

ORDINANCE NO. 05-2013

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN CHARTER AT ARTICLE IV, SECTION 4 ENTITLED "FILLING OF VACANCY ON COMMISSION"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida is a duly constituted municipality having the power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, prior to July 1, 1973 the Town Commission adopted a municipal Charter, which contains among other matters, provisions pertaining to Elective Officers; and

WHEREAS, both Section 166.021(4) and Section 166.031, Fla. Stat. (2007), set forth the procedures to be followed in amending municipal charters adopted prior to July 1, 1973, and which charters have not been subsequently readopted; and

WHEREAS, pursuant to the provisions of Section 166.021(4), Fla. Stat. (2007), amendments to municipal charter provisions which were adopted prior to July 1, 1973, such as the Town's Charter, may be made by ordinance if the proposed changes do not affect the basic organizational and administrative structure of the municipal government, and if the proposed changes do not fall within any of the statutorily excluded areas which expressly require a referendum in order to adopt the proposed charter amendment; and

WHEREAS, the Town Attorney has reviewed the Charter and has determined that the Commission's proposed amendment of Article IV, Section 4 of the Town Charter would not fall within any of the statutorily excluded areas which would require a referendum before amending the Charter; and

WHEREAS, the Town Attorney has reviewed the Charter and has determined that the Commission's proposed Charter amendment would not fundamentally alter the basic organizational and administrative structure of the Town's government.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are incorporated herein as the legislative findings of the Town Commission.

Section 2. The municipal Charter for the Town of Lake Park, Article IV, Section 4, entitled "Filling of Vacancy on Commission" is hereby amended to read as follows:

Section 4. - Filling of vacancy on commission in the Office of Commissioner or Mayor.

In the case of death, disability, resignation or removal of the Mayor or any member of the Town Commission, or in the event that a Commissioner or the Mayor ceases to remain a bona fide legal resident of the Town, a vacancy for that Office on the Town Commission shall exist; and, If such vacancy exists in the Office of Commissioner, it shall be filled by the appointment of a new temporary Commissioner by the remaining members of the Town Commission. The individual appointed by the Commission shall serve until a Commissioner is elected to fill the unexpired term. The election to fill the vacancy shall be held at the next election for that office scheduled municipal, state or federal primary or general election, whichever occurs first. The election to fill the vacancy on the Commission shall be held within sixty (60) calendar days after the date of the death, disability, resignation, removal of the Mayor or Commissioner, or the change of legal residency of a Commissioner or the Mayor to a location outside the corporate limits of the Town, unless a general election of the Town of Lake Park is to be held within ninety (90) calendar days thereafter, whereupon such election may be combined with the general election. If a vacancy in the Office of the Mayor exists, then an election shall be held to fill the vacancy in the Office of the Mayor for the remainder of the unexpired term. An election to fill the unexpired term shall be held at the next scheduled municipal, state or federal primary or general election, whichever occurs first.

(Ord. No. 02-2009, § 2, 2-4-2009; Ord. No. 01-2010, § 2, 1-20-2010)
State law reference—Mandate to provide for filling of vacancies on commission, F.S. § 166.031(b).

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of

this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section 6. Effective Date. This Ordinance shall take effect immediately upon adoption.

Upon First Reading this 3 day of April, 2013, the foregoing Ordinance was offered by Commissioner Flaherty, who moved its approval. The motion was seconded by Vice-Mayor Glas-Castro and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 7 DAY OF April, 2013

Upon Second Reading this 17 day of April, 2013, the foregoing Ordinance, was offered by Vice-Mayor Glas-Castro who moved its adoption. The motion was seconded by Commissioner Rapoza and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>Absent</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No.** 05-2013 duly passed and adopted this 17 day of April, 2013.

TOWN OF LAKE PARK, FLORIDA

BY: James DuBois
Mayor, James DuBois

ATTEST:

Vivian Mendez
TOWN OF LAKE PARK
Town Clerk, Vivian Mendez
(Town Seal)

Approved as to form and legal sufficiency:

Thomas J. Baird
Town Attorney, Thomas J. Baird

FLORIDA

Palm Beach Post, The

04/07/2013

Miscellaneous Notices

LEGAL NOTICE
OF PROPOSED ORDINANCE
TOWN OF LAKE PARK

Please take notice that on Wednesday, April 17, 2013 at 7:00 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinances on second reading and proposed adoption thereof:

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If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian

Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, CMC, Town Clerk

Town of Lake Park, Florida

PUB: The Palm Beach Post 4-7/2013 #73611