immediately upon adoption, except that the Charter amendment proposed herein shall take effect as provided in Section 3.

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PASSED this 25th day of June, 2002, upon first reading.

PASSED AND ADOPTED this 9th day of July, 2002, on second and final reading.

VILLAGE OF WELLINGTON

	FOR	AGAINST
BY: <u>Thomas M. Wernham</u> Thomas M. Wernham, Mayor	✓	_____
<u>Linda Bolton</u> Linda Bolton, Vice Mayor	✓	_____
<u>Dr. Carmine A. Priore</u> Dr. Carmine A. Priore, Councilmember	✓	_____
<u>Mark B. Miles</u> Mark B. Miles, Councilmember	✓	_____
<u>Lizbeth Benacquisto</u> Lizbeth Benacquisto, Councilmember	✓	_____

ATTEST:

BY: Awilda Rodriguez
Awilda Rodriguez, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: Christine P. Tatum
Village Attorney